

CODIFIED ORDINANCES OF HURON
PART ELEVEN - PLANNING AND ZONING CODE

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TITLE ONE - Subdivision Regulations

Chap. 1111. Administration.
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CHAPTER 1111
Administration

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CROSS REFERENCES

State definitions - see Ohio R.C. 711.001
 Zoning definitions - see P. & Z. 1121.04
 Flood hazard standards - see P. & Z. Ch. 1135

1111.01 GENERAL PURPOSE.

The purpose of this Title One, Subdivision Regulations, shall be to promote and protect the public health, safety, convenience, comfort, prosperity or general welfare of the City. It shall be administered to assure the orderly growth and development of the land.
 (Ord. 1961-3. Passed 7-31-61.)

1111.02 SPECIFIC PURPOSES.

The specific purposes of this Title One, Subdivision Regulations, shall be:

- (a) To establish standards of design which will promote harmonious, healthful and stable communities;
- (b) To provide safe and convenient traffic circulation, both vehicular and pedestrian;
- (c) To assure the efficient, adequate and economic supply of utilities and public services;
- (d) To provide ample public open spaces for schools, recreational and other public purposes.
- (e) To obtain accurate surveying of land, preparing and recording of plats;
- (f) To discourage premature, uneconomic or scattered land developments; and
- (g) To coordinate land development in accordance with the Zoning Ordinance, Thoroughfare Plan and other plans of the City. (Ord. 1961-3. Passed 7-31-61.)

1111.03 DEFINITIONS; COMPLIANCE.

- (a) Intent. The following terms shall have the meaning given herein.

- (b) General.

- (1) All words used in the present tense shall include the future tense.
 - (2) The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive.
 - (3) "Subdivision" includes "resubdivision"; and where appropriate to the context, relates to the process of subdividing or to the lands divided.
 - (4) "Developer" means any individual, firm, association, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land for himself or for another.
 - (5) "Commission" means the Planning Commission of the City.
 - (6) "Council" means the Council of the City of Huron.

- (c) Subdivision. "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units of the last preceding tax roll into two or more parcels, sites or lots, any of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership; or the improvement of one or more parcels of land for residential, commercial or industrial structures, involving the division or allocation of land for the opening, widening or extension of any street or streets in the incorporated area of the City.

(d) Compliance. The owner of any such parcel of land who proposes to create a subdivision shall proceed in the manner hereinafter prescribed.
(Ord. 1961-3. Passed 7-31-61.)

1111.04 ADOPTION; EFFECTIVE DATE; REPEAL.

Title One (Ordinance 1961-3, passed 7-31-61, as amended), of this Planning and Zoning Code shall be known as the Subdivision Regulations of the City of Huron, Ohio, and is hereby adopted and enacted and shall take effect and be in force from and after its passage, and thereupon all legislative enactments and parts thereof, heretofore enacted by Council, that deal with the subdivision and allotment of lands within the corporate limits of the City, or within three miles therefrom shall be and the same are hereby repealed.
(Ord. 1961-3. Passed 7-31-61.)

1111.05 MODIFICATIONS.

Where the Planning Commission finds that the land involved in a subdivision is of such size and shape, or is subject to such title limitations, or is affected by such topographical conditions, or is to be devoted to such usage that it is impossible or impracticable in the particular case for the developer to conform fully to such regulation, the Commission may accept such modifications as may be reasonable and within the general interest and purpose of these Regulations. (Ord. 1961-3. Passed 7-31-61.)

1111.06 FEE DEPOSIT.

The owner shall, prior to the final approval of the plat, deposit with the City a reasonable amount of money, as is estimated and prescribed by the City Manager, to defray the costs of any inspection and/or engineering services, filing fees and any incidental costs that are directly chargeable to the particular project.

The owner may, at any time, request a statement of the account and at the final completion of the project and acceptance of same by the City for future maintenance, any surplus money remaining in the account shall be returned to the original depositor.

At the option of the owner, the owner may deposit a bond with the City, in the amount of the estimated cost of the inspection and/or engineering services, filing fees and any incidental costs, in lieu of the cash deposit hereinabove provided. Such bond shall guarantee the payment by the owner to the City of the above expenses as the owner may be requested to pay from time to time by the City Manager. The bond shall be executed by the owner and a surety satisfactory to the City Manager and shall be released by the City upon receipt of final payment. (Ord. 1961-3. Passed 7-31-61.)

1111.07 VALIDITY.

Each section and subsection or any part therefor herein contained in this Title One is hereby declared to be a separate and distinct enactment, and should any section, subsection or part thereof of this Title One be found or declared to be ineffective or invalid for any reason whatsoever, the other sections, subsections and parts thereof shall not thereby be impaired.

All ordinances or parts of ordinances in conflict with this Title One are hereby repealed. (Ord. 1961-3. Passed 7-31-61.)

1111.99 PENALTY.

Whoever willfully violates any rule or regulation or fails to comply with any order issued pursuant to this Title One shall forfeit and pay not more than one thousand dollars (\$1,000) for the use of the City, as determined under Ohio R.C. 711.102.

(Ord. 1961-3. Passed 7-31-61.)

CHAPTER 1113 Procedure

1113.01	Intent; procedure dependent upon improvements.	1113.08	Approval of preliminary plan of major subdivision.
1113.02	Review and approval by Planning Commission.	1113.09	Approval of final plat of major subdivision.
1113.03	Preapplication action.	1113.10	Record plat.
1113.04	Submission of sketch plan.	1113.11	Construction of improvements or performance guarantees.
1113.045	Proposed lots which do not meet zoning requirements.	1113.12	Public land within subdivision.
1113.05	Classification of minor subdivision.	1113.13	Recording of approved final plat.
1113.06	Approval of minor subdivision.	1113.14	Outline of procedures.
1113.07	Recording of minor subdivisions.		

CROSS REFERENCES

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.07

Plat approval required - see Ohio R.C. 711.09

Council to hold public hearing - see Ohio R.C. 711.09, 711.101, 711.132

Street acceptance - see Ohio R.C. 711.091

Approval without plat - see Ohio R.C. 711.131

Planning Commission may accept modifications - see P. & Z. 1111.05

Fee deposit required - see P. & Z. 1111.06

Topographic map may be required - see P. & Z. 1115.02

Construction plan required - see P. & Z. 1117.01

1113.01 INTENT; PROCEDURE DEPENDENT UPON IMPROVEMENTS.

Procedures are hereby established for proposing, designing and preparing plans for the subdivision and development of land and for reviewing and approving same. For those subdivisions which do not involve improvements to public utilities, streets or other open public spaces, classified as minor subdivisions, a short procedure is established to assure integration with the adjacent developments and compliance with Municipal codes. For those subdivisions which involve design of streets and other public facilities and the installation of improvements, a more extended procedure is established. (Ord. 1961-3. Passed 7-31-61.)

1113.02 REVIEW AND APPROVAL BY PLANNING COMMISSION.

The provisions of these Regulations shall be administered by the Planning Commission. The Commission meetings at which a subdivision application is considered shall be open to the public, and any person attending may present any appropriate matter thereto. The Commission, upon its own motion, or by petition of owners of property on a preliminary plan of a subdivision, shall hold a public hearing thereon at such time and place and upon such notice as the Commission may designate. (Ord. 1961-3. Passed 7-31-61.)

1113.03 PREAPPLICATION ACTION.

Before planning a subdivision or dividing a parcel of land, the developer of land shall obtain a copy of these Subdivision Regulations, and information showing how the provisions of the Zoning Ordinance, the Thoroughfare Plan and other plans of the City may effect the development of the property under consideration. (Ord. 1961-3. Passed 7-31-61.)

1113.04 SUBMISSION OF SKETCH PLAN.

Prior to subdividing or resubdividing land within the jurisdiction of these Subdivision Regulations, the developer shall submit five prints of a sketch plan of the proposed subdivision to the secretary of the Planning Commission not more than seven or less than three workings days prior to a regular meeting of the Commission, and it shall take action at such meeting. The sketch shall be for the purpose of classification and preliminary discussion and it shall include such information and plans as may be required by the rules of the Planning Commission. These provisions shall not be construed to require the preparation of a plan or plat or filing for review the conveyance of property by a description used in conveying the same property prior to October 19, 1953. (Ord. 1961-3. Passed 7-31-61.)

1113.045 PROPOSED LOTS WHICH DO NOT MEET ZONING REQUIREMENTS.

If, after submission of the sketch plan of the proposed subdivision, resubdivision or division of property, the Planning Commission determines that one or more lots, as defined by the Zoning Ordinance, intended to be created by such proposed subdivision, resubdivision or division, do not meet the minimum requirements of the Zoning Ordinance, the Planning Commission shall notify the developer of such fact and thereafter shall take no further action until the developer has secured a variance from the requirements of the Zoning Ordinance from the Board of Building and Zoning Appeals.

If the developer secures a variance from the Board of Building and Zoning Appeals, the Planning Commission may thereupon proceed to consider the application for the subdivision, resubdivision or division of the land in accordance with the procedure hereinafter set forth. (Ord. 1964-13. Passed 4-27-64.)

1113.05 CLASSIFICATION OF MINOR SUBDIVISION.

If the Planning Commission determines the proposed subdivision of land:

- (a) Adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility; and
- (b) Creates not more than five lots; and
- (c) That the original tract or all adjoining tracts of same ownership have been completely subdivided or would not be adversely affected by the proposed subdivision; and
- (d) Complies with the Zoning Ordinance, and other sections of the Code;

then it shall be classified as a minor subdivision. (Ord. 1961-3. Passed 7-31-61.)

1113.06 APPROVAL OF MINOR SUBDIVISION.

If a proposed subdivision, classified as minor, complies with the provisions of these Subdivision Regulations, and the sketch plan is satisfactory, it shall be approved, and a notation to that effect shall be made thereon by the secretary of the Planning Commission.

The Commission shall determine if a metes and bounds description or a final plat shall be required for recording.

If a final plat shall be required, it shall be submitted to the secretary, reviewed, acted upon and recorded in the same procedure as a major subdivision.
(Ord. 1961-3. Passed 7-31-61.)

1113.07 RECORDING OF MINOR SUBDIVISIONS.

After approval of the sketch plan, the developer shall submit a deed by metes and bounds or other adequate description, to the secretary of the Planning Commission for review. If found to conform to the sketch plan, the secretary shall so certify on the deed which shall be filed with the County Recorder within 180 days after the return of the approved sketch plan.
(Ord. 1961-3. Passed 7-31-61.)

1113.08 APPROVAL OF PRELIMINARY PLAN OF MAJOR SUBDIVISION.

(a) Application. If the proposed subdivision is not classified as a minor subdivision, a notation to that effect shall be made on the sketch which shall be returned to the developer; and he shall prepare and submit at least seven working days prior to a regular meeting of the Planning Commission, three copies of a preliminary plan of the subdivision, supplementary maps and data and written application for approval.

(b) Other Public Agencies. When the proposed subdivision is located in an area not served by public water supply or sanitary system, the Commission shall transmit one copy of the maps and data accompanying the application to the Board of Health or other agency having jurisdiction, for determination whether methods for disposal of sewage are adequate and will not create a nuisance or pollution of the water supply. When the proposed subdivision is located in adjoining unincorporated area within the three-mile jurisdiction, one copy of the maps and data accompanying the application shall be submitted to the zoning commission of that township or the regional or county planning commission.

(c) Planning Commission Action. The Commission shall, within thirty days after the meeting at which such proposal was first presented, or within such further time as the applicant may agree to, act upon the preliminary plan. If the Commission acts favorably, the secretary shall affix his signature to two copies of the plan with a notation that it has received preliminary approval and return one copy to the developer and the other copy shall be retained. If the Commission acts unfavorably, they shall state in writing the conditions that must be complied with before approval is given.

(d) Subdivision Shall Be in the Public Interest. The preliminary plan of a subdivision shall not be approved unless:

- (1) All the provisions of the Zoning Ordinance, these Subdivision Regulations and other codes of the City are complied with; and
- (2) There is a need for additional subdivision of land; and
- (3) The land is suitable for the various purposes intended; and
- (4) The subdivision can be adequately and economically served with public facilities and services suitable in the circumstances; and
- (5) All land intended for building sites can be used safely and without endangering the health of the residents by peril from floods, erosion, continuously high water table or other menace.

(e) Effect of Approval of Preliminary Plan. Preliminary approval shall confer upon the developer the following rights for a two-year period from the date of approval:

- (1) That the general layout, the arrangement of streets, lots and other planned features are approved and the plan is to serve as a guide for the preparation of the subsequent final plat of the subdivision.
- (2) That the general terms and conditions under which the preliminary approval was granted will not be changed.
- (3) That such developer may submit, on or before the expiration date, the whole or part or parts of such subdivision for final approval and recording. (Ord. 1961-3. Passed 7-31-61.)

1113.09 APPROVAL OF FINAL PLAT OF MAJOR SUBDIVISION.

The final plat of the subdivision shall be a comprehensive plan of the development. It shall incorporate all modifications required by the Planning Commission and otherwise conform to the preliminary plan as approved. The developer may submit only that portion of an approved preliminary plan which he proposed to develop and record at the time; provided, however, that such portion conforms to all provisions of these Subdivision Regulations.
(Ord. 1961-3. Passed 7-31-61.)

1113.10 RECORD PLAT.

A final plat of the proposed subdivision, showing the proposed layout of the streets and lots, made with material approved by the County Recorder at a scale of not less than one inch to 100 feet and properly dimensioned, shall be submitted to the Planning Commission for their approval. Such plat shall conform to the following requirements of the Commission:

- (a) The subdivision shall be surveyed by a Registered Surveyor of the State, and the boundaries shall be shown and defined by distance and bearings.
- (b) The proposed name of the subdivision and the streets therein shall be shown on the plat, and neither shall duplicate or closely approximate the names of subdivisions of streets within the City, or within three miles outside the corporate limits thereof.
- (c) The location of the subdivision, with regard to City lots or outlots, and the names of all adjoining property owners of record shall be shown on the plat.
- (d) The total acreage within the subdivision, including the lots and dedicated streets, alleys and crosswalks, shall be shown on the plat.
- (e) A north arrow and scale shall be shown on the plat.
- (f) Permanently installed markers which are adequate for a resurvey shall be shown on the plat. Each corner of each lot shall be marked with a permanent type marker. Such markers shall be in place at the time of acceptance of the subdivision by the City.
- (g) The setback building line shall be shown at each lot in the subdivision.
- (h) City lot numbers shall be approved by the City Engineer, according to Huron City progressive numbering system, immediately prior to the recording of the plat.
- (i) The plat shall have the following printed or lettered in suitable places thereon: I/we, the undersigned, owners of the land embraced within the subdivision, do hereby acknowledge this plat to be my/our free act and deed, and dedicate the streets, crosswalkways and alleys herein shown to public use forever. (Add waiver of dower clause, if needed.)

(If owner is a corporation, use corporate form.)

(Ord. 1961-3. Passed 7-31-61.)

1113.11 CONSTRUCTION OF IMPROVEMENTS OR PERFORMANCE GUARANTEES.

The developer may install and construct all required site improvements before applying for approval of the final plat of the subdivision; and, if the improvements are satisfactorily completed, a certificate of completion by the City Engineer shall accompany such application. Or, in lieu thereof, if the developer furnishes a satisfactory performance guarantee, he may apply for approval of the final plat of the subdivision before the site improvements are started either by himself or by the City on an assessment program. If improvements are partially installed, he may also furnish a performance guarantee for the remainder of the work and apply for approval of the final plat.

- (a) Application for Approval. Application for approval of a final plat of a subdivision shall be submitted in writing to the Planning Commission together with the tracing of the final plat and three prints thereof and other required maps and data in the form specified in Section 1113.10. The application shall be submitted within two years after approval of the preliminary plan; otherwise, such approval shall become null and void unless an extension of time is granted by the Commission.
- (b) Action by the Planning Commission and Other Municipal Officials. The final plat shall be reviewed by the Commission and other officials for:
 - (1) Conformity with conditions of approval of the preliminary plan, and any modifications required; and
 - (2) Correctness of mathematical data and computation; and
 - (3) Assurance that all other matters requiring review comply with these Subdivision Regulations.

If the final plat is correct in regard to the aforesaid provisions, and if the required site improvements have been installed, or alternatively, a satisfactory performance guarantee has been filed, the Commission shall approve the plat within forty-five days of submission of the final plat for approval (or within such extension of time as agreed to by the applicant), otherwise, the plat shall be deemed to have been approved.

- (c) Form of Approval. The approval of the final plat shall be indicated by a statement to that effect on the original plat with the signature of the chairman and secretary of the Commission, and the Commission shall obtain three copies thereof. The reason for disapproval of any final plat shall be stated in the records of the Commission. (Ord. 1961-3. Passed 7-31-61.)

1113.12 PUBLIC LAND WITHIN SUBDIVISION.

Where a site for a proposed park, playground, school or other public use as shown on official plans adopted by the Planning Commission for the immediate or future development of the City is located in whole or in part in an area proposed to be subdivided, the Commission may require the subdivider to grant the appropriate public agency an option to purchase or an opportunity to acquire any such area within the proposed subdivision. Acquisition prices as contained in the option shall not exceed the original raw land cost plus fifty percent of the cost to install required improvements across any frontage of such land. The option shall have a

five-year term and shall be executed prior to the time the plat is officially signed by the Planning Commission. In consideration of the subdivider granting the above mentioned option, the City or School Board shall pay to the subdivider an amount equal to an estimate (prepared by the City Engineer) of the property tax on the area included in the option over the five-year period. The City or the School Board shall also, upon the request of the subdivider, maintain the area contained in the option for the five-year period.

- (a) Acceptance of Public Land by Legislative Authority. If the final plat includes land to be dedicated to public use, the plat shall, before it is recorded, be submitted to Council for acceptance of such land.
(Ord. 1961-3. Passed 7-31-61.)

1113.13 RECORDING OF APPROVED FINAL PLAT.

(a) Recording. The developer shall file the approved final plat in the office of the Erie County Recorder. The approval of the Commission shall expire within sixty days unless within that period such final plat has been duly filed and recorded and the Commission so notified. If the final plat is revised in any manner after approval, the approval shall be null and void.

(b) Effect of Recording. Recording of the final plat after approval by the Commission shall have the effect of permitting the transfer of ownership, offer for sale, sale or lease of any lot so recorded and of reserving or offering for transfer to the City all streets, parks and other public areas shown thereon but not dedicated.

(c) Land Designated for Public Use. A building permit affecting land that has been designated for public use; (but not dedicated may be withheld for a period of 180 days) or for a longer period as may be agreed to to allow the City to acquire such land.
(Ord. 1961-3. Passed 7-31-61.)

1113.14 OUTLINE OF PROCEDURES.

(a) The developer, before subdividing, obtains information on procedures for subdividing and other applicable codes.

(b) The developer prepares a sketch plan and submits same to the Commission.

(c) The Commission reviews the above, and if they find it is a "minor" subdivision they may give final approval, and the deed or final plat may be recorded and the lots created may be sold.

(d) However, if the Commission classifies the sketch plan as a "major" subdivision, then the developer shall prepare a preliminary plan in accordance with Section 1113.08, and apply for approval.

(e) The Commission reviews the preliminary plan and may approve same.

(f) The developer, having received approval of a preliminary plan of a major subdivision, prepares plans and specifications for site improvements in accordance with the requirements of Chapter 1117 hereof. He may either:

- (1) Apply for approval of plans and specifications of site improvements, and after approval construct such improvements and then apply for approval of final plat for recording; or,
- (2) Apply for approval of plans and specifications of site improvements and final plat concurrently and furnish performance guarantees for subsequent construction of site improvements by himself or by the City on an assessment basis.

(g) The Commission may approve the plans and specifications for site improvements; however, they may approve the final plat only after the site improvements are installed or performance guarantees furnished.

(h) After approval of final plat, the subdivision may be recorded by the developer and he may sell the lots.

(i) The developer shall offer for dedication the streets or other public areas and Council may accept same. (Ord. 1961-3. Passed 7-31-61.)

CHAPTER 1115 Design Standards

1115.01 Protective covenants.

1115.02 Topographic map.

1115.03 Storm water drainage standards.

CROSS REFERENCES

Fee of designated public land to vest when plat recorded
- see Ohio R.C. 711.07

Street acceptance - see Ohio R.C. 711.091

Construction and maintenance bond - see P. & Z. 1117.13

Construction specifications - see P. & Z. Ch. 1119

1115.01 PROTECTIVE COVENANTS.

The owner shall so design the subdivision as to conform to the following minimum and maximum requirements:

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|--|--|
| (a) Street right of way | 50-foot minimum width. |
| (1) Street pavement width,
curb to curb | 26-foot minimum. |
| (b) Alleys | 20-foot minimum width. |
| (c) Crosswalkway | 4-foot minimum width. |
| (d) Easements | 10-foot minimum width. |
| (e) Cul-de-sac | 300-foot minimum length,
600-foot maximum length. |
| (f) Cul-de-sac turn-around | 100-foot outside diameter. |
| (g) Block length | 1,320-foot maximum length,
600-foot minimum. |
| (h) Business blocks | 880-foot maximum length, with fire alleys
provided. |
| (i) Lot size | 60-foot frontage at street line minimum. All
lots shall abut upon a dedicated street. Where
unusual circumstances force irregular lots,
the minimum width of a lot shall be 60 feet
measured at the building setback line;
providing, however, that the minimum
frontage at the street shall be no less than 30
feet. |

- | | | |
|-----|------------------|---|
| (j) | Corner lots | All corner lots shall be 75-foot minimum width. |
| (k) | Setback | As listed in City Zoning Ordinance. |
| (l) | Trees and shrubs | No trees or shrubs shall be planted within the street right of way without approval of the City Manager. |
| (m) | Reserved strips | No plat shall be approved which shows reserved strips controlling access to public streets. |
| (n) | Public places | Playgrounds, parks or other public open spaces may be required by Council to the extent of five percent of the platted area of the subdivision.
(Ord. 1961-3. Passed 7-31-61.) |

1115.02 TOPOGRAPHIC MAP.

Wherever, in the opinion of the City Engineer, the area or terrain of the subdivision warrants, the owner shall submit a topographic map of the area involved made with material suitable to the City Engineer at a scale of not smaller than one inch to 100 feet, with the following information thereon:

- (a) Contours at two-foot intervals with the elevation above sea level indicated. Such contours shall extend a minimum of 100 feet outside the limits of the subdivision.
- (b) Location of all fixed objects within and without the boundaries of the proposed subdivision that might influence the design of the street and utility layout and the drainage of storm water.
- (c) The location of all existing streets and public grounds on or adjacent to the proposed subdivision.
- (d) The location of all existing water mains, sanitary sewers and storm sewers.
- (e) The names of the owners of the adjoining properties.
- (f) A permanent type benchmark with the elevation above sea level indicated.
- (g) North arrow, scale, date and name of the subdivision.
- (h) The proposed street and drainage layout of the subdivision.
(Ord. 1961-3. Passed 7-31-61.)

1115.03 STORM WATER DRAINAGE STANDARDS.

The development of all new and modified drainage systems shall be governed by the guidelines set forth in this section as follows:

- (a) Preliminary Drainage Plan. A preliminary drainage plan for all subdivisions shall be submitted (in triplicate) to the City for review and approval. It shall include a drawing showing the general runoff pattern of the area, which is to be improved, as well as the runoff patterns of adjacent areas which may affect or be affected by the proposed improvement. A copy of the preliminary plat which is required by the Planning Commission may serve as the preliminary drainage plan providing sufficient data has been supplied to check the feasibility of the drainage system as proposed by the developer.
- (b) Adequate Drainage Outlet. Surface water runoff from a development shall be drained through an adequate outlet. The location of the outlet shall be approved by the City. The outlet may be a ditch, stream, storm sewer or approved retention basin, which has sufficient capacity to accommodate the runoff in a reasonable manner.
- (c) Drainage Easement. Easements of adequate width shall be required for all existing and proposed drainage courses that are not within the road right of way. The development's owner shall be responsible for obtaining any easements required outside the subdivision boundaries, and have them properly recorded in the Erie County Recorder's Office.

All drainage easements shall be shown on the plat and construction drawings along with their intended purpose specified in writing.
- (d) Right of Way for Drainage Structures. When a drainage structure extends beyond the limits of the normal road right of way, additional right of way shall be provided around the structure to allow for adequate maintenance.
- (e) Final Drainage Plan. The final drainage plan shall include drawings of the entire drainage system and be submitted to the City (in triplicate) for review and approval. The plan shall conform to the guidelines herein and to any special requirements of the Planning Commission in approving the preliminary plat. The plan shall also include the engineering calculations used in determining the design of the drainage courses, drainage structures and stormwater runoff control structures.

All drainage construction drawings shall be sealed with the stamp of a professional engineer. The drainage drawings must be approved by the City prior to the construction of any portion of the drainage system.

Minimum requirements for drawings and engineering calculations for drainage systems shall comply with all aspects of Section 1117.01 (Construction Plan; Profile; Cross Sections) of the Codified Ordinances of the City and also the following:

- (1) A map showing the existing topography of the development area and adjacent land within 200 feet of its boundary. The topographic map shall use a contour interval appropriate to portray clearly the surface conformation and drainage pattern of the area.
- (2) A vicinity map at a scale of not less than 2000 feet to the inch showing the development area in relation to existing road and nearest existing thoroughfares, streams and water areas.
- (3) The drainage area for each pipe or drainage structure shall be outlined and have the acreage shown. To show the entire drainage area, additional sheets may be required. If additional sheets are needed, existing aerial mapping or USGS mapping will be sufficient.
- (4) The acreage of all tributary drainage areas and their sum.
- (5) Times of concentration, intensity and runoff coefficients used in the Rational Method to estimate the amount of runoff.

Overland slopes, curve numbers, hydraulic lengths, etc., used in the SCS Peak Discharge Method.

For methods other than those above, enough information must be provided to the City to allow for an accurate review.

- (6) Discharge in cubic feet per second (cfs), velocities in feet per second (fps), and any additional data needed to establish that the drainage system will convey the flow.
 - (7) The plan and profile of all drainage courses.
 - (8) Cross sections along the drainage course at 100 foot intervals or as directed by the City.
 - (9) Size and types of all drainage improvements including the detailed standard drawings of each.
- (f) Computation of Stormwater Runoff. Given the type of drainage structure to be designed, the rate of runoff shall be computed using the storm frequencies given below:

<u>Structure</u>	<u>Storm Frequency (years)</u>
Storm sewer	5
Open ditches	10
Culverts	25

The design frequency to be considered for an individual structure may be altered by the City where the health and safety of the residents would be endangered by the hazards of flood waters or increased flows.

- (g) Design Frequency. To prevent damages caused by accelerated stormwater runoff from developing areas, the increased peak rates and volumes of runoff shall be controlled such that:
- (1) The peak rate of runoff from a Critical Storm and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a two year frequency storm (of 24 hour duration) over the same area under pre-development conditions.

- (2) Storms of less frequent occurrence than the critical storm, up to the 100 year storm, have peak runoff rates no greater than peak runoff rates from equivalent size storms under pre-development conditions.

The critical storm for a specific development area is determined as follows:

- (1) Determine by appropriate hydrologic methods the total volume of runoff from a two year frequency, 24 hour storm occurring over the development area before and after development.
- (2) From the volumes determined in (1), determine the percentage increase in volume of runoff due to development, and using this percentage, select the 24 hour critical storm from the following table:

% Increase in Volume of Runoff		"Critical Storm"
<u>(at least)</u>	<u>(but less than)</u>	<u>Discharge Limitation (Year)</u>
0	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500 or more		100

- (3) Storage volume does not have to be provided for runoff from off-site upstream areas. Upstream runoff should be conveyed through the site in accordance with the current runoff conditions.
 - (4) The requirements of this section for runoff rates and volumes shall be satisfied at each location where runoff leaves the development area.
- (h) Storm Sewers. All storm sewer installations shall comply with PART ELEVEN, TITLE ONE of the Codified Ordinances of the City in addition to the following:
- (1) Drainage easements shall be a minimum width of twenty feet when located outside the road right of way. This easement shall be shown on both the final plat and the construction drawings and labeled "Storm Sewer Easement".
 - (2) All storm sewers installed in the right of way shall be provided with curb inlets.

- (3) The hydraulics of the storm sewer should be arrived at by the use of Manning's Equation:

$$V = \frac{1.49}{n} R^{(2/3)} S^{(1/2)} \text{ also } Q = AV$$

Where:

V	=	velocity (fps)
N	=	Manning's roughness coefficient
R	=	hydraulic radius
S	=	slope
Q	=	flow (cfs)
A	=	area (sf)

Kutter's formula may also be used in the hydraulic computation of storm sewers.

- (4) All storm sewers shall be designed with hydraulic slopes sufficient to provide a mean velocity, when flowing full, of not less than three feet per second. Where the velocity exceeds fifteen feet per second, special provisions must be made to protect against erosion and displacement.
- (5) All storm sewers shall be properly sized but, in no case, shall a storm sewer be less than twelve inches in diameter.
- A. All storm sewers shall be sized to flow approximately full for a five year frequency storm. The size shall be determined by working downstream from the inlet of the first sewer run.
- B. Hydraulic gradient for flood flow (ten year) should be kept below catch basin grates. This will eliminate storm water being detained on the pavement surface during this period.
- (6) When storm sewers are increased in size in the direction of flow, the invert of the larger pipe shall be lowered to maintain the same energy gradient (place the crowns of both pipes at the same elevations). A larger pipe shall not discharge into a smaller pipe unless specifically approved by the City.
- (i) Construction Specifications. All drainage structures and appurtenances shall comply with applicable City specifications and/or the most current edition of ODOT's Construction and Materials Specifications.
(Ord. 1994-2. Passed 3-14-94.)

CHAPTER 1117 Site Improvements

1117.01	Construction plan; profile; cross sections.	1117.09	Sidewalks.
1117.02	Engineering.	1117.10	Storm drainage.
1117.03	Inspection.	1117.11	Gas, telephone and electric lines.
1117.04	Supervision.	1117.12	Street name signs.
1117.05	Grading.	1117.13	Construction and maintenance bond.
1117.06	Paving.	1117.14	Insurance.
1117.07	Water system.	1117.15	Street lighting.
1117.08	Sanitary sewer system.		

CROSS REFERENCES

Improvements - see Ohio R.C. 711.101
 Construction or performance guarantee required;
 procedures - see P. & Z. 1113.11, 1113.14
 Design standards - see P. & Z. Ch. 1115
 Construction specifications - see P. & Z. Ch. 1119

1117.01 CONSTRUCTION PLAN; PROFILE; CROSS SECTIONS.

Prior to the submission of the plat for approval by the Planning Commission, the owner shall submit a complete construction plan and profile to the City Engineer at a scale of not smaller than one inch to forty feet horizontally and one inch to four feet vertically, in material suitable to the City Engineer twenty-four inches by thirty-six inches, showing the proposed grading, drainage, paving, sanitary sewers and water lines within the subdivision. Such plan shall be accompanied by cross sections of the proposed streets, at a scale of not smaller than one inch to ten feet, in material suitable to the City Engineer twenty-four inches by thirty-six inches. Such cross sections shall be taken at intervals not exceeding fifty feet along the center line of such streets, and shall extend to the extreme width limits of the streets. Such cross sections shall show the contour of the existing ground and the contour of the proposed pavement, walks and finish grading, and the relative location of the proposed sewers and water lines. Such plan shall include the following information:

- (a) Name of proposed subdivision.
- (b) North arrow, scale, date and benchmark with elevation above sea level on each sheet.
- (c) Typical cross section of the proposed street right of way showing in detail the pavement design, sidewalks and the relative location of the proposed water line, sanitary sewer, storm sewer and gas line. (Ord. 1961-3. Passed 7-31-61.)

1117.02 ENGINEERING.

It shall be the duty of the owner to employ Registered Professional Engineers, State of Ohio, to prepare the construction plans and to stake out the work in the field in accordance with the approved plans. Grade and line stakes shall be set at intervals not exceeding twenty-five feet for all vertical and horizontal curves, and at fifty-foot maximum spacing on tangents. Such stakes shall be protected until their use is no longer needed.

Matters in question regarding the design or stake-out of the work shall be referred to the City Engineer for his interpretation. (Ord. 1961-3. Passed 7-31-61.)

1117.03 INSPECTION.

It shall be the duty of the City Engineer or Inspector to act in behalf of the City to see that all improvements are constructed in accordance with the plans and specifications thereof. No grading, paving or installation of any of the various utilities shall be done in the absence of a City Engineer or Inspector. The presence of a City Engineer or Inspector on the job shall in no manner relieve the owner from his responsibility to do the work in accordance with the approved plans and specifications thereof. (Ord. 1961-3. Passed 7-31-61.)

1117.04 SUPERVISION.

The owner shall have a competent superintendent on the job at all times when work is in progress. Such superintendent shall be qualified to supervise and coordinate various items of work efficiently. He shall be authorized by the owner to receive and fulfill instructions from the City Engineer. Should any person be considered by the City Engineer to be disorderly or incompetent at his work, he shall, upon notice from the Engineer, be discharged and not employed again without his permission. (Ord. 1961-3. Passed 7-31-61.)

1117.05 GRADING.

All streets shall be graded to the full width of the dedicated right of way in accordance with the typical cross section, and to the approved grade indicated on the profile therefor. In fill areas all sod and topsoil shall be removed and the fills built up in layers not exceeding eight inches in thickness loose measurement. Each layer shall be compacted by making at least four passes over it with a roller exerting a weight of not less than 290 pounds per inch width of roller or approved equal. After the pavement and walks have been completed, the unpaved areas shall be properly shaped and raked free of stone and debris, and shall be left in a suitable manner for seeding. (Ord. 1961-3. Passed 7-31-61.)

1117.06 PAVING.

All dedicated streets shall be paved according to specifications of the City. (Ord. 1961-3. Passed 7-31-61.)

1117.07 WATER SYSTEM.

The owner shall construct all necessary water lines, including valves, fittings, hydrants and house services, according to City standards.

The minimum size of any water line shall be six inches in diameter in residential and eight inches in diameter in commercial districts. (Ord. 1961-3. Passed 7-31-61.)

1117.08 SANITARY SEWER SYSTEM.

The owner shall construct all necessary sanitary sewers, including manholes, house laterals and other incidentals, according to City standards.

All trenches under the paved areas shall be backfilled to the finish grade with sand, gravel or screenings, unless otherwise directed by the City Engineer.

No plat showing subdivision of a parcel of land into two or more smaller parcels and intended for residential, commercial or industrial structures which are so located as to require individual sewage disposal systems shall be approved by the City authorities until investigated and approved by the Health Commissioner or his authorized agent; and no building permit shall be issued until a percolation test has been submitted to and approved by the Health Commissioner or his authorized agent. (Ord. 1961-3. Passed 7-31-61.)

1117.09 SIDEWALKS.

The owner shall construct concrete sidewalks, four feet in width and four inches in thickness, on both sides of the street the full length of the project, including street intersections. All walks shall be constructed according to City standards and at the location and grade indicated on the approved construction plans. (Ord. 1961-3. Passed 7-31-61.)

1117.10 STORM DRAINAGE.

Grading of the entire area of the subdivision shall be done with regard to the natural drainage of the area involved, and open ditches, conduits, catch basins, inlets and manholes of adequate size as approved by the City Engineer shall be constructed to provide for such drainage.

Subgrade drainage, as directed by the City Engineer, shall be provided for the drainage of the subgrade beneath all paved areas.

All storm drains crossing beneath the paved areas shall be of reinforced concrete or an approved equal in strength and durability.

All trenches under the paved areas shall be backfilled with sand, gravel or screenings, unless otherwise directed by the City Engineer.

Downspout tile shall be connected to the storm sewers where storm sewers are available. Lot drainage shall be done in accordance with City standards. (Ord. 1961-3. Passed 7-31-61.)

1117.11 GAS, TELEPHONE AND ELECTRIC LINES.

All underground gas, telephone and electric lines shall be so designed and constructed as to avoid conflict with the water and sewer lines.

All trenches under the paved areas shall be backfilled with sand, gravel or screenings, unless otherwise directed by the City Engineer.

Poles for aboveground utilities shall be located on rear property lines as near as possible. (Ord. 1961-3. Passed 7-31-61.)

1117.12 STREET NAME SIGNS.

The owner shall furnish and erect street name signs at all street intersections within the subdivision. The minimum requirements for the signs shall be eighteen gauge, baked enamel, four inches by twenty-four inches, with three-inch letters, erected on two-inch galvanized, wrought iron pipe posts driven thirty inches into the ground and extending eight feet above ground. (Ord. 1961-3. Passed 7-31-61.)

1117.13 CONSTRUCTION AND MAINTENANCE BOND.

Prior to approval by the Planning Commission of the final plat, the owner of the subdivision shall give to the City a full construction and maintenance performance bond in the amount of the estimated cost of the grading, storm sewers, sanitary sewers, water lines, paving, walks, corner markers and incidentals necessary to complete the construction of the project. The bond shall be executed by the owner with a surety or sureties satisfactory to the Finance Director and the Law Director, guaranteeing the completion of the installation of the improvements within such time as is proposed by the owner, recommended by the City Manager and approved by Council. Such period of time shall extend from the date of the approval of the bond.

Upon completion of the various items of work, and the acceptance of same by the City, the owner may apply to the City for final inspection. If the City finds that all installations meet the requirements of the approved plans and specifications, the amount of the bond may be reduced to ten percent of the original amount, guaranteeing against defective workmanship or material incorporation in the project, or any displacement of or damage to the pavement, walks or other improvements during the twelve-month maintenance period.

At the termination of such twelve-month maintenance period the owner may apply to the City for an inspection of the various items or work. Before such inspection is made, the owner shall cause the sanitary sewers, storm sewers and the surface of the pavement and walk to be cleaned. When the City finds that any defects in workmanship or materials which might have developed within the twelve-month maintenance period have been properly corrected, they shall notify the owner that the bond may be released, and the City shall assume all maintenance thereafter.

If the improvements are not completed as proposed within the time limit that was established, the bond shall be forfeited and the money shall be collected by the City and used to complete the specified improvements. The money that is collected from the bond shall be used for no other purpose, and any money remaining after the completion of the work shall be returned to the original depositor.

(Ord. 1961-3. Passed 7-31-61.)

1117.14 INSURANCE.

The owner shall save the City, its officers and agents harmless from all claims of any nature whatsoever by any person, either for damages to person or to property, arising out of the carrying out of the work and/or from liability from all claims relating to labor or material furnished for the entire work and material used in constructing the improvements. The owner shall prior to acceptance of the plat, furnish the City with evidence of paid-up insurance for the protection of himself and the City, that provides public liability insurance and automobile insurance in the following minimum amounts and coverages:

Bodily injury-	each person	\$200,000
Bodily injury -	each occurrence	500,000
Property damage-	each accident	100,000
Property damage -	aggregate	200,000

(Ord. 1961-3. Passed 7-31-61.)

1117.15 STREET LIGHTING.

The owner shall be responsible for the installation of street lights at each intersection within the subdivision and at intervals between each intersection of 200 to 250 feet if Cobra head lamps are used, and at intervals between each intersection of 150 to 200 feet if Colonial Post top lamps are used.

The type and size of Cobra head lamps and Colonial Post Top lamps to be installed by owner shall be subject to the approval of the City to assure that sufficient luminance will be provided as specified by the Illuminating Engineering Society of North America for the lighting of residential streets and roads. (Ord. 1990-2. Passed 1-22-90.)

CHAPTER 1119 Construction Specifications

1119.01	Type, width and thickness of street pavements.	1119.05	Construction of sanitary sewers.
1119.02	Grading and subgrade preparation for street pavements.	1119.06	Construction of storm water sewers.
1119.021	Soil analysis for pavement design.	1119.07	Construction of water mains.
1119.03	Asphaltic concrete pavement. (Repealed)	1119.08	Construction of concrete sidewalks.
1119.04	Portland cement concrete pavement with integral pavement. (Repealed)	1119.09	Construction of fire hydrants.
		1119.10	Construction of manholes.

CROSS REFERENCES

Street acceptance - see Ohio R.C. 711.091

Truck loads - see TRAF. Ch. 339

Construction or performance guarantee required - see
P. & Z. 1113.11

Design standards - see P. & Z. Ch. 1115

Flood hazard zoning - see P. & Z. Ch. 1135

1119.01 TYPE, WIDTH AND THICKNESS OF STREET PAVEMENTS.

	<u>Type</u>	<u>Width</u> <u>(between faces of</u> <u>curb feet)</u>	<u>Thickness</u> <u>(inches)</u>
Main thoroughfare	Concrete	48	7
Primary street	Concrete	36	7
Secondary street	Concrete or asphaltic concrete with bituminous base	32	6
Minor street	Concrete or asphaltic con- crete with bi- tuminous base	30*	6

	<u>Type</u>	<u>Width</u> <u>(between faces of</u> <u>curb feet)</u>	<u>Thickness</u> <u>(inches)</u>
Access street and dead-end street	Concrete or asphaltic con- crete with bi- tuminous base	20	6

*A minor street on which parking is allowed on both sides but on which passing traffic may be limited to one lane (in either direction), the width may be reduced to 26 feet.

The above schedule of pavement thicknesses applies only to concrete construction. Thicknesses of asphaltic concrete with macadam base are specified in the detailed specifications for this type of pavement.

Concrete pavement shall include a rolling integral curb unless otherwise directed by the City Engineer. Concrete curb and gutter shall be provided in the case of asphaltic concrete pavement with waterbound macadam base course, unless otherwise directed by the City Engineer. (Ord. 1961-3. Passed 7-31-61.)

1119.02 GRADING AND SUBGRADE PREPARATION FOR STREET PAVEMENTS.

The construction of pavement as used in streets shall comply in all respects with the applicable provisions of the latest edition of the Construction and Materials Specifications Manual, State of Ohio, Department of Transportation and any further requirements of the City Engineer. (Ord. 1989-10. Passed 4-24-89.)

1119.021 SOIL ANALYSIS FOR PAVEMENT DESIGN.

(a) Prior to the design and submission of the construction plans and profiles, the developer or his representative shall retain a reputable soil testing laboratory to make soil borings beneath the pavement of the proposed project. The spacing of the borings shall be at intervals of approximately 500 feet along the pavement center line. Every project shall have a minimum of two borings. The depth of the borings shall be made to a minimum depth of four feet below the proposed pavement center line grade. The following tests shall be made on each soil stratum encountered below the proposed grade line of the pavement:

- (1) Natural moisture content;
- (2) Mechanical analysis (sieving and hydrometer);
- (3) Atterberg's Limits and Group Index;
- (4) Modified Proctor Tests in C.B.R. mold (set of three moisture density relationships);
- (5) California Bearing Ratio in C.B.R. mold (set of three);
- (6) Standard Proctor Tests.

The tests must be made in accordance with the current procedures of the American Society for Testing Materials.

(b) After the report has been received from the soils testing laboratory, the pavement shall be designed as follows:

- (1) Maximum gross loading on Municipal streets, excluding truck routes or State routes, is five tons.
- (2) The distribution of gross loading shall be twenty percent to front axle and eighty percent to rear axle. Pavement shall be designed for a maximum axle loading of 8,000 pounds. (Loads adopted from A.A.S.H.O. Specifications for Highway Bridges, 1957.)

(c) The submission of construction plans and profiles by the developer or his representative to the City shall include three copies of the soil laboratory report.

(d) Sufficient Standard Proctor Tests shall be made during construction to determine the condition of the subgrade. The tests shall be performed by the same laboratory as used during the original testing.

(e) The costs of all soil testing shall be at the expense of the developer or benefiting owners. (Ord. 1966-3. Passed 5-9-66.)

1119.03 ASPHALTIC CONCRETE PAVEMENT.

(EDITOR'S NOTE: Former Section 1119.03 was repealed by Ordinance 1989-10, passed April 24, 1989.)

1119.04 PORTLAND CEMENT CONCRETE PAVEMENT WITH INTEGRAL PAVEMENT.

(EDITOR'S NOTE: Former Section 1119.04 was repealed by Ordinance 1989-10, passed April 24, 1989.)

1119.05 CONSTRUCTION OF SANITARY SEWERS.

(a) Testing. The owner or developer shall have all pipe inspected and tested by an independent testing laboratory at the point of manufacture. Prior to construction such owner or developer shall furnish to the City a copy of such report. No uninspected or rejected pipe shall be delivered to the job site.

(b) Quality of Pipe. All vitrified pipe shall be of the best quality, salt-glazed, vitrified stoneware, of the hub and spigot pattern, and of sizes and dimensions shown or specified. Thorough vitrification through the body of the pipe and thorough salt-glazing on both the inside and the outside surfaces shall be required.

No old pipe that has been previously used shall be allowed in the work specified herein.

All vitrified pipe shall be produced by a recognized manufacturer who has been producing pipe as specified continuously for not less than five years.

(c) Dimensions of Pipe. The sizes of vitrified pipe mentioned herein or shown on the drawings refer to nominal inside diameters. ASTM Designation C-700 pipe may be either full diameter or reduced diameter pipe, but all pipe furnished must be of the same dimensions. Straight pipe shall be furnished in minimum lengths of three feet.

No pipe shall be used which, designed to be straight, varies from a straight line more than three-eighths of an inch in a three-foot length.

(d) Pipe Strength and Loading. No pipe shall be loaded beyond the minimum crushing strength determined by the Three Edge Bearing Method and as tabulated for the various sizes in the respective Specifications, despite the fact that sand bedding shall be strictly required.

Applied trench loadings shall be as computed by the Marston formula and may be taken from the tables of "Loads on Vitrified Clay Pipe in Pounds per Lineal Foot Caused by Backfilling with Various Materials", pages 77 to 90, inclusive, of the Clay Pipe Engineering Manual, as published in 1962 by The Clay Sewer Pipe Association, Inc., Columbus 15, Ohio, but with due allowance for additional live loads or surcharge and for the weight of backfill material being used.

ASTM Designated C-700 pipe shall be used unless otherwise directed by the City Engineer.

(e) Laying. No pipe shall be laid until the trench has been properly excavated, as specified, below the bottom of the pipe and bottom brought back with No. 8 limestone properly compacted to grade and shaped to provide a firm but slightly yielding trough for embedding the pipe. The practice of tamping dirt under the end of pipe to bring it to grade shall not be tolerated. Any defects due to settlement shall be made good by the owner at his own expense. Bell holes shall be properly located and dug for each joint as small as possible but large enough to properly joint the pipe, and all pipe must have full bearing in the cradle for the full length of the pipe barrel.

Pipe shall be thoroughly cleaned before they are laid and kept clean until completed, with particular care that spigots and bells are free of all mud, clay, grease, oil or other foreign substances and that they are sound, undamaged and dry when joints are made. Before lowering into the trench, each pipe and fitting shall be checked for soundness. Pipe shall be carefully handled and lowered into the trench. No pipe shall be laid without the presence of the City Inspector.

All trenches shall be kept free of water when pipe laying is in progress and no water shall be allowed to rise to the bottom of the pipe until all joint material has received its initial set.

All pipes and specials shall be laid accurately to the required lines and grades and shall be uniformly supported along their entire length. Spigots shall be forced into sockets as far as possible. Special care shall be taken to insure that each length shall abut against the next in such manner that there shall be no shoulder or unevenness along the inside bottom half of the pipe and so that alignment and slope are correct. No pipe shall be brought into position until the preceding length has been thoroughly embedded and secured in place.

The upper end of all uncompleted pipe lines shall be provided with a temporary stopper carefully fitted so as to keep dirt and other substances from entering. This stopper shall be kept in the end of the pipe line at all times when laying is not in actual progress so as to keep the pipe free at all times of internal obstructions. When pipe or specials are left for future extension or for house connections the bell shall be closed by a clay or concrete stopper properly and securely cemented into place. The use of brick, wood or other substances shall not be accepted as stoppers.

Whenever a pipe requires cutting to fit the line or to bring it to the required location, the work shall be done in a satisfactory manner so as to leave a smooth end.

Where concrete cradle is called for or is ordered to be used, the pipe shall be laid on concrete saddles so constructed as to provide both vertical and lateral support. The concrete cradle shall be poured after the joints have been made, care being taken to prevent movement of the pipe.

The supporting of pipe on wooden blocks, planks, slabs, piers, loose brick, stones, concrete or other such supports shall not be permitted except as specified.

Pipes which enter or pass through concrete walls, manholes or other sections shall be properly trimmed and finished off, flush with walls, etc., and caulked and sealed or grouted into place to form a watertight, neatly finished surface and joint.

In case of pipe laying in rock, the bed shall be properly prepared. The sides and bottom of the pipe shall be supported by compacting sand into place so as to insure an even bearing of the pipe but so as not to disturb the pipe joint or to throw the pipe out of alignment. Particular care shall be taken that no part of the pipe rests upon or against rock.

After the pipe has been properly embedded and joints made, sand shall be carefully tamped under each side and to the spring line between the wall of the excavation and the pipe, after which selected material shall be placed and compacted to two feet over the top of the pipe before further backfilling is done.

Care shall be taken to secure watertightness and to prevent damage to or disturbing of the joints during backfilling or at any other time after the pipes have been laid and the joints have been made.

There shall be no walking on or working over pipe except as may be necessary in tamping until there is a covering of at least two feet in depth of compacted backfill over the top of the pipe.

Sewer pipe, except as herein modified, shall be laid in accordance with the latest "Recommended Practice for Laying Sewer Pipe" of the American Society for Testing Materials, Serial Designation C12, and such provision shall apply as though herein repeated. Laying of vitrified pipe shall be further guided by the recommendations of The Clay Sewer Pipe Association, as embodied in their bulletin entitled "Clay Pipe Engineering Manual", published in 1962.

(f) Vitrified Pipe Joints. Vitrified pipe joints shall be premium joints of either a neoprene gasket type or a preformed plastic collar or O-ring type, as specified below, all meeting Standard Specifications C-425. Portland cement, bituminous or asphalt joints shall not be acceptable for vitrified pipe joints under this regulation. The owner shall submit for the approval of the City samples, specifications and manufacturer's recommendations for making the joint he proposes to use and no joint shall be made until approval has been given by the City.

The type of joint used must be the product of a reputable manufacturer whose product has a history of satisfactory results in minimizing infiltration, preventing the entry of roots and in resistance to disintegration, cracking or breaking. The manufacturer's recommendations shall be followed implicitly in preparing the pipe and making the joints.

(g) Plastic Collar or O-Ring Type Joint. The plastic collar joint for use in this contract shall be made with a factory applied, tapered collar on bell and spigot of the pipe or a collar on the spigot end of the pipe with an annular space designed to provide predictable dimensions for an O-ring when it is compressed, made in steel molds of a polyvinyl chloride plasticized resin. The formulation of the material shall be such as to produce a permanently elastic collar, placed in compression when the pipes are joined, capable of remaining sealed with normal pipe deflections and permanently resistant to acids and alkalis normally found in sewage. Casting of the collars shall be such as to insure concentric rings and proper alignment of adjoining pipes when jointed. Any evidence of excessive heat having been used in setting the plastic collars, resulting in hardness or brittleness of the surface, shall be cause for rejection of that pipe.

When the pipes are ready for jointing, the collars of bell and spigot and O-ring, if used, shall be scrupulously cleaned of all dirt or foreign material, coated with the manufacturer's approved lubricant and the pipes shoved home. Great care shall be exercised after laying to prevent deflection or separation of the joint just made; all joints shall be made in the trench; only one joint shall be made at a time.

The O-ring gaskets, if used, shall be manufactured of natural rubber, neoprene PVC or other approved elastomeric material. The collars and gasket shall be manufactured in accordance with Specifications C-425.

Pipe shall be carefully transported, stored and handled to prevent damage to the joint collars, and any damaged or loose collars shall be cause for rejection of the pipe.

When the joint is completed, the sewer shall have a smooth, unobstructed invert, and pipe shall be true to grade and alignment. Any misshapen pipe, the invert of which protrudes above the invert of the adjacent pipe, shall be removed and replaced.

The plastic collar or O-ring type joint to be used shall be equal in all respects to the Amvit Joint as manufactured by the American Vitrified Products Company, or the Wedge-Lock or Wedge-Lock Type "O" Joint as manufactured by the Robinson Clay Products Company.

(h) Neoprene Gasket Joint. As an alternate to the plastic collar joint specified above, a neoprene gasket joint may be used. The neoprene gasket shall be of the multi-ring seal compression type, equal in all respects to the Tylox Type "N" Joint as manufactured by the Hamilton Kent Manufacturing Company, especially designed for use with vitrified clay sewer pipe. The pipe to be used shall be selected for use with the joint and the outside diameter of the spigot ends shall not vary from the prescribed dimension by more than one-sixteenth of an inch at any point. If necessary to ensure concentricity and proper joint dimensions, the pipe spigots shall be furnished with collars of an approved type.

The neoprene gaskets shall be factory cemented in the pipe bells at the point of manufacture. Field application of the gaskets shall not be permitted, except in case of replacement of a damaged gasket or for special closure pieces. When field application is permitted, it shall be performed strictly in accordance with the recommendations of the manufacturer.

When pipe is ready for laying, the joint surfaces shall be scrupulously cleaned of all dirt and foreign material. The gasket shall then be swabbed with the lubricant approved for use by the gasket manufacturer and in accordance with his recommendations. The pipe shall immediately be shoved home, with care to ensure a tight seat and proper alignment. Great care shall be exercised after laying to prevent deflection or separation of the joint just made; all joints shall be made in the trench; only one joint shall be made at a time.

Pipe shall be carefully transported, stored and handled to prevent damage to the joint gasket, and any damaged or loose gaskets shall be cause for rejection of the pipe.

When the joint is completed the sewer shall have a smooth, unobstructed invert, and pipe shall be true to grade and alignment. Any misshapen or improperly jointed pipe, the invert of which protrudes above the invert of the adjacent pipe, shall be removed and replaced.

(i) Laying Pipe in Freezing Weather. No pipe shall be laid upon a foundation in which frost exists, nor at any time when the City deems that there is danger of the formation of ice or the penetration of frost at the bottom of the excavation.

(j) Line and Grade. Line and grade stakes shall be accurately set at either twenty-five or fifty-foot centers, but not to exceed fifty feet, and offset from the trench center line so as not to be disturbed during construction. Grade bars shall be set accurately level, from the line and grade stakes and notches or nails set for line. Not less than three adjacent grade bars shall be used when laying pipe and grade string shall be accurate and taut. The grade rod shall be substantially and accurately constructed and shall be frequently checked. The grade rod shall carry both vertical and horizontal levels.

(k) House Connections. In general and as called for on the drawings, as required or as ordered, provision shall be made in the sewers for house connections by inserting a tilted-up "Y" branch for each house connection with a six-inch branch, in the sewer at location shown, and properly stoppered and marked, for sewers to ten feet in depth. For sewers exceeding ten feet in depth, the owner shall insert a "T" branch with the branch vertical, and sufficient riser pipe topped by a "Y" branch, in such manner that the top of the "Y" branch shall be not less than seven feet below grade or at such elevation as to properly receive the house connection with full regard to elevation of house sewer and slope from house to the sewer, which shall be not less than one percent. When house services are so located that those on opposite sides of the street come to the same point in the sewer, the owner shall install a "T" with an eight-inch vertical branch, provide an eight-inch riser and an eight-inch double branch "Y" with six-inch branches unless otherwise called for. Risers are to be encased in concrete.

The location of house connections is shown in a general way on the contract drawings, but the exact number and location shall be determined by the City at the time of construction of the sewer. The City may also increase the number of connections or delete some connections as the sewer is being built, or increase the size of connections when it deems such advisable. Concrete for encasement of risers and of supporting pipe shall be placed in a manner to preserve alignment and avoid disturbance of joints.

Each stub or riser for a future house connection shall be marked as to location by a two-inch by two-inch timber and placed with its top twelve inches below finished road on ground surface.

(l) Protection of Sewer. After the sewer is completed and trench backfilled, the owner shall maintain barricades and keep traffic off freshly backfilled trenches until the backfill has consolidated, but in no event shall traffic be permitted on backfill less than seventy-two hours after the trench has been properly backfilled and compacted.

(m) Inspection Before Acceptance. In addition to being inspected by the City during construction, each section of sewer between each pair of manholes shall be inspected as soon after completion as possible and again before final acceptance by the City. Such inspections shall be visual by looking through the sewer from manhole to manhole with the aid of reflected sunlight or by the use of powerful electric torch. The pipe shall be true to both line and grade, and shall show no leaks; hydraulics of the sewer shall be in no way impaired; there shall be no projections of connecting pipe into the sewer; sewer shall be free from cracks, broken bells and protruding joint materials, and shall contain no deposits of sand, dirt or other materials which will in any way reduce the full cross sectional area. All wall joints in manholes, junction chambers, pumping stations and elsewhere shall be tight. All finished work shall be neat in appearance and of first class workmanship, and all details shall conform to contract, detail, shop or working drawings from which no deviation shall be permitted without written authority from the City. Proper stoppers and bulkheads must be in place where required.

If, as the result of any inspection before final acceptance of the work, it is found that any section of any sewer has unduly settled, that joints have opened up or when the jointing material has come loose and projects into the sewer or if pipes or bells are found cracked, broken or misshaped beyond accepted standards, or if any other defects are found in the sewers or in any of their appurtenances which might impair the satisfactory performance of the sewer or which show nonconformance with the drawings or specifications, the owner shall cause such defective or inferior work to be promptly removed and replaced or satisfactorily repaired by proper material and workmanship without extra compensation for the labor, equipment and materials required.

(n) Test for Exfiltration or Leakage. As sewers are completed and prior to the final acceptance of the work, sewers inclusive of appurtenances shall be tested for exfiltration or leakage. At least one test shall be made but the section to be tested and the manner of test shall be determined by the City.

Each test shall be conducted on a section of sewer between two successive manholes as selected by the City. Should any test show exfiltration or leakage in excess of that specified herein, the City Manager may require additional tests until satisfactory results are proved and prior to the institution of any corrective measures, at no cost to the City.

The test procedure shall consist of bulkheading off the manholes at each end of the test section, then filling the sewer with clean water to a depth of two feet over the inside top of the sewer pipe measured at the upper manhole or to two feet above the ground water line, whichever is the higher. The water level shall be maintained for not less than four hours by adding accurately measured amounts of water and the exfiltration or leakage shall be determined from the amount of water required to be added. No test shall be conducted without the presence of an inspector. Tests shall be made only on a sewer which is sufficiently backfilled or safeguarded otherwise against floatation. Measurements appropriate to test shall be made by the City. Test procedure may be altered by the City if such changes might be desirable in order to assure reliable and accurate data.

The owner shall furnish all labor and material required for making the tests, inclusive of bulkheads, hose lines and inclusive as well of water from the fire hydrants, where such are available, otherwise by such means as may be available, all at the owner's expense.

The maximum exfiltration and/or leakage permitted under test shall be at the rate of 300 gallons per inch internal diameter of sewer per mile of sewer line per twenty-four hours and, inclusive of all appurtenances within the section such as manholes, etc., but the length of sewer used in the computation shall be the horizontal distance between manhole center lines of the section being tested.

If the specified rate of exfiltration or leakage is exceeded on test, the owner shall locate the points of excessive leakage and he shall institute appropriate measures of correction, whereupon the length of sewer shall be retested and this procedure continued until test requirements are met. Should any test sections show leakage or excessive exfiltration, the City Manager may order other sections of the same sewer tested at the owner's expense, in order to determine that all of the sewer will meet the limitations set. Such tests required because of excessive exfiltration or leakage shall be in addition to the number called for in the first paragraph of this section.

Following completion of tests in any section of sewer the owner shall remove all bulkheads, weirs and any other obstructions, and he shall free the sewer of water.
(Ord. 1966-44. Passed 9-26-66.)

1119.06 CONSTRUCTION OF STORM WATER SEWERS.

All operations in connection with excavations necessary for the laying of the sewer pipe and the disposal of all excavated material shall be made in accordance with requirements of the City Engineer, and in accordance with Item 603 and 604 of the Standard Specifications of the State of Ohio, Department of Transportation, latest edition.

All trenches, unless otherwise directed by the Engineer, shall be excavated to the depth shown on the profiles and shall be of sufficient width at both top and bottom so as to permit the proper laying of the sewer pipe, and also the sheeting and shoring of the trench, when necessary.

Except as otherwise provided, all trenches and any cavities caused by the owners' operations outside of the prescribed limits of the trenches, shall be backfilled, as soon as practicable after the pipe has been laid, with suitable material which has been excavated from the site and which shall be selected for the purpose.

The earth backfill shall be placed in horizontal layers not over eight inches in thickness and each layer shall be thoroughly tamped. Under favorable conditions, when allowed by the City Engineer, the earth backfill may be placed in the trench without being tamped in horizontal layers but the trench shall be flooded with water and "puddled" so that a suitable settlement of the backfill materials may be obtained. The upper eighteen inches of the trench shall be backfilled with No. 6 or No. 7 limestone properly compacted, unless otherwise directed by the City Engineer.

Backfilling shall not be made in freezing weather except by permission of the Engineer, nor shall it be made with frozen materials, nor when the material already in the trench is frozen. All materials used for backfilling shall be free from perishable and objectionable substances, and shall contain no stones larger than three inches in diameter.

The No. 6 limestone bed on which the pipes are to be laid shall be brought around the side of the pipe to the spring line. Special care shall be taken in placing and tamping selected earth material around the balance of the pipe not embedded in the limestone, and to a depth of twelve inches over the top of the pipe.

No slag, cinders, rubbish, rocks, boulders, shales or other objectionable material shall be used to backfill against the pipe or in any part of the trench where in the opinion of the Engineer it will be injurious to the work.

The owner shall maintain all excavations in good order so as not to hinder or injure the pipe laying or other work, shall take reasonable precautions to prevent movement of the sides of such excavations, and shall remove at his own expense any material sliding into the excavations.

Should the materials excavated from the trench be unsuitable for backfilling purposes to such an extent that the quantity of suitable materials is insufficient to complete the backfilling around and over the completed sewer, the owner shall satisfactorily dispose of such unsuitable material and shall obtain suitable earth, gravel or stone, acceptable to the City Engineer, and use the same for backfilling to the lines and grades shown or given.

Excavated material shall be disposed of, so far as possible, in backfilling and grading to the lines and grades shown or given. Any excess material not required for backfilling or which is not suitable for such purpose shall be promptly removed and satisfactorily disposed of by the owner.

All nonreinforced concrete pipe shall be of the best quality of concrete, free from imperfections of any kind, and shall have a smooth dense finish. The pipe shall be of the bell and spigot type, and shall be cast outside the trench, in forms true to shape and dimensions, rigid, smooth and substantially watertight. All nonreinforced concrete pipe shall be made by or under the direct supervision of some well-known and reputable manufacturer whose type of construction has been used commercially for similar installations for a period of at least three years. All pipe shall be at least four feet in length.

All nonreinforced concrete sewer pipe shall be Extra-Strength Plain Cement Concrete Pipe, classified in State of Ohio, Department of Transportation Specifications as (706.01 Class 3).

As soon as the forms are removed from the pipe it shall be protected from the sun and wind for forty-eight hours. No pipe shall be laid until it has cured for at least fourteen days.

All pipes shall be laid true to line and grade with the bell end up, and with firm and even bearing upon a proper and dry foundation, shaped to receive the pipe. Care shall be taken to secure closeness of joints and smoothness and continuity of invert. The trench, in case of construction in rock, shall be made to conform to the general dimensions required and the subgrade shall be brought to the required elevation by using well compacted slag, gravel or crushed stone.

The sides and bottoms of the sewers shall be supported by compacting these materials in place so as to insure an even bearing for the pipe. Particular care shall be taken that the pipes are not permitted to rest upon or against either solid rock or projecting portions of rock.

The mortar for pipe joints shall be composed of Portland cement of a brand which has been upon the market and used successfully in engineering work and the sand used in the mortar shall be clean, silicious sand and shall be free from injurious amounts of organic impurities. The sand shall be well-graded from coarse to fine.

All concrete pipe shall be laid with mortar joints. Care shall be taken to see that the space between the pipe and socket is as uniform as possible. The joints shall be made with a gasket of the best quality jute or hemp, as approved by the Engineer, and cement mortar. The gasket shall be carefully coiled and thoroughly saturated with neat Portland cement and water and then inserted between the bell and spigot and carefully calked. The gasket shall be in one continuous piece for each joint, and of such thickness as will bring the pipe to the required relative position. The remainder of the joint shall be filled with mortar well pressed into place, after which the joints shall be beveled off with the mortar for a distance of at least two inches from the outer edge of the bell. No surplus mortar or other foreign substances shall project into the pipes from the joints. The joints shall be properly cleaned by a suitable scraper or follower before the mortar has become hardened. In no case shall water be allowed to rise in or about the pipe before the mortar on the joints has thoroughly set.

The contractor shall remove all bulkheads which have been left in place in existing sewers or existing structures, and shall make proper connections to these sewers and structures in the manner and at the locations shown. Also, he shall make the necessary conduit, pipe line and sewer connections at the several points. (Ord. 1961-3. Passed 7-31-61.)

1119.07 CONSTRUCTION OF WATER MAINS.

All operations in connection with excavations necessary for the laying of the water mains and the disposal of all surplus excavated material shall be made in accordance with requirements of the City Engineer.

All trenches, unless otherwise directed by the City Engineer, shall be excavated to a depth sufficient to allow a minimum of four and one-half feet cover over the pipe.

The earth backfill shall be placed in horizontal layers not over eight inches in thickness and each layer shall be thoroughly compacted by a mechanical tamper. Under favorable conditions, when allowed by the City Engineer, the earth backfill may be placed in the trench without being tamped in horizontal layers, but the trench shall be flooded with water and puddled so that a suitable settlement of the backfill materials may be obtained. The upper eighteen inches of the trench shall be backfilled with No. 6 or No. 7 limestone properly compacted, unless otherwise directed by the City Engineer.

Backfilling shall not be made in freezing weather except by permission of the City Engineer, nor shall it be made with frozen materials, nor when the material already in the trench is frozen. All materials used for backfilling shall be free from perishable and objectionable substances and shall contain no stones larger than three inches in diameter.

No slag, cinders, rubbish, rocks, boulders, shales or other objectionable material shall be used to backfill against the pipe or in any part of the trench where in the opinion of the City Engineer it will be injurious to the work. The owner shall maintain all excavations in good order so as not to hinder or injure the pipe laying or progress of the work.

Should the materials excavated from the trench be unsuitable for backfilling purposes to such an extent that the quantity of suitable materials is insufficient to complete the backfilling around and over the completed water main, the owner shall satisfactorily dispose of such unsuitable material and shall obtain suitable earth, gravel or stone, acceptable to the City Engineer, and use the same for backfilling to the lines and grades shown or given.

All waterline pipe and fittings shall be cement-lined ductile iron pipe with rubber gasket joints conforming to the following specifications of the American Water Works Association (AWWA) and of the American National Standards Institute (ANSI): AWWA-C-110, C-111, C-104, C-150, C-151; ANSI-A21.10, A21.11, A21.4, A21.50, A21.51. All waterline pipe and fittings shall have a minimum six-inch inside diameter and shall be designed for a minimum water working pressure of 150 psi.

Other waterline shall not be used unless otherwise directed by the City Engineer.

All pipe shall be laid on a limestone bedding at least six inches in depth consisting of No. 6 or No. 9 limestone, unless otherwise ordered by the City Engineer and shall be backfilled to a depth of twelve inches over the top of the pipe with the same material. After laying, the pipe shall be chlorinated and tested for leakage to the full satisfaction of the Service Director or the City Engineer. (Ord. 1961-3. Passed 7-31-61.)

1119.08 CONSTRUCTION OF CONCRETE SIDEWALKS.

All operations in connection with excavation, construction of embankments, including borrow, and grading pertaining thereto for sidewalks, and the preparation of subgrade shall be performed in accordance with these specifications, applicable provisions of the Standard Specifications of the State of Ohio, Department of Transportation, latest edition, and any further requirements of the City Engineer.

The excavating and grading of the area on which the sidewalk is to be laid, construction of embankments, compaction of the subgrade, the rolling and other work necessary for the completion of the subgrade, shall be done under the direction of the City Engineer and in a manner acceptable to him. All unclassified excavation, except rock, to a depth greater than six inches below the existing ground surface shall be considered as a separate pay item.

Each layer of the embankment material, not to exceed six inches in loose depth, shall be disked sufficiently to break down oversized clods and insure uniform density and proper compaction. Each layer shall be thoroughly compacted by a roller suitable for the type of embankment material and approved by the City Engineer.

All concrete sidewalks shall be composed of coarse aggregate, Portland cement and water. The coarse aggregate shall be limestone and shall meet the requirements as specified under Sec. 703.03, 703.02 Standard Specifications of the State of Ohio, Department of Transportation, latest edition, and shall be limestone aggregate unless otherwise directed by the City Engineer. Each size shall be weighed into the batch separately. Unless otherwise directed, the ratio of No. 4 size of coarse aggregate to total coarse aggregate may be varied within the range of 35 to 50 percent by weight, to secure the most desirable and uniform gradation of the combined materials. The Portland cement and sand shall also meet the requirements of such Standard Specifications of the State of Ohio, Department of Transportation, latest edition. The weights of fine and coarse aggregate and the quantity of water per sack of cement shall be determined by the City Engineer from the weights given in the table for Class "C" concrete, using not more than the net amount of water shown and the range in slump stated. The minimum cement content per cubic yard of concrete shall be 6.5 sacks.

Unless otherwise required by the City Engineer, the mixing of the concrete in a transit mixer (truck) shall be an acceptable method of mixing.

Side forms for concrete sidewalks shall be of steel of an approved section, shall be straight and of a depth equal to the thickness of the sidewalk at the edge. An approved four-inch steel side form with an approved lift may be used for the five-inch concrete walks across driveways, etc.

A slope of one-fourth inch per foot is required by the City when constructing sidewalks in the public rights of way.

The subgrade shall be sufficiently moistened just before the concrete is placed. The concrete shall be deposited and compacted in a single layer. It shall be struck off with a template and smoothed with a float to provide a sandy texture. The edges shall be rounded to a one-fourth-inch radius. The sidewalk shall be divided into blocks at six-foot intervals unless otherwise directed by the City Engineer. The dividers shall be straight and of a depth equal to the thickness of the concrete. Sidewalks forms shall remain in place until twenty-four hours after the concrete is placed. Any defective concrete shall be removed immediately following the removal of the forms, and shall be replaced or repaired in a manner that is satisfactory to the City Engineer.

The curing of the concrete shall be accomplished by spraying with a waterproof membrane all in accordance with the provisions of the Standard Specifications of the State of Ohio, Department of Transportation, latest edition and any further requirements of the City Engineer. (Ord. 1989-10. Passed 4-24-89.)

1119.09 CONSTRUCTION OF FIRE HYDRANTS.

Each hydrant shall conform to specifications adopted by the American Water Works Association and be Darling B-50-B hydrants or equal, subject to the City Engineer's approval. They shall be five-inch hydrants with a six-inch mechanical joint base connection.

Each hydrant shall have the name of the manufacturer and the size cast upon it in raised letters.

The different parts of the hydrants to be furnished shall be interchangeable with the parts of existing hydrant of the same design and size now in use by the City.

Each hydrant shall have two, two and one-half inch hose nozzles and one four-inch steamer nozzle. The threads on all discharge nozzles shall be the same as those of hydrants now in use by the City.

The main valve shall open by turning to the left and shall open against the pressure. The valve shall be faced with the best oak-tanned leather which shall seat against an accurately machined bronze seat.

The top cap of the hydrant shall be provided with a waste or drip to prevent the cap from filling with water.

The hydrant shall be provided with automatically operated draining to permit drainage of the hydrant when the main valve is in closed position.

The head of the revolving nut or operating nut and nozzle cap nut shall be of the exact dimension of those now in use in the City.

The elbow, body or barrel, top cap and nozzle caps shall be made of cast iron.

Installation. The hydrants shall be installed plumb and true in the location shown on the drawing or as directed. The hydrant base shall be placed on a flat stone or brick support and the lower two to three feet of backfill shall be made with No. 3 stone to provide a porous pocket for drainage from the standpipe. A small concrete pier extending to solid earth shall be placed opposite the hub end to provide solid blocking and prevent blow off. The remainder of the backfill shall be thoroughly compacted so as to provide a firm support for the hydrant.

Gate Valves. All valves shall conform to the American Water Works Association specifications for water valves. They shall be of a construction equal to Darling Type Valves and shall have the name of the manufacturer and the size of the valve cast on the body or bonnet of the valve in raised letters.

All gate valves three inches and larger in size shall be of the iron body, bronze mounted type and except as noted otherwise shall have nonrising bronze stems. All gland bolts for iron body valves shall be of bronze and fitted with brass nuts.

All gate valves shall open by turning to the left, and shall be operated as required with nut, hand wheel, floor stand, wheel and chain or hydraulically as specified or as shown.
(Ord. 1961-3. Passed 7-31-61.)

1119.10 CONSTRUCTION OF MANHOLES.

Materials. Manholes shall conform as specified herein and shall conform to Item 604 of the Standard Specifications of the State of Ohio, Department of Transportation, latest edition. Brick and masonry shall conform to Sec. 704 and precast reinforced manholes shall conform to Sec. 706.13.

Mortar for joints shall be proportioned of one part by volume of Portland cement and two parts of clean, coarse, screened sand, thoroughly mixed dry, and with sufficient water slowly added, after dry mixing, to give proper consistency. A maximum of five percent by volume of hydrated lime may be added to the mortar. The construction of manholes shall conform to the Standard Specifications or as directed by the City Engineer.

Construction. The walls of brick manholes above the concrete bottom section shall be built of brick laid in Portland cement mortar, with bricks arranged radially as "headers" forming a wall line nine inches thick for depth to ten feet below the bottom of the manhole rim and wall thirteen inches thick for depth below ten feet and to the top of the concrete bottom section. All the brick composing such manholes shall be laid in a full bed of mortar with no joints appearing on the inner surface of the manholes exceeding one-half inch in thickness. The joints shall be neatly pointed and struck on the inside of the manholes.

Whole brick only shall be used except to effect closures and to "chink" in the exterior radial joints. Each sixth course shall be laid as "stretchers", the intervening course being composed of "headers". The upper part of the manholes shall be "domed", starting at an elevation indicated on the drawing and "drawing in" evenly to such diameter as will receive the casting.

The top of the wall of all manholes shall be properly leveled off with mortar, so as to form a flat surface upon which the manhole rim is to rest, and manholes shall be carried to such height above the sewer as shown or as ordered.

The entire outer surface of manholes shall be plastered with a smooth coating of Portland cement mortar, at least one-half inch thick. Inner surfaces of manholes shall not be required to be plastered, but all joints must be properly pointed up.

Steps. Manhole steps shall be of cast iron and shall be equal to Clow Figure F-3650 or Neenah Foundry Catalog R-1980-E. The steps shall be built into the brick masonry of the manholes. The uppermost step shall be built into the masonry not over fifteen inches below the top of the cast iron manhole rim and these steps shall be continued downward at fifteen-inch centers to the bottom of the brick work.

Rims and Covers. Standard cast iron manhole rims and covers for use on brick manholes shall be equal to R-1726 Neenah Foundry Company, with reinforced nonperforated cover, rim cover to weigh not less than 350 pounds. Bearing surfaces for cover shall be machined. (Ord. 1961-3. Passed 7-31-61.)

TITLE FIVE - Zoning Ordinance

- Chap. 1121. Districts Established; Boundaries; General Regulations.
- Chap. 1123. Residence Districts.
- Chap. 1125. Nonresidence Districts.
- Chap. 1126. Special Provisions.
- Chap. 1127. Mixed-Use Districts.
- Chap. 1129. Sign Regulations.
- Chap. 1131. Landscape Requirements.
- Chap. 1133. Off-Street Parking and Loading Regulations.
- Chap. 1135. Flood Hazard Zoning/Flood Damage Reduction.
- Chap. 1137. Exceptions and Modifications.
- Chap. 1139. Zoning Administration.

CHAPTER 1121

Districts Established; Boundaries; General Regulations

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| 1121.01 Purpose and scope. | 1121.05 Districts and boundaries. |
| 1121.02 Title. | 1121.06 Effects of districting and general regulations. |
| 1121.03 Interpretation of standards. | 1121.07 Nonconforming uses or buildings. |
| 1121.04 Definitions. | |

CROSS REFERENCES

- Subdivision Regulations definitions - see P. & Z. 1111.03
- Flood hazard definitions - see P. & Z. 1135.02

1121.01 PURPOSE AND SCOPE.

This Zoning Ordinance, and subsequent amendments thereto, is enacted for the purpose of promoting the public health, safety, morals and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements in accordance with a comprehensive plan for the desirable future development of the City; and to provide for administration and to prescribe penalties for the violation of the provisions thereof.
(Ord. 1990-20. Passed 11-26-90.)

1121.02 TITLE.

This Title Five of Part Eleven - Planning and Zoning Code shall be known and may be cited and referred to as the "City of Huron, Ohio, Zoning Ordinance".
(Ord. 1990-20. Passed 11-26-90.)

1121.03 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements. Wherever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall govern.
(Ord. 1990-20. Passed 11-26-90.)

1121.04 DEFINITIONS.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Ordinance. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; "building" includes "structure"; "used" includes "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used". "May" is permissive; "shall" is mandatory.

- (1) "Accessory use or structure" means a use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
- (2) "Agricultural" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the commercial hatching, breeding, raising or feeding of poultry, cattle, sheep or swine.
- (3) "Alley" or "lane" means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
- (4) "Apartment" means a room or suite of rooms in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- (5) "Apartment, efficiency" means a dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.
- (6) "Apartment house". See "Dwelling, multi-family".

- (7) "Automotive repair, major" means repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning.
- (8) "Automotive repair, minor" means incidental minor repair, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "Automotive repair, major", or any other operation similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than forty-eight hours.
- (9) "Automobile, farm equipment or trailer sales area" means any open area, other than a street, used for the sale, display or rental of new or used motor vehicles, farm equipment or trailers in operable condition and where no repair work is done. No vehicle shall be placed or displayed forward of the building line required for the district.
- (10) "Automobile service station" or "filling station" means a place where gasoline, kerosene or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
- (11) "Automobile wrecking" means the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.
- (12) "Basement" means a story whose floor line is below grade at any exit or entrance and whose ceiling is not more than five feet above grade at any entrance or exit.
- (12.1) "Bed and breakfast residence" means a structure built to be and occupied as a residence that is more than fifty years old, wherein rooms and breakfast (only) are made available to short-term transient paying guests, which rooms were constructed to be part of the residence and have been occupied as regular rooms of the residence prior to the passage of this element of this Ordinance.
- (13) "Block" means the legal description in describing the boundaries of a district. In all other cases, "block" refers to the property abutting one side of a street between intersecting or intercepting streets or a street and a railroad right of way or waterway.
- (14) "Boarding house" or "lodging house" means a dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four or more persons for compensation by previous arrangements but not for transients.

- (15) "Building" means any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure for persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except in regard to minimum side yard requirements as hereinafter provided. (Ord. 1990-20. Passed 11-26-90.)
- (16) "Building, height of" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof structure. (Ord. 2005-29. Passed 2-14-05.)
- (17) "Building line" means the line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.
- (18) "Buildable lot area" means that part of a lot not included within the open areas required by this Ordinance.
- (19) "Cellar" means that portion of a building between floor and ceiling partly underground, but having half or more than half its clear height below the adjoining finished grade.
- (20) "Cemetery" means land used for or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, such cemeteries.
- (21) "Clinic" or "medical center" means a place used for the diagnosis and treatment of sick, ailing or infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatient only and not including the sale of drugs or medical supplies.
- (22) "Club" means a nonprofit association of persons who are bona fide members, paying regular dues and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (22.1) "Condominium" means an estate in real property consisting of a building on such real property, together with an undivided interest-in-common in other portions of the same property, recognizing that there can be commercial and industrial condominiums as well as residential.
- (23) "Convalescent home" or "nursing home" means an establishment that provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator or who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.
- (24) "Court" means an open unoccupied or unobstructed space, other than a yard, on the same lot as a building or group of buildings.

- (25) "Display sign" means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.
- (26) "Dwelling" means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.
- (26.1) "Dwelling, attached single-family" means a building attached to another building at one or more sides that is designed for or occupied exclusively for residential purposes by one family or housekeeping unit, the land and building of the unit being in a single ownership and separate from the ownerships of the land and buildings of the units to which it is attached.
- (27) "Dwelling, single-family" means a detached building designed for or occupied exclusively for residence purposes by one family or housekeeping unit.
- (28) "Dwelling, two-family" means a building designed for or occupied exclusively by two families or housekeeping units living independently of each other.
- (29) "Dwelling, multi-family" means a building or portion thereof designed for or occupied by three or more families or housekeeping units living independently of each other.
- (30) "Dwelling unit" means one room, or a suite of two or more rooms, designed for and used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
- (31) "Dwelling group" means a group of two to four detached single-family dwellings located on a parcel of land in one ownership and having a yard or court in common as well as a common single curb cut access drive.
- (32) "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 distributing systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, 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 services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- (33) "Family" means a person living alone, or two or more persons related by blood, marriage or adoption, or not more than five unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

- (34) "Frontage" means that boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this Ordinance.
- (35) "Garage, private" means a detached accessory building or a portion of a principal building used by the occupants of the premises for the storage or shelter of vehicles owned or operated by the occupants of the principal building.
- (36) "Garage, repair". See "Automotive repair".
- (36.1) "Guest room" means a room intended or designed or arranged to be occupied, or which is occupied, by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.
- (37) "Home occupation" means an occupation or profession carried on in a dwelling by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (38) "Hospital or sanitarium" means an establishment that provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis and care of two or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.
- (39) "Hotel" means any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing fifteen or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite.
- (40) "Junk yard" means a place where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.
- (41) "Kennel" means any structure or premises where five or more dogs over six months of age are kept.
- (41.1) "Landscaping" means the treatment of the surface of the ground with natural greenery, grasses, including seeding and sod, shrubs, trees and other plant materials, organic mulches and natural stone materials, and may include minor areas of paving for pedestrian accessways.

- (42) "Loading space" means an off-street space or berth on the same lot with a building or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (43) "Lot" means a piece or 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 required by this Ordinance, and having frontage on a public street.
- (44) "Lot, corner" means a lot situated at the intersection of two streets, of which the interior angle of such intersection does not exceed 135 degrees.
- (45) "Lot, interior" means a lot other than a corner lot.
- (46) "Lot, depth" means the average horizontal distance between the front and the rear lot lines.
- (47) "Lot line" means the property lines bounding a lot.
- (48) "Lot line, front" means the line separating the lot from the street.
- (49) "Lot line, rear" means the lot line opposite and most distant from the front lot line.
- (50) "Lot line, side" means a lot line other than the front or rear lot line. A side lot line separating the lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.
- (51) "Lot line, street or alley" means a lot line separating the lot from a street or alley.
- (52) "Lot width" means the average width of a lot measured at right angles to its depth.
- (53) "Lot area" means the computed area contained within the lot lines.
- (54) "Lot, through" means a lot having frontage on two parallel or approximately parallel streets.
- (55) "Motel" or "motor hotel" means a series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, such units having convenient access to off-street parking spaces, for the exclusive use of guests or the occupants.
- (55.1) "Nonconforming building" or "nonconforming structure" means a building or structure legally existing at the time of adoption of this Ordinance, and any amendment thereto, which does not conform to one or more of the physical requirements of the district in which it is located.
- (56) "Nonconforming use" means a dwelling, building or structure or any land or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the use regulation of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements, shall not be considered a nonconforming use.

- (56.1) "Patio home" means a building designed for or occupied exclusively for residence purposes by one family or housekeeping unit that provides for family outdoor functions commonly associated with the rear yard areas in a private interior courtyard, no less than 900 square feet in area, that is open to the sky and defined by a solid opaque wall where it abuts the exterior of the structure that is no less than six feet high. A patio home may be a detached unit, or it may have a zero-lot-line relationship at one or more sides. At those sides where patio homes are not zero-lot-line, no two units shall be closer than sixteen feet. At patio homes, the lot lines of the individual lots are defined by solid walls or fences running entirely around the property, except at the front property line, where building walls exist in zero-lot-line relationships, and/or at the side yard areas from the front property line to the building line.
- (57) "Parking area, private" means an open surface, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- (58) "Parking space" means a permanently surfaced area of not less than 160 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- (58.1) "Policies Plan" means the "Policies Plan for the Development of the City of Huron", together with the associated and incorporated "Long Range Plan Map" that was first adopted by the Planning Commission on September 21, 1988, and then adopted by Council as public policy, Resolution 1988-25, on November 14, 1988, and as subsequently amended by action by both the Planning Commission and Council.
- (59) "Sign" means any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known, and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and directs attention to an object, place, activity, person, institution, organization or business. "Sign" includes also billboard, signboard and display sign.
- (60) "Standard performance" means a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards and other objectionable or dangerous elements generated by or inherent in use of land or buildings.
(Ord. 1990-20. Passed 11-26-90.)
- (61) "Story" means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most floor is the distance from the top surface of the floor to the top surface of the ceiling joists. A floor with living space, or the potential for living space, is considered a full story.
(Ord. 1998-39. Passed 12-7-98.)

- (62) "Story, first" means the lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.
- (63) "Street" means a public right of way fifty feet or more in width which provides a public means of access to abutting property, or any such right of way more than thirty feet and less than fifty feet in width provided it existed prior to the enactment of this Ordinance. "Street" includes avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
- (64) "Structure" means anything constructed or erected, which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- (65) "Structural alteration" means any change other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (66) "Trailer" (including automobile trailer, mobile home or house trailer) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (67) "Use" means the purpose or activity for which land or a building or structure is arranged, designed or intended, or for which it is occupied or may be occupied or maintained.
- (68) "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefor is expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of this Ordinance.
- (69) "Yard" means an open space on a lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (70) "Yard, front" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required for a particular district.
- (71) "Yard, front; measurement" means such depth as shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the building line; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in the Thoroughfare Plan or on the Official Map.

- (72) "Yard, rear" means a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required for a particular district.
- (73) "Yard, side" means a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required for a particular district.
- (74) "Side yard, least width; measurement" means such width as shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required side yard least width shall be measured from the right of way of such street as designated in the Thoroughfare Plan or on the Official Map.
- (75) "Zoning Ordinance" or "Ordinance" means Ordinance 1990-20, passed November 26, 1990, as amended, which is codified as Title Five of Part Eleven - Planning and Zoning Code.
- (76) "Zero lot line" development means a circumstance in which a residence is permitted to be built with an outside wall immediately at the side yard line, either as a fire-resistant wall without openings intended to be immediately abutted by another such wall on the adjoining property, and thus required to meet fire safety requirements for such a condition, or intended to look out onto an assured open space side yard on the abutting property, with access for maintenance of the wall surface assured by easement across or covenant with the adjoining property.
(Ord. 1990-20. Passed 11-26-90.)

1121.05 DISTRICTS AND BOUNDARIES.

(a) Districts. For the purpose of this Zoning Ordinance, the City is hereby divided into nine categories of zoning districts. Such nine districts are designated as follows:

- (1) Resident Districts.
 - R-1 One-Family Residence District
 - R-1-A One Family Residence District
 - R-2 One and Two-Family Residence District
 - R-3 Multi-Family Residence District
- (2) Nonresident Districts.
 - B-1 Neighborhood Business District
 - B-2 Downtown Business District
 - B-3 General Business District
 - I-1 Light Industrial District
 - I-2 General Industrial District
 - M Marina District.

(b) Districts and Boundaries Established. The several districts and boundaries thereof shall be and the same are hereby adopted and established as shown on the Zoning Map of the City, which Map, together with all notation, references, data, district boundaries and other information shown thereon, shall be and is hereby made a part of this Ordinance and is appended hereto. A copy of the Zoning Map, properly attested, shall also be and remain on file in the office of the City Clerk.

(c) District Boundaries. Except where referenced on the Map to a street or alley line or other designated line by dimensions shown on such Map, the district boundary lines follow lot lines or the centerlines of streets or alleys as they existed at the time of the adoption of this Ordinance. Where no such reference lines exist and a district boundary is neither finitely determined in the text of this Ordinance, nor by specific notation of a dimension on the Zoning Map, the location of the boundary shall be determined by scaled dimension on the Zoning Map as verified by the Board of Building and Zoning Appeals.

(d) Lot Divided; Extension of District. Where a district boundary line established in this section or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five feet of the dividing district boundary line. The use so extended shall be deemed to be conforming.

(e) Uncertainty as to Boundaries; Interpretation. All questions concerning the exact location of district boundary lines shall be determined by the Board of Building and Zoning Appeals according to rules and regulations which may be adopted by it.

(f) Vacated Street or Alley. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

(g) Property Not Included; Annexation. In every case where property has not been specifically included within a district, the same is hereby declared to be in the R-1 District. Territory annexed to or consolidated with the City subsequent to the effective date of this section shall, upon the effective date of such annexation or consolidation, become a part of the R-1 District. Such districting shall be temporary and the Planning Commission shall recommend to Council within a period of not to exceed six months from such date of annexation or consolidation a final zoning map for the annexed territory that is consistent with the development policies established in the Policies Plan.

(Ord. 1990-20. Passed 11-26-90.)

1121.06 EFFECTS OF DISTRICTING AND GENERAL REGULATIONS.

(a) Conformance Required. Except as hereinafter specified, no use of land, building, structure or premises shall be initiated, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which is it located; such regulations including, but without limitation, the following: the use of buildings, structures or land, including performance standards for the control of any "dangerous and objectionable elements", as defined herein, in connection with such use; the height, size and dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

(b) Additional Uses. Uses other than those specifically mentioned in this Zoning Ordinance as permitted or prohibited uses in each of the districts also may be allowed or not allowed therein, as the case may be, upon referral by the Board, of any such use in question, to Council, and provided if, in the judgment of Council, such other uses are of similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district; or such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

(c) Conversion of Dwellings. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the section applying to such district. The aforesaid requirements with respect to lot coverage, yards and other open spaces shall not apply in case the conversion will not involve major exterior structural changes and:

- (1) There is either a shortage of not more than ten percent (10%) in the required dimensions or area of each of not more than two such requirements as to coverage, yards and other open spaces; or
- (2) In case the conversion will result in lot area per dwelling unit or family, at least twenty percent (20%) greater than required for new buildings in the district.

(d) Rear Dwellings. No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all yard and other open space and off-street parking requirements of this Ordinance, and for the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building shall be provided for any such rear dwelling, an unoccupied and unobstructed accessway not less than ten feet wide to a public street for each dwelling unit in such dwelling, or one not less than thirty feet wide for three or more dwelling units.

(e) Transitional Uses in R Districts. In any R-1 or R-2 District, a transitional use shall be permitted on a lot, the side lot line of which adjoins either directly or across an alley any B or I District. The permitted transitional uses for any lot in an R-1 District shall be any use permitted in an R-2 District; and for any lot in an R-2 District any use permitted in an R-3 District. In the case of any such lot in an R-1 or R-2 District, the requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be the same as for the next following less restricted district listed in Section 1121.05(a). Any transitional use authorized under this section shall extend not more 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

(f) Yard Requirements Along Boundary Line in a Less Restricted District. Along any zoning boundary line on a lot adjoining such boundary line in a less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Ordinance, shall have minimum width and depth equal to the average of the required minimum width or depth of such side yards, rear yards or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in a less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in the more restricted district.
(Ord. 1990-20. Passed 11-26-90.)

(g) Accessory Uses in R Districts. An accessory building may be erected detached from the principal building or it may be erected as an integral part of the principal building. Except as provided in Section 1137.03, no detached accessory building shall be erected in any required yard or court except a rear yard, and shall not occupy more than thirty-five percent (35%) of the rear yard. Detached accessory buildings shall be distant at least six feet from any dwelling situated on the same lot, unless an integral part thereof, at least six feet from any other accessory building and at least five feet from all lot lines of adjoining lots which are within any R District.
(Ord. 2005-29. Passed 2-14-05.)

(h) Accessory Buildings in R Districts; Corner Lots. In any R District, where a corner lot adjoins in the rear a lot fronting on the side street and located in an R District, no part of an accessory building on such corner lot shall be nearer the side street lot line than the least depth of the front yards required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.

(i) Accessory Buildings in R Districts; Front Setback. No accessory use or structure in any R District, except an off-street parking area subject to the provisions of Section 1126.01, shall be permitted nearer to any front lot line than sixty feet, unless such use or structure is contained within or constitutes an integral part of the principal building; provided that in the case of a corner lot where choice by the owner of the longer street lot line has been approved as the front lot line, this requirement shall apply only to the distance of an accessory building from the shorter street lot line.

(j) Accessory Buildings in R Districts; Yard Requirements. Except as provided in Section 1137.03, an accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be placed so as to meet all yard and court requirements for a principal building of the same height and other dimensions as the accessory building.

(k) Accessory Buildings in R Districts; Without Main Building. In any R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal building.

(l) Minimum Ground Floor Area; One-Story Dwelling. A one-story dwelling shall contain not less than 850 square feet of usable ground floor area, exclusive of open porches, garages, carports or steps.

(m) Minimum Ground Floor Area; One and One-half Story Dwellings. One and one-half story dwellings shall contain no less than 720 square feet of ground floor area, exclusive of open porches, garages, carports or steps.

(n) Minimum Ground Floor Area; Two-Story Dwellings. A two-story dwelling shall contain not less than 600 square feet of ground floor area exclusive of open porches, garages, carports or steps.

(o) Reduction of Minimum Ground Floor Area. Where a dwelling unit is a part of a planned development project and is a one-bedroom or an efficiency unit, the minimum ground floor area required shall be seventy-five percent (75%) of that specified in subsections (l), (m) and/or (n) above.

(p) Performance Standards; Compliance. Even though compliance with the performance standards and procedures in Section 1126.06 may not be expressly required for a particular use, initial and continued compliance with these performance standards is required of every use.

(q) Street Frontage Required. Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least thirty feet on a street; and there shall be not more than one single-family dwelling for such frontage.

(r) Traffic Visibility Across Corner Lots. In any R District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty feet of the point of intersection of the right-of-way lines that project more than three feet above the elevation of the intersection of the centerlines of the streets.

(s) Off-Street Parking and Loading. Spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Section 1126.01.

(t) Encroaching Doors. Every garage building or portion of a principal building used for garage purposes shall be so equipped that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located.

(u) Essential Services. Essential services as defined under Section 1121.04 shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance.

(v) Unsafe Buildings. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(w) Pending Application for Building Permits. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which has been started within three months after the effective date of this section.

(x) Neglected or Deteriorating Watercraft and/or Vehicles. No watercraft and/or automotive vehicle, operable or inoperable, with or without parts removed, shall be permitted to stand neglected and/or allowed to deteriorate on any premises, in any district except as provided in the I-2 District, provided that nothing herein shall prevent the parking or storage of such vehicles in a fully enclosed garage or similar permanent structure.
(Ord. 1990-20. Passed 11-26-90.)

(y) Corner and Double Frontage Lots. Corner and double frontage lots shall comply with the minimum front yard depths on both streets.
(Ord. 1998-39. Passed 12-7-98.)

1121.07 NONCONFORMING USES OR BUILDINGS.

(a) Existing Nonconforming Uses; Continuation. Except as hereinafter specified, the lawful use of any dwelling, building or structure, and of any land or premises, as existing and lawful at the time of enactment of this Zoning Ordinance or amendment thereto may be continued, although such use does not conform with the provisions of this Ordinance for the district in which it is located.

(b) Enlargement or Substitution. No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or other regulation, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

- (1) Extension inside building. When authorized by the Board in accordance with the provisions of Section 1139.02, a nonconforming use may be extended throughout those parts of a building which were manifestly designed and arranged for such use prior to the date when such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.
- (2) Nonconforming use made to conform. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(c) Discontinuance; Use Ceased. No building, structure or premises where a nonconforming use has ceased for twelve months or more shall again be put to a nonconforming use.

(d) Nonconforming Use of Land; Discontinuance. All nonconforming uses of land not involving any building or structure may be continued for a period of two years after the date of adoption of this Ordinance, at the end of which period such nonconforming use shall cease or shall be changed to a conforming use.

(e) Nonconformity; Performance Standards. All uses nonconforming at the time of adoption of this Ordinance, by reason of noncompliance with the provisions of Section 1126.06, if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within three years of the adoption of this Ordinance.

(f) Replacing Damaged Buildings. Any nonconforming use or building incurring more than sixty percent (60%) structural damage, shall not be restored or reconstructed and used as before such occurrence but if less than sixty percent (60%) damaged, it may be restored, reconstructed or used as before, provided such restoration begins within six months of such occurrence.

(g) Repairs and Alterations. Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except such as are required by law or ordinance or authorized by the Board. Except as otherwise provided elsewhere in this Ordinance, the total structural repairs and alterations that may be made in a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty percent (50%) of its assessed value for tax purposes at such date, unless such building or structure is changed to a conforming use.

(Ord. 1990-20. Passed 11-26-90.)

CHAPTER 1123 Residence Districts

1123.01	R-1 One-Family Residence District.	1123.03	R-2 One and Two-Family Residence District.
1123.02	R-1-A One-Family Residence District.	1123.04	R-3 Multi-Family Residence District.

CROSS REFERENCES

Animal and fowl - see GEN. OFF. Ch. 505
 Home sales in residential districts - see BUS. REG. Ch. 741
 Districts established; boundaries; general regulations - see
 P. & Z. Ch. 1121
 Special provisions - see P. & Z. Ch. 1126
 Exceptions and modifications - see P. & Z. Ch. 1137

1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses except as provided in Section 1121.07:

- (1) One-family detached dwellings.
- (2) Churches and other places of worship and Sunday school buildings located not less than twenty feet from any other lot in and R-District; schools and colleges for academic instruction, located not less than forty feet, and public libraries, public museums, public art galleries and similar public cultural uses, located not less than twenty feet from any other lot in any R-District; cemeteries.
- (3) Public parks, playgrounds, golf courses or country clubs, provided that any principal building used therefore shall be located not less than forty feet from any other lot in any R-District.
- (4) Nurseries, greenhouses, and general farming, not including commercial animal farms or kennels, provided any lot or tract in such use shall be not less than five acres in area and provide that any greenhouse heating plant or any building in which farm animals are kept shall be distant not less than 200 feet from every lot line.
- (5) Essential services as defined in Section 1121.04.
- (6) Licensed adult family homes as defined in Ohio R.C. 3722.01.
 (Ord. 2010-41. Passed 12-14-10.)

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities not listed above including tennis courts and club swimming pools, provided that no such swimming pool is located nearer than 100 feet from any other lot in any R-District.
- (2) Static transformer stations, booster stations and other utility stations when operating requirements necessitate locating in an R-1 District in order to serve the neighborhood; provided there is no yard or garage for service or storage and provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.
- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R-District.
- (4) Seasonal dormitories for human habitation in publicly owned school buildings.
- (5) Planned development projects, subject to the provisions of Section 1126.05.
(Ord. 1990-20. Passed 11-26-90.)
- (6) Any nonprofit fraternal organization, but not to include residential uses.
(Ord. 1993-7. Passed 5-24-93.)

(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated

to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.

- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter 1126, and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
(Ord. 1990-20. Passed 11-26-90.)

(d) Height Regulations. No principal structure shall exceed thirty-five feet in height, and no detached accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.

(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided in this Zoning Ordinance:

Dwelling (Stories)	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	<u>Side Yards</u>		Rear Yard Depth (Ft.)
				Least Width (Ft.)	Sum of Width (Ft.)	
1	9,000	75	30	7	15	30
2	9,000	75	30	8	20	30

In the case of cul-de-sac turnaround or curvilinear streets or where usual circumstances force irregular lots, the minimum width of the lot shall be seventy-five feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet.

Other permitted uses (except agricultural):

1 story	16,000	100 ft.	30 ft.	12 ft.	30 ft.	40 ft.
2 stories	16,000	100 ft.	30 ft.	15 ft.	35 ft.	40 ft.

(Ord. 2005-29. Passed 2-14-05.)

1123.02 R-1-A ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1121.07:

- (1) One-family detached dwellings;
- (2) Public parks and playgrounds;
- (3) Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities including tennis courts and swimming pools, provided that no such swimming pool is located nearer than twenty-five feet from any other lot in any R District.
- (2) Static transformer stations, booster stations and other utility stations, when operating requirements necessitate locating in an R-1-A District in order to serve the neighborhood; provided there is no yard or garage for service or storage and, provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.

- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R District.
- (4) Planned development projects, subject to the provisions of Section 1126.05.

The following minimum requirements shall be observed except as otherwise provided herein:

Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
			Least Width (Ft.)	Sum of Width (Ft.)	
4500	60	15	7	15	15

(Ord. 1990-20. Passed 11-26-90.)

1123.03 R-2 ONE AND TWO-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 District, and as hereinafter specified in this section: Two-family dwellings. Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning and Building Appeals in accordance with the provisions of Section 1139.02; any conditionally permitted use as regulated in the R-1 District, and as hereinafter modified:

- (1) Dwelling groups.
- (2) Dwellings for any number of families located on a lot adjoining and within 100 feet of a less restricted district or on a lot abutting a primary or secondary thoroughfare as shown on the official Thoroughfare Plan of the City, provided all height, area and yard requirements for a four-family dwelling in an R-2 District are met.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Any general hospital for human care, religious and charitable institution, not less than 100 feet distant from any other in any R District.
- (5) Private noncommercial recreation areas and facilities, including tennis courts and/or swimming pools, provided that no such swimming pool is located nearer than 100 feet to any other lot in any R District.

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 District; except that the raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes; the keeping of not more than three roomers or boarders by a resident family in a structure that is not a bed and breakfast residence.

(d) Height Regulations. Same as specified in R-1 District.

(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One Family Dwelling (Stories)							
1 and 1-1/2	7,000	60		25	7	15	30
2 and 2-1/2	7,000	60		25	8	20	30
Two Family Dwellings (Stories)							
1 and 1-1/2	7,000	60	3,500	25	8	20	30
2 and 2-1/2	7,000	60	3,500	25	10	24	30
Dwelling Groups	9,000	70	4,500	25	12	30	30

In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet. (Ord. 1990-20. Passed 11-26-90.)

1123.04 R-3 MULTI-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 and R-2 Districts and as hereinafter specified in this section: multi-family dwellings for any number of families or housekeeping units.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of Section 1139.02, any conditionally permitted use as regulated in an R-2 District and as hereinafter specified:

- (1) Motels, motor hotels and tourist homes, on premises only that front on a street officially designated as a state or federal highway or primary thoroughfare as designed on the Thoroughfare Plan, and subject to the provisions of Section 1126.02.
- (2) Fraternities, sororities, private clubs, lodges, and meeting places for other similar organizations, not including those that are ordinarily conducted as a gainful business; provided all buildings in which such organizations or activities are housed shall be located at least twenty feet from any lot in any R-1 District.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Apartment hotels, lodging houses, boarding houses for any number of guests, but not primarily for transients; dormitories.
- (5) Clinics for human care, convalescent homes, nursing homes, homes for the aged, group retirement homes, children's nurseries and preschool facilities.

- (6) Professional offices, and offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations, funeral homes, when located only on premises that front on an officially designated state or federal highway, or on a street designated as a primary or secondary thoroughfare under the Thoroughfare Plan.
- (7) Private noncommercial recreation areas and facilities, including tennis courts and/or swimming pools, provided that no such swimming pool is located nearer than twenty-five feet from any other lot in any R District.
- (8) Dwelling groups.
- (9) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R District.
- (10) Attached single-family dwellings
- (11) Patio homes.

(c) Accessory Uses. Any accessory use or structure permitted and as regulated in the R-2 district, and any accessory use or structure customarily incident to accessory to a principal permitted use or conditionally permitted use in the R-3 District.

(d) Height Regulations. No principal structure shall exceed three stories or forty feet in height and no accessory structure shall exceed two stories or twenty-five feet in height except as provided in Section 1137.02.

(e) Lot Area, Frontage and Yard Requirements.

	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One and Two-Family Dwellings and Dwelling Groups	Same as R-2						
Attached Single Family Dwellings	3,500	35	3,500	25	0*	0*	30
Patio Homes	3,500	50	3,400	25	0*	16**	10
Multi-Family Dwellings Stories 1-1 ½	8,000	60	3,000	25	6	16	40
2-2 ½	8,000	60	3,000	25	10	20	40
3	8,000	60	3,000	25	12	25	45
In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback lines, provided, however, that the frontage at the street shall be not less than thirty feet.							

	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
Motels	10,000	80	-	25	10	20	40
Other Uses	Same as R-2						

* Zero-lot-line; minimum of 10 feet at end units.

** 16 feet minimum between buildings where not zero-lot-line.

(Ord. 2010-42. Passed 12-14-10.)

CHAPTER 1125 Nonresidence Districts

1125.01 B-1 Neighborhood Business District.	1125.05 I-2 General Industrial District.
1125.02 B-2 Downtown Business District.	1125.06 P-1 Off-Street Parking District.
1125.03 B-3 General Business District.	1125.07 M - Marina District.
1125.04 I-1 Light Industrial District.	

CROSS REFERENCES

Districts established; boundaries; general regulations - see
P. & Z. Ch. 1121

Special provisions - see P. & Z. Ch. 1126

Exceptions and modifications - see P. & Z. Ch. 1137

Storage of LPG - see FIRE PREV. Ch. 1503

1125.01 B-1 NEIGHBORHOOD BUSINESS DISTRICT.

(a) Principal Permitted Uses. Any retail business or service establishments supplying commodities or performing services primarily for residents of the neighborhood:

- (1) Groceries, delicatessens, meat markets, fruit and vegetable stores, candy stores, bakery stores, drugstores, bookstores, gift shops, florist shops, hardware stores, dry cleaning shops using nonflammable solvents, shoe repair shops, barber shops, beauty parlors.
- (2) Business and professional offices, including drive-in banks.
- (3) Restaurants, tea rooms, soda fountains, ice cream parlors; not including cafes or drive-in restaurants, entertainment or dancing or sale of alcoholic beverages.
- (4) Filling stations, minor automotive repair garages and parking lots, subject to the applicable requirements of Sections 1126.01 and 1126.04.
- (5) Billboards and other outdoor advertising signs and structures, provided these are located on premises abutting an officially designated federal or state highway and subject to the provisions of Section 1126.03 and such applicable provisions of the Planning and Zoning Code.

- (6) Any use permitted and as regulated in the residence district adjoining the B-1 District; and if there are adjoining two or more different categories of residence districts, the regulations of the least restrictive residence district shall prevail.

(b) Conditionally Permitted Uses. The following uses shall be permitted only when specifically authorized by the Board of Building and Zoning Appeals in accordance with the provisions of Section 1139.02:

- (1) Cafes and restaurants permitting sale and consumption of alcoholic beverages, but not including entertainment or dancing, provided the principal building wherein such use is located is distant not less than fifty feet from any R District, drive-in restaurants, restaurants or cafes providing entertainment or dancing, or dispensing alcoholic beverages, when located on the premises on state or federal highways or on a primary or secondary thoroughfare as shown on the Thoroughfare Plan, provided the principal building wherein such use is located is distant not less than 100 feet from any R District.
- (2) Coin-operated self-service laundries and dry cleaning establishments distant not less than fifty feet from any R District.
- (3) Planned development projects, subject to the provisions of Section 1126.05.

(c) Accessory Uses. Accessory uses and structures as permitted and regulated in the least restrictive adjoining residence district, as related only to permitted residential developments, if any, in this district, and any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-1 uses.

Signs accessory to a permitted use on the premises, when attached flat against the building, and real estate and professional signs, subject to the provisions of Section 1126.03 and such other applicable provisions of the Zoning Ordinance.

- (d) (1) Required conditions. All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, establishments of the drive-in type and such outdoor display and storage of vehicles, materials and equipment as hereinbefore specifically authorized or as may be authorized by the Board.
- (2) All products processed shall be sold at retail, primarily on the premises.
- (3) All processing shall be done on the premises and not more than three persons in production shall be employed at any one time.
- (4) Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(e) Height Regulations. No principal structure shall exceed two and one-half stories or thirty feet in height, and no accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.
(Ord. 1990-20. Passed 11-26-90.)

(f) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

<u>Lot Areas</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Nonresidential Uses: None	30 ft.	25 ft.	No side yard required, except when adjoining an R District - then not less than 10 feet	Not less than 20 feet

Residential: Same as the lot area, frontage and yard requirements for the least restrictive adjoining residence district.
(Ord. 1998-39. Passed 12-7-98.)

1125.02 B-2 DOWNTOWN BUSINESS DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-1 District, except residential, and as hereinafter specified in this section, but not including filling stations or repair garages:

- (1) Art or antique shops, interior decorating shops, paint and wallpaper stores, furniture and appliance stores, department stores, variety and dime stores, dry goods and apparel stores, jewelry stores, mail order houses and any other retail business or service not first permitted or prohibited in the B-3 District.
- (2) Any office or office building.
- (3) Banks and savings and loan associations, including the drive-in type; other financial establishments.
- (4) Bars, restaurants, cocktail lounges.
- (5) Billiard parlors and pool halls, not permitting the sale of alcoholic beverages.
- (6) Night clubs and theaters, but not within 100 feet of any R District, subject to all applicable regulations and such permits as may be required by law.
- (7) Trade or business schools, provided any machinery or equipment which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- (8) Commercial studios, including art, photographic, music, dancing and radio studios.
- (9) Hotels, including motels and motor hotels, subject to the provisions of Section 1126.02.
- (10) Newspaper printing and publishing, job printing.
- (11) Automotive services; none, except parking lots, parking garages and automobile car wash establishments 100 feet from an R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Appeals in accordance with the provisions of Section 1139.02:

- (1) Drive-thru facilities are permitted in B-2 zoned districts within the geographical bounds of Main Street between the Huron Boat Basin, 330 North Main Street and US 6 following review and approval of the Planning Commission.

(c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the B-1 District and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses.

(d) Required Conditions. Same as specified for the B-1 District, except for new merchandise in the case of art or antique shops.

(e) Height Regulations. No principal structure shall exceed three stories or forty feet in height, except as provided in Section 1137.02 and subject further to review and authorization by the Board of Building and Zoning Appeals.

- (f) Lot Area, Frontage and Yard Requirements.
Commercial uses: Minimum frontage of thirty feet; otherwise, none except for the provision of loading and unloading.

(g) All lots and lands located within the boundaries of the Huron Center Urban Renewal Area, notwithstanding other requirements of this section, shall be governed by the provisions of the Urban Renewal Plan when such Plan provisions conflict with the requirements of this section. (Ord. 2014-32. Passed 12-23-14.)

1125.03 B-3 GENERAL BUSINESS DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-2 District, plus those hereinafter specified in this section:

- (1) Laundries, clothes cleaning or dyeing establishments, using nonflammable solvents; used merchandise stores; garden supply stores.
- (2) Any wholesale business, storage and warehousing; commercial greenhouses.
- (3) Drive-in eating and drinking places, summer gardens and roadhouses, provided the principal building is distant not less than fifty feet from any R District.
- (4) Bowling lanes, but not within 100 feet of any R District; drive-in theaters, provided the screen shall be located so as not to be visible from adjacent streets or highways and such screen shall be set back not less than 200 feet from the established right of way of any such street or highway.
- (5) Automotive and marine service establishments for automobiles, trucks, trailers, farm implements and pleasure boats, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, commercial moorages and boat rental establishments, uncovered and covered moorage for commercial boats; major automotive repair garages, body and fender shops, paint shops, but not within fifty feet of any R District; automatic car wash establishments 100 feet from any R District.

- (6) Animal hospitals, kennels, housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept are at least 100 feet from any R District and at least fifty feet from any B-1 District.
- (7) Commercial recreation, including baseball fields, swimming pools, roller skating rinks, golf driving ranges, miniature golf courses or trampoline centers, provided such establishments are distant at least 100 feet from any R District.
- (8) Electrical, plumbing, heating shops, furniture upholstering and similar enterprises, not including contractors' yards, but not within fifty feet of any R District.
- (9) Publishing, lithographing, blue printing, etc., but not within 100 feet of any R District.
- (10) Bottling of soft drinks and milk or distribution stations, providing a building used for such processing and distribution is at least 100 feet from any R District.
- (11) Sheet metal shops, sign painting shops, but not within 100 feet of any R District.
- (12) Building materials, including concrete mixing; contractors' equipment storage yard or plant and rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided such uses are conducted either:
 - A. Wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least 100 feet from any R District, unless such building has no opening other than stationary windows and required fire exits within such distance, but not within fifty feet of any R District in any case; or
 - B. When conducted within an area completely enclosed on all sides with acceptable screening, maintained in good condition, not less than six feet high, but not within 100 feet of any R District; provided further that all storage yards related to the uses in this subsection shall be enclosed.
- (13) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of Section 1126.03 and such other applicable provisions of the Planning and Zoning Code.
- (14) Any use permitted and as regulated in the residence district adjoining the B-3 District; and if there are adjoining two or more different categories of residence districts, the regulations of the least restrictive residence district shall prevail.
(Ord. 1990-20. Passed 11-26-90.)

(b) Conditionally Permitted Uses. The following uses provided any building occupied by such use shall be no less than 100 feet from any R District and as authorized by the Board of Building and Zoning Appeals, subject to such further conditions and requirements, as in the opinion of the Board are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (1) Blacksmith, welding or other metalworking shop, machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools.

- (2) Planned development projects, subject to the provisions of Section 1126.05.
- (3) Adult cabarets and adult oriented businesses in accordance with Section 1126.14. In addition, the following regulations shall apply:
 - A. The structure housing such use shall be situated on a parcel of land having an area of at least one acre and shall be the only use on such parcel.
 - B. The parcel of land described in subsection (b)(3)A. hereof shall be located a minimum of 500 feet from the boundaries of any parcel of real estate having situated on it a dwelling unit or units, church, school, playground or park.
(Ord. 1998-39. Passed 12-7-98.)

(c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the R-3 District as related only to permitted residential developments, if any, in this district, plus those uses and structures as permitted and regulated in the B-2 District, plus any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-3 uses, and not otherwise prohibited.

(d) Required Conditions.

- (1) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards in Section 1126.06.
- (2) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, establishments of the drive-in type, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the uses specified in connection with contractors' yards and related establishments above.
- (3) No building customarily used for night operation, such as a wholesale bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

(e) Height Regulations. No principal or accessory structures shall exceed three stories or forty feet in height, except as provided in Section 1137.02 and subject further to review and authorization by the Board. (Ord. 1990-20. Passed 11-26-90.)

(f) Lot Area, Frontage and Yard Requirements.

Commercial uses: Minimum frontage of thirty feet; otherwise, none except for the provision of loading and unloading.
(Ord. 1998-39. Passed 12-7-98.)

Residential uses: Same as the lot area, frontage and yard requirements for the least restrictive adjoining residence district.

(Ord. 1990-20. Passed 11-26-90.)

1125.04 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-3 District, and except for uses and processes prohibited herein, the manufacturing, compounding, processing, packaging and assembling of products specified in the following:

- (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except meat products, sauerkraut, vinegar, yeast and the rendering or refining of fat or oils.
- (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yards.
- (3) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- (4) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (5) Electrical appliances, instruments, devices and equipment, television sets, radios, phonographs.
- (6) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves.
- (7) Experimental, film or testing laboratories, provided no operation is conducted or equipment used which would create hazards, noxious or offensive conditions.

(b) Conditionally Permitted Uses. The following uses, provided no part of a building occupied by such uses has any opening other than stationary windows or required fire exits within 100 feet of any R District, and as authorized by the Board of Building and Zoning Appeals subject to such further conditions and requirements, as in the opinion of the Board are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (1) Adhesive manufacture, not including the refining or recovery of products from fish, animal refuse or offal.
- (2) Blacksmith, welding or other metalworking shop, machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools.
- (3) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
- (4) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- (5) Ice manufacturing and cold storage plant.
- (6) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.

- (7) Building materials sales yards, lumber yards including millwork, open yards for storage and sale of feed and/or fuel.
- (8) Planned development projects, subject to the provisions of Section 1126.05.

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the B-3 District, except as hereinafter modified and such other uses and structures customarily accessory and incidental to any of the foregoing principal permitted uses, except for uses prohibited in an I-1 District.

(d) Required Conditions.

- (1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, establishments of the drive-in type, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the following uses specified above; inflammable liquids; building materials sales yards, etc.
- (2) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

(e) Prohibited Uses. The following uses and any use which is first permitted or prohibited in the I-2 District:

- (1) Dwelling and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the I-1 District at the time of adoption of this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.
- (2) No use shall be permitted or authorized to be established or maintained, which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Zoning Ordinance, and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to emission of odor, dust, smoke, cinders, gas fumes, radioactivity, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Within 100 feet of any R District, no structure shall exceed three stories or fifty feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any adjoining street, except as provided in Section 1137.02.
(Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed; except as otherwise provided herein:

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Nonresidential	30 ft.	25 ft.	None except adjoining R District - then not less than 25 feet each.	1-story: 30 feet

Dwellings or residential parts of nonresidential dwellings

Not permitted in District

Existing dwelling
(Ord. 1998-39. Passed 12-7-98.)

Same as R-3

1125.05 I-2 GENERAL INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted in the following, in certain parts of the District; or permitted in certain parts subject to Board of Building and Zoning Code Appeals authorization; or which is not prohibited in the I-2 District by this section or by any other law or ordinance.

Any of the following uses, when located not less than 200 feet from any R District, and not less than 100 feet from any B-1 or B-2 District.

Acetylene manufacturing in excess of fifteen pounds pressure per square inch

Automobile assembly

Bleaching, cleaning and dyeing plant of large scale production

Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metalworking shops employing reciprocating hammers or presses over twenty tons rated capacity

Brewing or distilling of liquors

Candle manufacturing

Dextrine, starch or glucose manufacturing

Disinfectant, insecticide or poison manufacturing

Dye and dyestuff manufacture

Enameling, lacquering or japanning

Emery cloth or sandpaper manufacturing

Felt manufacturing
Flour or grain mill
Forge or foundry works

Gas - generation or storage for illumination or heating
Grain drying or poultry feed manufacturing from refuse,
mash or grain

Hair or hair products manufacturing

Lime or lime products manufacturing
Linoleum, oil cloth or oiled goods manufacturing

Match manufacturing
Meat packing; but not stockyards or slaughterhouses

Oil, paint, shellac, turpentine, varnish or enamel
manufacturing

Paper and pulp manufacturing
Perfume manufacturing
Pickle, sauerkraut or sausage manufacturing
Plaster manufacturing
Poultry slaughterhouses, including packing and storage
for wholesale
Printing ink manufacturing

Sandblasting or cutting
Sawmill, the manufacture of excelsior, wood fiber or
sawdust products
Sewage disposal plant, except by the Municipality
Shipbuilding and repair
Shoddy manufacturing
Shoe blacking or polish or stove polish manufacturing
Soap manufacturing
Steam power plant, except where accessory to a permitted
principal use
Stone and monument works employing power-driven tools
Storage, drying, cleaning of iron, junk, rags, glass, cloth,
paper or clipping, including sorting, refining, baling, except woolpulling and
scouring
Sugar refining

Trucking terminal

Vehicle storage and repair
Veterinary clinics and kennels
Vinegar manufacturing
Warehousing and storage
Wire or rod drawing - nut, screw or bolt manufacturing
Yeast manufacturing
(Ord. 1990-20. Passed 11-26-90.)

(b) Conditionally Permitted Uses. Any of the following uses when located not less than 300 feet from any R District, and not less than 100 feet from any B-1 or B-2 District, and requirements as in the opinion of the Board, are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Acid manufacturing

Ammonia, chlorine or bleaching powder manufacture

Animal black, lamp black, bone black or graphite
manufacture

Asphalt, cement, charcoal and fuel briquettes
manufacture

Celluloid or pyroxyline manufacturing, or explosive or
inflammable cellulose or pyroxyline products manufacturing or storage

Cement, lime, gypsum or plaster of Paris manufacture

Coal yards

Cooperage works

Crematory

Creosote manufacture or treatment

Distillation of coal, petroleum, refuse, grain, wood or
bones, except in the manufacture of gas

Explosives manufacture or storage except for small arms
ammunition

Fertilizer, compost - manufacture or storage

Fish curing, smoking or packing, fish oil manufacture
or refining

Garbage, offal, dead animals, refuse, rancid fats -
incineration, reduction or storage

Glue manufacture, size or gelatin manufacture where the
processes include the refining or recovery of products from fish, animal refuse
or offal

Hog farm

Junk yard

Livestock feeding yard

Petroleum or inflammable liquids production, refining
and storage aboveground

Rubber, caoutchouc or gutta-percha manufacture and
treatment from crude or scrap material or the manufacture of balata

Slaughtering of animals or stockyards
Smelting of ferrous or nonferrous ores
Steel furnaces, blooming or rolling mills
Storage, curing or tanning of raw, green or salted hides
or skins

Tar or asphalt roofing or waterproofing manufacturing
Tar distillation or manufacturing

Telecommunications towers in accordance with the following conditions:

- (1) The tower must be located a minimum of the height of the tower and all antennae from the closest right-of-way line. (Side and rear setbacks shall comply with those required structures in the I-2 District.)
- (2) The tower structure must be completely enclosed within a fence at least six feet in height for security purposes.
- (3) Accessory structures shall not exceed 15' x 30' in total area.
(Ord. 1998-39. Passed 12-7-98.)

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the I-1 District, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to a permitted use.

(d) Required Conditions. Any use may be conducted in the I-2 District within or without a building or enclosure, subject only to distance requirements where applicable and to such other conditions as may be imposed, in specific cases, by the Board.

Junk yards shall be enclosed by an acceptable fence, wall or other screening, maintained in good condition, not less than six feet high.

(e) Prohibited Uses. Dwellings and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.

No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Ordinance and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Same as specified in I-1 District.
(Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Nonresidential Structures - None	30 ft.	20 feet	None except when adjoining R or B-1 or B-2 District - then the otherwise specified distance requirements	1-story: 40 feet 2-story: 50 feet 3-story: 60 feet Five feet each additional story

Dwelling or residential parts of nonresidential buildings

Not permitted in District

Existing dwellings: Same as R-3
(Ord. 1998-39. Passed 12-7-98.)

1125.06 P-1 OFF-STREET PARKING DISTRICT.

(a) Principal Permitted Uses. Land situated in this District shall be used exclusively for providing off-street loading space and off-street parking space for any building or part thereof now in existence or hereinafter erected which is or is to be occupied for any use, which would be required to furnish and provide off-street loading space and/or off-street parking space by Section 1126.01 if subject to the requirements thereof.

(b) Required Conditions. Prior to the issuance of a zoning certificate for the use of any parcel of land located within an Off-Street Parking District, such parcel shall be developed and improved so that all of the requirements set forth in Section 1126.01(a), (b) and (c) are complied with and provided the following specific requirements are also complied with:

- (1) Each parking area shall be effectively screened on each side which adjoins premises situated in any R District, or institutional premises, by an acceptable fence six feet in height which will afford privacy to adjacent properties. On rear lot lines, the fence shall extend the entire width of the parking area and on side lot lines, the fence shall extend from the rear lot line to the building setback line as established in each adjoining zoning district.
- (2) No part of any parking area for more than five vehicles shall be closer than ten feet to any adjoining lot line.

- (3) Each parking area for more than five vehicles and driveways leading to and from such areas shall be surfaced with asphaltic or Portland Cement binder pavement so as to provide a durable and dustless surface; shall be graded and drained so as to dispose of all surface water accumulated within the area and shall be arranged and marked so as to provide for orderly and safe loading or unloading and parking of self-propelled vehicles.
- (4) All lighting used to illuminate an off-street parking area shall be arranged so as to reflect the light away from adjoining premises in any R District. (Ord. 1990-20. Passed 11-26-90.)

1125.07 M - MARINA DISTRICT.**Principal Permitted Use:**

- (a) In-water boat dockage and required passenger vehicle parking only. (No RV's, trailers (boat or residential), or campers).
- (b) No accessory uses or structures or conditionally permitted uses shall be allowed except restrooms as required by Health Department regulations. (Ord. 1990-20. Passed 11-26-90.)

CHAPTER 1126 Special Provisions

1126.01	Off-street parking and loading regulations.	1126.10	River Park Planned Industrial Development Project Overlay Zone.
1126.02	Motels and motor hotels.	1126.11	Planned Office Development Project Overlay Zone.
1126.03	Sign regulations.	1126.12	The Western Planned Commercial Strip Shopping Center Overlay Zone.
1126.04	Service stations and garages.	1126.121	Basin District Overlay Zone. (Repealed)
1126.05	Planned development projects.	1126.13	Landscape requirements.
1126.06	Performance standards.	1126.14	Regulations governing adult cabarets and adult oriented businesses and their employees.
1126.07	Planned mobile home residential developments.		
1126.08	Bed and Breakfast Residence Overlay Zone.		
1126.09	University Park Planned Industrial Development Project Overlay Zone.		

CROSS REFERENCES

Automotive repair defined - see P. & Z. 1121.07

Motel and motor hotel defined - see P. & Z. 1121.05

Sign defined - see P. & Z. 1121.04

Conformance with performance standards - see P. & Z. 1121.06(p)

Nonconformity of performance standards - see P. & Z. 1121.07(e)

1126.01 OFF-STREET PARKING AND LOADING REGULATIONS.

(a) Off-Street Loading Space. In any district, in connection with any building or part thereof, hereafter erected or altered which is to be occupied by manufacturing, stores, warehouses, goods display, retail commercial, wholesale commercial, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained, on the same lot with such buildings, off-street loading space in accordance with the following schedule:

Floor Area of Building (Sq. Ft.)	Total Number of Off-Street Loading Spaces
Less than 10,000	0
Over 10,000 to 20,000	1
Over 20,000 to 40,000	2
Over 40,000 to 60,000	3
Over 60,000 to 80,000	4
Over 80,000 to 100,000	5

When the floor area of the building exceeds 100,000 square feet, the number of off-street loading spaces shall be determined by the Board of Building and Zoning Appeals.

Each loading space shall be not less than ten feet in width, twenty-five feet in length and fourteen feet in height.

Such loading space may occupy all or any part of any required yard, provided, no space shall be closer than fifty feet to any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by an acceptable fence or wall or other enclosure maintained in good condition, not less than six feet in height.

(b) Off-Street Parking Space. In all districts, except B-2, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

(c) Parking and Loading Access. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eighteen feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R District, such easement of access or access drive shall not be located in any R District.

(d) Floor Area Defined. For the purposes of applying the requirements for off-street parking or loading spaces herein, "floor area", in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(e) Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in the following:

	<u>Parking Spaces Required</u>
Automotive or machinery sales and service garages	One for each 800 square feet floor area
Banks, business and professional offices	One for each 400 square feet floor area
Bed and breakfast residence	One for each guest room, plus two for the resident owner-manager

Boat rack storage	<u>Parking Spaces Required</u> .43 for each boat space
Bowling lanes	Five for each lane
Churches and schools	One for each eight seats in an auditorium or one for each seventeen classroom seats; whichever is greater
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	One for each 100 square feet of floor area used for assembly or dancing
Dwelling unit: One bedroom or efficiency	1.5 for each unit
Two bedroom or three bedroom	2.0 for each unit
Four bedroom or more	2.5 for each unit
Funeral homes, mortuaries	Four for each parlor, or one for each fifty square feet of floor area
Furniture and appliance stores, household equipment or furniture repair shop of over 1,000 square feet floor area	One for each 400 square feet of floor area
Hospitals	One for each two beds
Hotels, lodging houses	One for each two bedrooms
Manufacturing plants, research or testing laboratories, bottling plants of over 1,000 square feet in area	One for each two employees on the maximum working shift, or for each 1,200 square feet of floor area, whichever is greater
Medical or dental clinics	One for each 200 square feet of floor area
Motels and motor hotels	One space for each living/ sleeping unit
Restaurants, beer parlors and clubs of over 1,000 square feet in area	One for each 200 square feet of floor area
Retail stores, shops, etc. of over 2,000 square feet floor area	One for each 150 square feet of floor area
Sanitariums, convalescent homes, childrens' homes	One for each six beds
Sports arenas, auditoriums, assembly halls other than schools	One for each six seats
Wet-slipped boat dockage/storage	.75 for each boat space

Wholesale establishments or warehouses	<u>Parking Spaces Required</u> One for each three on maximum shift or for each 3,000 square feet of floor area, whichever is greater
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In the case of any building, structure or premises, the use of which is not specifically listed herein, the provisions for a use which is so listed and to which such use is similar or comparable in regard to generality of parking demand shall apply.

(f) Development and Maintenance of Parking Areas. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- (1) Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R District, or institutional premises, by an acceptable fence or wall or other screening, maintained in good condition. Such screening shall be not less than four feet or more than six feet in height and shall not have any advertising thereon. In any R District, the space between such screening and the nearest side lot line or the front lot line shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
- (2) No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall. If not in an R District but adjoining such District, that part of the parking area within fifty feet of any R District shall not be located within twenty-five feet from the established street right-of-way line.
(Ord. 1990-20. Passed 11-26-90.)
- (3) Any off-street parking area for more than five vehicles, in any district, shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface, shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
(Ord. 1993-7. Passed 5-24-93.)
- (4) Any lighting used to illuminate any off-street parking area shall be arranged so as to reflect the light away from adjoining premises in any R District.

(g) Modifications. The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.

(h) Joint Use of Facilities.

- (1) Not more than fifty percent (50%) of the off-street parking facilities required under this section for a theater, bowling lanes, dance hall or an establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, and up to one hundred percent (100%) of such facilities required for a church by public off-street parking facilities or by off-street parking provided for certain other kinds of buildings or uses specified in subsection (h)(2) hereof, which are not normally open, used or operated during the principal operating hours of theaters, churches or the aforesaid establishments; and not more than fifty percent (50%) of the off-street parking facilities required under this section for certain buildings or uses specified in subsection (h)(2) hereof, may be supplied by such facilities provided for theaters, churches or other aforesaid establishments, provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the Director of Law, shall be filed with the application for a building permit.
- (2) Buildings or uses not normally open, used or operated during the principal operating hours of theaters, churches or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings and similar uses. (Ord. 1990-20. Passed 11-26-90.)

1126.02 MOTELS AND MOTOR HOTELS.

(a) General Requirements. Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.

The buildings, or cabins in any tourist camp, or motel or motor hotel, together with any nonaccessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five percent (25%) of the area of the lot. All areas used for automobile access and parking shall comply with the applicable provisions of this Zoning Ordinance.

No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 100 feet on both sides of a street of any school, public playground, church, hospital, library or institution for dependents or for children, measured from lot lines extended, except where such property is in another block or another street which the premises in question do not abut.

All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition.

(b) Enlargement; Board Approval. Any enlargement or extension to any existing motel shall require application for a zoning certificate, as if it were a new establishment.

No enlargements or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

(Ord. 1990-20. Passed 11-26-90.)

1126.03 SIGN REGULATIONS.

(a) Purpose. The purpose of this section is to promote the public health, safety and welfare, to protect property values, to enhance and preserve the physical appearance of the community and to reduce distractions and physical hazards by the regulation and control of the erection, placement and maintenance of signs within the corporate limits of the City.

(b) Definitions. For the purpose of this section, "sign" means any device or display located outdoors in view of the general public and designed to inform the public or to advertise or to promote a product or service.

(1) Sign type - based on design or location.

- A. "Ground signs" are designed to be self-supporting, without attachment to a building or other supporting structure. They may be supported by one or more poles or posts, with or without bracing, or may be freestanding, depending for stability upon their weight and base area and/or projection of a support, or supports, into the earth.
- B. "Projecting signs" means flat or V-shaped signs designed to project at right angles from the face of the building to which they are fastened.
- C. "Roof signs" means single or double-faced signs mounted upon the roof structure of a building. This also includes signs painted or displayed directly upon the roof surface.
- D. "Suspended signs" means banners or framed signs supported by suspension between two fixed objects.
- E. "Wall signs" means flat signs mounted upon the face of a wall or painted upon a wall or window surface.
- F. "Awning signs" means signs painted upon a cloth, plastic or metal surface supported by a metal frame fastened to the front of a building and designed to be raised to a position flat against the building when not in use.
- G. "Canopy signs" means signs mounted or placed upon a cloth, plastic or metal surface supported by a metal frame fastened to a building at one end and supported by legs or posts at the other.
- H. "Marquee signs" means signs mounted upon or integral with a covered framework of permanent nature projecting from the face of a building above an entrance and open on three sides.

- I. "Street clock signs" means advertising messages displayed upon the surface of a clock mounted upon the face of a building or upon the adjacent sidewalk and designed primarily to attract the attention of pedestrian traffic.
- J. "Time-temperature signs" are designed to project current information on time and temperature through the display of illuminated figures.
- K. "Illuminated signs" means signs in which all or a portion of the message is outlined by fluorescent tubes, low-wattage lamps or other lot brightness sources or by floodlighting the surface of the sign.
- L. "Flashing signs" means signs, other than time-temperature signs, in which intermittent flashing of lights is used to accentuate the sign message.
- M. "Portable signs" means any signs designed to be transported, including but not limited to signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A- or T-frame signs; attached temporarily or permanently to the ground, a structure or other signs; mounted on a vehicle for advertising purposes, parked and visible from the public right of way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business; menu and sandwich boards; searchlight stands; and air or gas-filled balloons or umbrellas used for advertising.

(2) Sign type - based on purpose or usage.

- A. "Advertising signs" indicate the source or promote the use of a product or service.
- B. "Air markers" means signs or groups of signs painted on a large roof or the side of a tall structure to give aeronautical or geographic information to the pilot of passing aircraft.
- C. "Building identification signs" show the name and date of erection of the building upon which they are displayed. They are usually cut into a masonry surface or constructed of bronze or other durable material.
- D. "Bulletin boards" means signs, usually of the ground or wall type, located on the grounds of a public, charitable or religious institution for informational purposes.
- E. "Contractor's sign" means temporary signs located at a construction site to inform the public of the name of the project, name of contractor, name of engineer and similar data.
- F. "Directional signs" means off-premises signs directing traffic to a given site, premises or facility.
- G. "Election signs" means temporary signs advocating the candidacy of a certain individual or group or the passage or defeat of a political issue.
- H. "Geographical area signs" designate the location of a group of related sites or activities such as Chaska Beach, Huron Plaza or Sawmill Creek Industrial Park.
- I. "House identification signs" means small signs showing a resident's name and street number.

- J. "Professional occupation signs" means small signs listing the profession or occupation of a building resident.
 - K. "Real estate signs" means temporary signs indicating the availability for sale of the premises upon which located.
 - L. "Temporary signs" means signs fabricated of paper, cardboard, plywood, fabric or other light, impermanent material intended to be displayed unchanged. Such signs are limited to special event purposes and for a period not to exceed thirty days in advance of and eight days after the campaign or activity for which they were erected.
 - M. "Safety signs" means any signs approved by the City, State or Federal Government, or any board, commission or subdivision thereof, for the warning, guidance or protection of the public, and particularly includes all traffic signs and devices.
 - N. "Special event signs", means temporary signs announcing an event to be held in the immediate vicinity of the location of the sign.
 - O. "Warning signs" means private signs warning of the dangers of trespass upon the premises where placed.
 - (3) "Person" means any individual, corporation, company, partnership, association or organization.
 - (4) "Sign area" means the gross area required to enclose the sign message, including any symbols, borders or embellishments. For double-faced signs, only one side is considered in determining sign area. If the individual characters of a wall sign are widely spaced across the face of a building, the gross area of the sign may be considered as twice the sum of the net areas of the characters.
- (Ord. 2011-34. Passed 10-11-11.)

(c) Permits. Subject to the exceptions noted herein, no sign shall be erected, placed or maintained within the City limits without first obtaining a sign permit from the Zoning Inspector and paying the required fee. Signs containing electrical components also shall be subject to the provisions of the City Electrical Code and the permit fees required thereunder.

- (1) Exceptions. Permits are not required for the following types and sizes of signs, but they are otherwise subject to all pertinent provisions of this section:
 - A. Christmas greetings and decorations.
 - B. Building identification, house identification, professional occupation or election signs not exceeding nine square feet in area and located on the premises of the sign owner.
 - C. Bulletin board, real estate, and advertising signs of the wall or ground type, not exceeding six square feet in area and located on the premises of the sign owner.
 - D. Contractor's signs not exceeding twenty square feet in area and located on the construction site.
 - E. Safety signs.
- (2) Application. Application for a sign permit shall be made upon forms provided by the Zoning Inspector, and shall contain or have attached thereto the following information or exhibits:
 - A. Name, address and telephone number of the applicant.
 - B. Location and identification of the structure, building or parcel of ground upon which the sign is to be placed.

- C. A site plan showing the location of the proposed sign in relation to all existing buildings and driveways, proposed buildings and driveways, all right-of-ways, and adjacent driveways on abutting properties.
 - D. Two prints or drawings of plans and specifications, showing details of construction, sign area and method of mounting or attachment.
 - E. Name and address of person responsible, for design and erection of the sign.
 - F. Consent of the owner of the premises upon which the sign is to be erected or placed, if different from the applicant.
 - G. Any electrical permit required.
 - H. Such additional information or documents as the Zoning Inspector shall require. At his option, this may include a certificate from a registered engineer or architect approving the design and construction method.
- (3) Permit issuance and renewal. The Zoning Inspector shall review the permit application and related documents, and shall examine the proposed site of erection. If he finds that the requirements of this section have been met, and that the proposed sign is appropriate to its proposed setting, he may issue a sign permit. If the work authorized under the permit is not completed within six months of its issuance, it shall become null and void. Sign permits, with the exception of portable and temporary sign permits, shall be issued for initial periods of five years, and shall be automatically renewable for similar periods upon determination by the Zoning Inspector that the sign is being maintained in accordance with the provisions of this section and of the permit itself. Permits for portable and temporary signs shall be limited to a period of thirty days. There shall be no more than two portable or temporary sign permits issued per business per calendar year and the permits cannot run consecutively.
- (4) Appeals. If an application is refused by the Zoning Inspector, the applicant may appeal the decision to the Board of Building and Zoning Appeals. The Board may reverse the decision of the Zoning Inspector or grant a variance from specific provisions of this section if it finds that such action will not be contrary to the public interest and that a literal application of it will result in undue hardship on the applicant.
- (5) Fees. Fees for all signs, including temporary and portable, shall be that prescribed by the City Council in Section 1321.12 of the Codified Ordinances.
- (6) Signs for nonconforming use areas. In nonconforming use areas, the Board of Building and Zoning Appeals may grant permits for signs appropriate to the actual use of the premises but shall exercise special consideration for the impact and effect of the sign on nearby areas of conforming use.
- (7) Inspection, correction and removal. If the Zoning Inspector finds that any sign is unsafe or insecure or not maintained in accordance with the requirements of this section, he shall issue written notice to the permit holder directing its correction or removal. If the notice is not complied with within three days of receipt, the Zoning Inspector shall initiate legal process to remove the sign or to enforce compliance. If the sign presents an immediate peril to persons or property, the requirement of notice is waived and the sign may be summarily removed.

- (8) Penalties. Failure to comply with a legal order for correction or removal shall be punishable by a fine not exceeding one hundred dollars (\$100.00) plus assessment of court costs and costs of sign removal.
- (9) Existing signs. Signs not conforming to this section but which were legal when erected may be continued in use under a special nonconforming permit. This authorization shall not extend beyond the time that the sign requires removal, replacement, relocation or major repair or renovation costing at least half the amount required for a new sign of similar size and construction. Nonconforming permits are subject to payment of initial and renewal fees as specified in subsection (c)(5) hereof.
- (10) Letter of authorization. In lieu of the formal permit procedure, the Zoning Inspector may issue a letter of authorization for a sign intended for short-term use, not to exceed ninety days. Restrictions and requirements shall be noted in the letter, and the sign shall be removed promptly at the expiration of the authorized period. A fee of five dollars (\$5.00) shall be charged for each letter of authorization.
- (11) Conditional use signs. Sign permits issued as conditional uses in subsection (d) hereof shall be approved by the Board. It is intended that the Board of Building and Zoning Appeals shall have broad powers in considering novel and unusual designs and in granting waivers or variances from the strict letter of the regulations whenever it appears that such action will serve the public interest and will be consistent with the broad intent and purpose of this section.
- (12) Signs and sign structures on properties for uses, buildings, or businesses that have been closed and/or abandoned for a period of forty-five (45) days shall be removed from the premises. This includes all sign poles, sign frames, sign foundations, and all other sign appurtenances related to the aforementioned sign. (Ord. 2012-31. Passed 7-24-12.)

(d) Authorized Sign Types by Zoning District. The following table indicates by use of the letter "Y" the types of signs permitted within each zoning district. If followed by a numeral, this indicates the maximum size of the sign in square feet for this permitted use. The letter "C" indicates a conditional use, which requires approval of the Board of Building and Zoning Appeals. A blank space indicates a non-allowable use.

A single sign may fall into several type designations, all of which must be permitted uses within the zoning district in which the sign is to be located. For example, a ground-mounted real estate sign may be permitted in a residential district but only if not illuminated. Further, placement of real estate signs shall be limited to the property or parcel actually being advertised for sale and shall not exceed the maximum square footage allowed in the chart.

Size limitations, in square feet, are shown in subscripts. No bulletin board or contractor's sign in a residential zone shall exceed five feet in any dimension; with the exception of election signs, no other sign in a residential zone shall exceed three feet in any dimension; letters on a sign in a residential zone shall not exceed five inches in height.

Type of Sign	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	I-1	I-2	P-1
Ground	Y	Y	Y	Y	Y24	Y24	Y24	Y100	Y100	Y30
Projecting					Y10	Y10	Y10	Y15	Y15	
Roof					C	C	C	C	C	
Suspended					C	C	C	C	C	
Wall	Y	Y	Y	Y	Y30	Y30	Y100	Y120	Y120	
Awning					Y12	Y12	Y12			
Canopy					Y20	Y20	Y20			
Marquee					Y20	Y20	Y20			
Street Clock					Y4	Y4	Y4			
Time-Temp					Y15	Y15	Y15			
Illuminated				Y	Y	Y	Y	Y	Y	Y
Flashing										
Portable					10	10	10	10	10	10
Advertising					Y	Y	Y	Y	Y	Y
Air Marker					C	C	C	Y	Y	
Bldg. Ident.					Y5	Y5	Y5	Y5	Y5	
Bulletin Brd.			Y15	Y15	Y20	Y20	Y25			
Contractor's	Y15	Y15	Y15	Y15	Y20	Y20	Y25	Y30	Y30	Y20
Directional					Y4	Y4	Y4	Y5	Y5	
Election	Y9	Y9	Y9	Y9	Y9	Y9	Y9	Y9	Y9	
Geographic Area	C	C	C	C	C	C	C	C	C	
House Ident.	Y3	Y3	Y3	Y3	Y4		Y4			
Professional	Y3	Y3	Y3	Y3	Y4	Y4	Y4			
Real Estate	Y6	Y6	Y6	Y6	Y6	Y6	Y6	Y8	Y8	Y6
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Safety	Y4	Y4	Y4	Y4	Y4	Y4	Y4	Y4	Y4	
Warning	Y3	Y3	Y3	Y3	Y4	Y4	Y4	Y6	Y6	Y4
Special Event	Y3	Y3	Y3	Y3	Y	Y	Y	Y	Y	

(e) General Requirements. The following general requirements shall apply to all sign installations:

- (1) Design.
 - A. Signs shall be designed, constructed, fastened or anchored to withstand a wind pressure of forty pounds per square foot applied from any direction to the projected surface of the sign.
 - B. Safety glass shall be used for all glass surfaces.
 - C. Overall height of a sign shall not exceed eight (8) feet above adjacent or highway levels unless required for adequate visibility or traffic clearance, in which case the Board of Appeals shall consider and approve the adjusted height after conferring with the Fire Chief and Police Chief.
 - D. Ground clearance shall not be less than eight feet for any sign extending over a pedestrian right of way or fifteen feet for a sign extending over a vehicular way.
 - E. Total area of signs erected or displayed on a given premises shall not exceed two square feet for each lineal foot of street frontage.
- (2) Location.
 - A. No sign shall be erected, located or maintained in such manner as to obstruct free use of any door, window, fire escape or other safety exit.
 - B. No sign shall be erected, located or maintained in a location where it interferes with free vision of traffic approaching any intersection of streets, roads, alleys, private drives or other vehicular ways; not where it may interfere with, obstruct the view, or be confused with an authorized traffic sign or safety device. Words, phrases or symbols which may confuse traffic shall be avoided.
 - C. The City Council has full review and approval authority for any sign erected in the median of Rt. #6 between the walk-over bridge and Williams Street.
- (3) Other requirements.
 - A. The size, message content and conspicuity of all signs shall be appropriate for their intended use, and shall be compatible with the neighborhood wherein located. Use of any obscene or objectionable wording or subject matter is expressly prohibited.
 - B. All signs shall be maintained in a sightly manner by regular cleaning, painting or repairing as necessary.
 - C. If this section is more or less restrictive than other legal regulations, such as federal or state laws governing signs along highways or regulations of the Design Review Committee for signs in the urban renewal area, the more restrictive regulation shall govern.

(f) Special Requirements. The following special requirements shall apply only to specific types of signs, as indicated.

- (1) Projecting signs shall not extend more than five feet from the wall to which they are attached nor closer than three feet from the street curb line.
- (2) Roof signs, where permitted, shall not extend more than five feet above the roof surface to which attached.
- (3) Illuminated signs shall be designed and located so as to prevent glare or discomfort to the users of adjacent properties.
- (4) Street clocks and time-temperature signs shall be maintained and regulated so as to provide only accurate information.
- (5) Portable signs served with electricity shall be located no more than six feet from a permanent metal-conduited weatherproof electric outlet box from which service is provided to the sign. Portable signs shall only be permitted where they are provided with securely affixed letters. Portable signs shall not be permitted where they have red, green or yellow lights, moving parts, and/or directional messages like "stop", "turn" or "exit". Portable signs shall only be permitted where their total area is ten square feet or less.

(g) Severability. If any subsection within these sign regulations is held invalid or unconstitutional by any court of competent jurisdiction, such subsection shall be held to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining subsections thereof.

(Ord. 2011-34. Passed 10-11-11.)

1126.04 SERVICE STATIONS AND GARAGES.

(a) Entrance; Distance Requirements. No gasoline filling station, parking lot for twenty-five or more motor vehicles or parking garage or automotive repair shop shall have an entrance or exit for vehicles within 100 feet on both sides of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, measured from lot lines extended, except where such property is in another block or on another street which the lot in question does not abut.

(b) Oil Draining, Etc. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within ten feet of any street lot line or within twenty-five feet of any R District, except where such appliance or pit is within a building.
(Ord. 1990-20. Passed 11-26-90.)

1126.05 PLANNED DEVELOPMENT PROJECTS.

(a) General Provisions. The owner of a tract of land containing not less than the minimum area required in this section may submit to the Planning Commission for review a preliminary plan for the use and development of such tract of land for:

- (1) A planned shopping center, provided the tract is located in a B-3 Zone, or is located where a shopping area is indicated on the long-range plan map of the Policies Plan.
- (2) A residential planned development project, provided that the tract is located in an R District, or is located at or near where a new residential area is indicated on the long-range plan map of the Policies Plan.
- (3) A planned office center, or special "boardwalk" commercial center, as specified herein. A planned industrial, office or office/research park, provided that the tract is located in an M District, or is located where a development of this nature is indicated on the long-range plan map of the Policies Plan.

In accepting such a plan for review, the Commission shall be satisfied that the proponents of the development project are financially able to carry out the project; that they intend to start construction within one year of approval of the project by Council, or of the effective date of any necessary change in zoning, whichever is later; and intend to complete the development within a reasonable time as determined by the Commission.

(b) Commission to Investigate. The Commission shall investigate and ascertain whether the location, size and other characteristics of the site in the proposed plan comply with the following conditions:

- (1) The proposed project is in harmony with the comprehensive Master Plan;
- (2) The project will not adversely affect neighboring property;
- (3) The project is at a location where traffic congestion does not exist at present on the streets to be utilized in conjunction therewith, and where such congestion will not likely be created as a result of the project;
- (4) The plan of the project provides for integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining or surrounding existing or potential developments.

(c) Commercial Developments. If the proposed development is for a shopping center, the Commission shall be guided by the following requirements and standards:

- (1) The minimum site area for a neighborhood shopping center shall be two acres and the minimum site area for a shopping center larger than neighborhood type shall be ten acres.
- (2) The permitted uses in the case of a neighborhood shopping center shall be those permitted in the B-1 District in this Zoning Ordinance; and the uses permitted in larger shopping centers shall be those permitted in the B-2 District in this Ordinance.
- (3) Building height and yard requirements shall be the same as prescribed for the district in which the proposed project is to be located, provided that no building shall be less than fifty feet distant from any boundary of the site of the center.
- (4) The ground area occupied by all buildings shall not exceed in the aggregate twenty-five percent (25%) of the total area of the site.
- (5) Notwithstanding any other provisions of this Ordinance, there shall be provided one off-street parking space of each 150 square feet of rental floor space, not including basement storage space; and there shall be provided at least one off-street loading or unloading space for each 10,000 square feet or fraction thereof of aggregate floor space of buildings in the center. At least one-third of the loading space shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

(d) Western Planned Commercial Strip Shopping Center Projects. If the proposed development is to be a Western Planned Commercial Strip Shopping Center, the Planning Commission shall be guided by the following requirements and standards:

- (1) The site shall be located in an overlay zone as specified in Section 1126.12 and shall meet the requirements specified therein.
- (2) Permitted uses shall be those permitted in the B-1 District.
- (3) Site development standards:
 - A. The landscaping and off-street parking requirements of Sections 1126.13 and 1126.01 shall be met.
 - B. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility installations and appurtenances shall be adequately screened.
 - C. No more than one twenty-four foot wide curb cut per project area shall be permitted on the minor access street, on the new street to the south for the area south of the railroad, on Rye Beach Road for the other three project areas, no less than 100 feet back from the curb line of the intersecting street, and not more than two such curb cuts shall be permitted on the major street frontage, with no curb cut less than 100 feet from the curb line of an intersecting street.
 - D. Landscaped buffer strips no less than thirty feet in depth, provided with grass, shrubs, flowers and trees, as designed by a registered landscape architect, shall abut all street rights of way for the full length of the property except where curb cuts are permitted.
 - E. The approved site plan shall provide for on-site landscaped open spaces at the sides and rear of the project equal to the half-width of the spaces indicated in the Policies Plan as public and private non-farm open spaces on the long-range plan map. Where such spaces directly abut a side or rear area of a planned strip commercial project, they shall contain earth berms and tree/shrub plantings to provide no less than forty percent (40%) opacity at any point along these lines to a height of ten feet, and shall be provided with six-foot wide paved pedestrian/jogging/bicycle paths for their full length, connecting with surrounding areas.
 - F. Wet run-off retention basins shall be provided in landscaped areas, provided with aerating fountain jets to reduce stagnation, to retain surface run-off and to meter it into the existing drainage network at no greater velocity and volume than that generated prior to development.

- G. Design review approval by the Planning Commission of an overall development plan for the entire project area, including circulation, parking, landscaping, retention ponds, paths and proposed building elevations shall be required prior to approval of any partition or sale of the site area or any construction on the site.
 - H. All exterior building walls and structures shall be constructed with attractive and durable materials, such as textured concrete, brick masonry, stone or glass.
- (e) Residential Developments. If the proposed development is to be a residential community development project, the Planning Commission shall be guided by the following requirements and standards:
- (1) The minimum site area for a residential planned development project shall be ten acres if located in an R-1 District, and three acres if the project is located in an R-1-A or R-2 District, or an R-3 District.
 - (2) Permitted uses and residence types shall be the same as those permitted in the R District within which it is located, or consistent with the long-range plan map of the Policies Plan.
 - (3) Building height and yard requirements shall be the same as those established for the R District within which it is located, or consistent with the long-range plan map of the Policies Plan.
 - (4) The average lot area per family or dwelling unit, or the average net site area per dwelling unit in a condominium project shall not be less than eighty percent (80%) of the lot area per family required in the R District within which the project is located or the use type indicated on the long-range plan map of the Policies Plan.
 - (5) Further reduction of up to ten percent (10%) of the lot area per family required in the R District within which the project is located or as indicated for the use type shown on the long-range plan map of the Policies Plan may be provided for each of the following, based on the degree of contribution to community amenities, to a total additional reduction maximum of twenty percent (20%):
 - A. Provision of "parkwayed" major streets as indicated on the long-range plan map of the Policies Plan;
 - B. Provision of green open space areas adjoining major trafficways and other uses as indicated on the long-range plan map of the Policies Plan;
 - C. Dedication of public parkland in areas indicated as such on the long-range plan map of the Policies Plan;

- D. Provision of pedestrian/jogging/bicycle paths of minimum six-foot paved width located in landscaped areas no less than thirty feet wide throughout the project and approximately paralleling all major adjoining streets, with connections to adjacent properties and/or public land, and provision for either public access to these facilities with local association ownership and maintenance, or public dedication.
- (6) If the project contains twenty acres or more, at least five percent (5%) of the acreage of such site shall be required to be developed as a neighborhood playground or playgrounds. If the site contains less than twenty acres, the required area of play lots shall be 2,000 square feet for the first fifty dwelling units plus thirty square feet for each additional dwelling unit in excess of fifty.
 - (7) Residential planned development projects of 200 dwelling units or more shall provide at least one five-acre relatively flat grassed common area for neighborhood field recreation, such as softball, soccer, kite flying, etc., preferably interlinked with a neighborhood pedestrian/jogging/bicycle path system.
 - (8) Parking in residential planned development projects shall strictly comply with the parking requirements specified in Section 1126.01. Service drives and other service facilities shall be located entirely within the project site. Private access streets, as for example in condominium developments, shall have a paved width of no less than twenty-six feet, shall be provided with curbs and gutters, and shall be provided with road curves, turn-arounds and street grades capable of accommodating emergency vehicles as approved by the Chief of the Fire Department.
 - (9) Marinas shall be considered an allowable use in a residential planned development project provided that at least eighty percent (80%) of the total moorage spaces available are reserved exclusively for residents of the project area. (The remaining twenty percent (20%) may be rented, leased or sold to the public.) The eighty percent (80%) reserved for the residents shall not be subleased, rented or sold to anyone outside the development area. (Off-street parking shall comply with Section 1126.01.)
- (f) Industrial Developments. If the proposed development is to be an industrial planned development project, the Planning Commission shall be guided by the following requirements and standards:
- (1) The site shall be located in an overlay zone as specified in Section 1126.09 or Section 1126.10 and shall meet the requirements specified therein.

- A. The University Park Planned Industrial Development Project Overlay Zone shall be referred to hereinafter as the Class A Planned Industrial Development Project District.
 - B. The River Park Planned Industrial Development Project Overlay Zone shall be referred to hereinafter as the Class B Planned Industrial Development Project District.
- (2) Permitted uses in a Class A District include:
- A. Research. Research offices and laboratories, including testing, provided such testing complies with the performance standards established in Section 1126.06.
 - B. Offices. Corporate headquarters, regional headquarters and administrative offices with twenty-five or more employees. Local service offices, such as real estate sales, insurance agencies, doctor's offices or other offices typically found in commercial districts may be included only in a structure or integrated complex of at least 50,000 square feet of developed gross floor area.
 - C. Manufacturing. Industries that manufacture medical equipment and/or supplies, communications equipment, electronic components or measuring, analyzing and controlling instruments; any use listed as a permitted use in the I-1 Zone.
 - D. Other uses. Conference facilities; recreational and cultural facilities limited to health clubs, tennis courts and other such facilities primarily of service to employees of the project; cafeterias primarily oriented toward serving project employees; common open space and outdoor recreational facilities; accessory uses including, but not limited to, facilities for administration, maintenance and fire prevention and safety; accessory warehouse or storage structures developed to serve a primary use on the same site, provided that the floor area of such limited use constitutes no more than twenty-five percent (25%) of the developed floor area of the primary use.
- (3) Permitted uses in a Class B District include: All uses permitted in a Class A District, plus all uses that are principal permitted uses in the I-2 District, plus planned mobile home parks, but excluding poultry slaughterhouses, meat packing, storage of junk and rags, auto or truck storage or repair, and veterinary clinics and kennels.
- (4) Site development standards.
- A. In a Class A District, there shall be set aside for common open space not less than two acres of land for every ten acres of land devoted to office, research, industry, business or commercial use.

- B. In a Class B District, there shall be set aside for common open space not less than one acre of land for every ten acres of land devoted to office, research, warehouse, industry, business or commercial use.
- C. Such common open spaces shall be designed by a registered landscape architect and maintained in a professional manner. These spaces shall be designed and located as to fulfill the Policies Plan with regard to public and private non-farm open space and street parkways as indicated on the long-range plan map of the Policies Plan.
- D. In a Class A District, such common open spaces shall be provided with paved six-foot wide pedestrian/jogging/bicycle paths throughout the project area and connecting with surrounding properties and public land.
- E. Wet runoff retention basins shall be provided in common areas, landscaped as an integral part of the design and provided with aerating fountain jets to reduce stagnation, to retain surface and meter it into the existing drainage network at no greater velocity and volume than that generated prior to development.
- F. In the Class A District, all permanent utility lines, pipes and conduits shall be located below ground, and all other utility installations and appurtenances shall be adequately screened.
- G. The landscaping and off-street parking requirements of Sections 1126.13 and 1126.01 shall be met in each project.
- H. Design review approval by the Planning Commission of an overall development plan for the site area, including circulation, parking, landscaping and proposed building elevations shall be required prior to the approval of any partition or subdivision of the site area.
- I. Except at railroads or where a building site directly abuts a required public or private non-farm open space as designated on the long-range plan map of the Policies Plan, each perimeter building site, where it abuts land beyond this District or a public road, shall provide an on-site landscaped setback of no less than fifty feet.
- J. Each development site in the District shall have no less than 100-foot frontage on a public street.
- K. No less than twenty-five percent (25%) of the total site area of each development site shall be used for landscaping, designed by a registered landscape architect and maintained by a professional landscape maintenance corporation. Undeveloped portions of a site shall be seeded, mowed and maintained as lawn area.

- L. All exterior building walls and structures shall be constructed with attractive and durable materials, such as textured concrete, masonry, stone, brick, finished wood, stucco or glass. In the Class A District, no metal-paneled or pole structures shall be permitted.

(g) Planned Office Development Project. If the proposed development is to be a planned office development project, the Planning Commission shall be guided by the following requirements and standards:

- (1) The site shall be located in an overlay zone as specified in Section 1126.11 and shall meet the requirements specified therein.
- (2) Permitted uses include:
 - A. Offices: Corporate headquarters, regional headquarters and administrative offices with fifty or more employees, or joint occupancy by two or more such uses with a total of fifty or more employees.
 - B. Other uses: Conference facilities, indoor and outdoor recreational facilities, cafeterias and other forms of food service, all solely serving the employees in the project; common open space; off-street parking as required to serve the office uses; facilities necessary to project administration, maintenance, fire protection and safety.
- (3) Site development standards:
 - A. No site shall be less than ten acres.
 - B. No less than forty percent (40%) of the total site area shall be set aside for common open space and landscaped area. Such areas shall be designed by a registered landscape architect and maintained by a professional landscape maintenance corporation, and shall be designed and located to fulfill the Policies Plan with regard to public and private non-farm open spaces, street parkways and waterways, as indicated on the long-range plan map of the Policies Plan. Undeveloped portions of the site shall be seeded, mowed and maintained as lawn area unless in woodlands.
 - C. Projects shall provide paved six-foot wide pedestrian/jogging/bicycle paths throughout the common landscaped areas and near the perimeters of the site, with connections to such private or public path systems on adjoining properties.
 - D. Wet run-off retention basins shall be provided, or expanded existing on-site water areas, landscaped as an integral part of the design and provided with aerating fountain jets to reduce stagnation, to retain surface run-off from building, parking and lawn areas and to meter it into the existing drainage network at no greater velocity and volume than generated prior to development.

- E. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility installations and appurtenances shall be adequately screened.
- F. The landscaping and off-street parking requirements of Sections 1126.13 and 1126.01 shall be met in each project.
- G. Design review approval by the Planning Commission of an overall development plan for the project area, including circulation, parking, landscaping, proposed building elevations and signage, shall be required prior to the approval of the project.
- H. Each project shall be provided at every point on its perimeter with an on-site landscaped setback of no less than 150 feet.
- I. All exterior building walls and structures shall be constructed with attractive and durable materials, such as textured concrete, brick masonry, stone or glass.
- J. No more than two signs shall be permitted for each project, announcing the names of the corporations housed therein. These signs, interior illuminated or back-lighted, shall be building-wall-surface mounted and shall not exceed twenty-five feet in any dimension.

(h) Final Plan. Upon determination by the Planning Commission that the proposed development project as shown in the preliminary plan thereof conforms to the requirements of all applicable provisions of this Ordinance, the proponent shall prepare and submit a final development plan which plan shall incorporate any changes or modifications required or suggested by the Commission.

(i) Submission to Council. The final development plan shall be submitted by the Commission together with its report and recommendations to Council and Council shall hold a public hearing on both the development plan, and the application for any necessary change in zoning where shopping centers are involved.

(j) Council Action. Following such a public hearing, Council may modify the plan of the project consistent with the intent and purposes to be served by the provisions of this section and other provisions of this Ordinance, and may change the zoning of the site to the classification permitted the proposed development in conformity with the final plan as approved at that time. (Ord. 1990-20. Passed 11-26-90.)

1126.06 PERFORMANCE STANDARDS.

(a) General Requirements. No land or structure in any district shall be used or occupied in any manner so as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; water pollution; heat, cold, dampness, electrical or other substance, condition or element; in such a manner or in such amount as to adversely affect the adjoining premises or surrounding area, referred to herein as "dangerous or objectionable elements"; provided that any use permitted or not prohibited by this Zoning Ordinance may be established and maintained if it conforms to the provisions of this section.

(b) Existing Uses. Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Board of Building and Zoning Appeals shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence to Council. In the event that the Board concurs in the allegation that there exists or are likely to be created such dangerous or objectionable elements, it shall request Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and of practicable means of remedying such condition.

Upon receipt of the findings and recommendations of such specialist or laboratory, the Board may approve, partially approve or disapprove the measures recommended therein and instruct the Building Official to proceed with the enforcement of such measures in accordance with the provisions of Section 1139.01.

The City shall bear the costs of the various tests, consultant fees or other investigations which are required herein, provided that the owner of the use under investigation reimburses the City for all such expenses in the event that operation or use of such property is found to be in violation of the provisions of this section by the Board, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within thirty days from the date of the final Board ruling or court judgment.

(c) Certain New Uses. Applications for building permits or zoning certificates, together with plans and specifications for the manufacture or processing of materials listed in subsections (c)(1) and (2) hereof, and of such other uses which may be of similar characteristics in the opinion of the Building Official shall be referred by him to the Board. The Board may cause such plans and specifications to be examined by a competent specialist or laboratory in the manner prescribed previously in subsection (b) hereof. The following uses shall be subject to such performance standard review:

- (1) Manufacturing. Involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulphuric acids; coal, coke and tar compound, explosives, fertilizers, gelatin, animal glue and size; gas manufacturing, unless incidental to a principal use; turpentine, matches, rubber, soaps, fat rendering.
- (2) Processing. Involving the following: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting of metal or metal ores; refining of petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; melting and alloying of metals; stockyards, slag piles; storage of fireworks or explosives, except where incidental to a permitted principal use.

Any use authorized under the provisions of this section shall comply continually therewith and shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.

The applicant shall bear the actual costs of all tests and investigations required for new uses listed under subsections (c)(1) and (2) hereof, which shall be in addition to the usual building and zoning permit fees prescribed by this Ordinance.

(Ord. 1990-20. Passed 11-26-90.)

1126.07 PLANNED MOBILE HOME RESIDENTIAL DEVELOPMENTS.

(a) Purpose. It is the purpose of this section to provide for the establishment of planned mobile home residential developments in the City and to regulate the same together with the use of mobile homes therein. It is recognized that a well planned, maintained and conducted mobile home park can be an asset to the community.

(b) Intent. It is intended that these provisions shall be supplemental to the Land Subdivision Regulations and that the provisions of those chapters shall govern where applicable but be modified to permit things contemplated herein.

(c) Definitions. When used herein, the following words or terms shall have the meanings herein ascribed to them. If not defined herein but defined in other sections of the Planning and Zoning Code, they shall have that meaning set forth herein.

- (1) "Mobile home" means any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels or jacks.
- (2) "Mobile home lot" means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (3) "Mobile home park" means any site, lot, field or tract of land upon which may be laid out or subdivided into mobile home lots, as a planned mobile home residential development in accordance with the following regulations, and includes any roadways, buildings, structures, vehicles or enclosures used or intended for use as a part of the facilities of such park.
- (4) "Patio" means a hard-surfaced outdoor living space designed to supplement the mobile home living area.

(d) Application. To obtain approval for a tract of land as a planned mobile home residential development, an owner of property shall submit a development plan together with a plot plan prepared by and bearing the seal of an Ohio registered architect or engineer, complete in detail and showing the following:

- (1) Location and legal description;
- (2) Entrance to and exits from the park;
- (3) Vehicular roadways, driveways and pedestrian walks;
- (4) Design, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings;
- (5) Topography by two-foot contour intervals;
- (6) Areas set aside for recreation, clothes washing and drying, storage and off-street parking;
- (7) Fencing and screen planting on the premises;
- (8) Provisions for trash and garbage removal;
- (9) Gas, electric and phone service connections to each space, service connections shall be underground;
- (10) Provision for the lighting of roadways, driveways and pedestrian walks;
- (11) Water and sewer availability and distribution lines to each space;
- (12) Typical lot plan.

Design standards, so far as applicable and not modified, altered or in conflict with this section, shall be in accordance with the Land Subdivision Regulations.

(e) Minimum Areas. The minimum area for a planned mobile home residential development shall be ten acres and the density of mobile home lots shall be not more than ten to the net acre. Net acreage is defined as the acreage remaining after the deduction of areas set aside for storage, recreation, clothes drying, garbage and trash collection points, utility and service buildings, areas and spaces, roadways, driveways, walkways and off-street parking.

(f) General Standards. When an application for a planned mobile home residential development has been submitted, the Planning Commission shall evaluate the application in accordance with the following general standards:

- (1) A mobile home park shall have access to adequate streets and highways with pavement not less than twenty-seven feet wide.
- (2) Environmental factors involved shall be such that livability in a mobile home park may be secured and any adverse effects to surrounding uses or property values such as noises, odors, smoke, unusual traffic hazards, lack of landscaping and drainage problems will be eliminated. In considering livability, recognition shall be given to the setting of mobile homes on lots, the availability of schools, commercial and other public facilities and the nature of abutting zone districts.
- (3) Planned mobile home residential developments shall only be permitted in the I-2 District, and only as an integral part of an industrial park planned development project.
- (4) The mobile home park shall be arranged so that all mobile home lots and accessory buildings face on an interior roadway. Any lots abutting a dedicated public right of way shall be fenced and screen planted.
- (5) A mobile home park of more than 100 mobile home lots shall have more than one entrance and exit to a public street or highway.

No application shall be approved until it is determined by the Planning Commission that the proposed mobile home park will meet all of the foregoing general standards.

(g) Specific Requirements. No application for a planned mobile home residential development shall be approved by the Planning Commission, nor shall a mobile home park be permitted to be maintained thereafter, unless it meets the following specific requirements:

- (1) Minimum width: 250 feet.
- (2) Minimum front yard setback: Twenty-five feet, except when it fronts on a state highway which shall require fifty feet.
- (3) Minimum side yard setback: Ten feet along interior lot lines; fifteen feet along public right of way; except when the right of way is a state highway, which shall require twenty-five feet.
- (4) Minimum rear yard setbacks: Fifteen feet, except when the rear yards abuts a dedicated public right of way which shall require a minimum of twenty-five feet.

- (5) Entrance and exit roadways shall connect to a public street or highway and be not less than fifty feet wide from front lot line to front lot line of the abutting mobile home lots and other areas. Entrance and exit roadways shall be connected into the park roadways so that the roadway system is continuous. Pavement shall be at least thirty-two feet wide at entrances and exits and twenty-seven feet on other roadways, width being measured from back of curb to back of curb.
- (6) All utility installations, including but not limited to electric power lines, telephone lines, television lines and service connections therefor shall be underground.
- (7) There shall be no exterior television or radio antennas except for a community-type antenna for the use of all park residents.

(h) Mobile Home and Mobile Home Lot Requirements. No application for a planned mobile home residential development shall be approved by the Planning Commission, nor shall a planned mobile home residential development be permitted or maintained thereafter, unless the mobile home lots and the placement of mobile homes thereon meet the following specific requirements:

- (1) Minimum area of mobile home lot: 4,000 square feet.
- (2) Minimum area of mobile home: 400 square feet.
- (3) Maximum height of structures of mobile homes: Sixteen feet.
- (4) Maximum heights of structures of accessory building: Sixteen feet.
- (5) Minimum width of mobile home lot at setback line: Forty feet. (Corner lot shall be fifty feet.)
- (6) Minimum length of mobile home lot: 100 feet.
- (7) Minimum rear yard setback of lot: Ten feet. (This means opposite side of front yard.)
- (8) Minimum front yard setback of lot: Twenty feet. (This shall mean street side of lot.)
- (9) Minimum side yard on entry side of mobile home: Twenty feet.
- (10) Minimum side yard on entry side of mobile home: Twenty feet.
- (11) Mobile homes shall not be closer together than twenty-five feet at side yard and twenty feet at rear yard.
- (12) No mobile home shall be placed closer than ten feet to a private interior roadway or driveway. Each mobile home shall have access to the park roadway system.
- (13) Each mobile home lot shall contain a concrete pad ten by forty feet.
- (14) Each mobile home lot shall provide two off-street parking spaces, each ten by twenty feet and hard-surfaced, and a hard surface driveway.

- (15) The mobile home bottom shall be enclosed. Enclosure shall be commercially produced fireproof material and shall completely enclose the mobile home from the bottom of the chassis or frame to the surface of the ground or concrete pad.
- (16) No buildings or structures shall be added to a mobile home except a patio, an unenclosed or unheated enclosed porch or carport. The total square footage for all additional buildings or structures, exclusive of the patio, shall not exceed 160 feet, nor shall they extend more than ten feet from a mobile home.

(i) Mobile Home Park Facilities Building. Each planned mobile home residential development shall contain an enclosed facilities building of a minimum of 2,000 square feet with space devoted to office, laundry, toilet and recreation and no application shall be approved by the Planning Commission and no planned mobile home residential development shall be permitted or maintained without one. For each 100 mobile homes in the park, at least 960 square feet of space shall be provided for recreation and 250 square feet for each additional twenty-five mobile homes or parts thereof.

(j) Yard Requirements, Facilities Building. The following minimum yard requirements shall apply to any mobile home park facilities building:

- (1) Minimum front yard: Fifty feet.
- (2) Minimum side yard: Twenty-five feet.
- (3) Minimum rear yard: Twenty-five feet; except if abutting onto dedicated public right of way: thirty-five feet.

(k) Permitted Uses. No building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged, except as provided herein. The following uses are permitted in a planned mobile home residential development:

- (1) Mobile homes for one-family dwellings, one per mobile home lot;
- (2) Accessory buildings and uses incidental to and in conformance with the foregoing use;
- (3) Schools, public and parochial, provided that all structures and buildings are set back not less than fifty feet from side lot lines and 100 feet from front property lines;
- (4) Churches and parish houses, provided the church is set back thirty feet from side lot lines;
- (5) Public utility substations;
- (6) As an accessory use to a mobile home, home offices and occupations as permitted in single-family residential districts under the Planning and Zoning Code may be maintained provided not more than twenty percent (20%) of the floor area of the mobile home is used for such purpose and no sign advertising the same exceeding one and one-half square feet is used.

(l) Sanitary Standards. No application for a planned mobile home residential development shall be approved, nor shall a mobile home park be permitted or maintained thereafter, unless the sanitary standards of the Department of Health, including but not limited to the regulations relating to garbage and trash containers, racks and rack locations, rodent and insect control, garbage and trash collection and removal are adhered to and complied with.

(m) Approval by Planning Commission. Upon determination by the Commission that the proposed planned mobile home residential development conforms to the requirements of all applicable provisions of these regulations, the applicant shall prepare and submit a final development plan incorporating all changes and modifications required by the Commission. Upon receipt of an acceptable final plan, the Commission shall approve the same and transmit it to Council for its approval.

(n) Council Action. Upon receipt of the final approved plan from the Commission, Council shall fix a date for a public hearing on such plan, notice of the time and place of which shall be given at least thirty days prior thereto by publication in a newspaper of general circulation in the City.

Following such hearing and after reviewing the final plan as recommended by the Commission, Council shall consider such plan and vote on the passage of an ordinance approving such plan.

(o) Effect of Council Approval. If Council adopts an ordinance approving such final plan, such approval shall be for a period of two years to allow the preparation of the required construction plans, submission of such plans to the City for approval and other details preparatory to construction. If such construction is not started within the two-year period, the developer may file a written request with Council for a one-year extension. If Council determines that construction will probably be commenced within the one-year extension period, it may grant such extension without further public hearing.

(p) Submission of Construction Plans and Performance Bond. After approval of the final plan by Council and before commencing with the construction of any improvements, detailed construction plans for all site improvements, to be constructed in accordance with the approved final plan, shall be submitted to the Planning Commission for approval. The owner shall also give to the City a full construction and maintenance performance bond in the amount of the estimated cost of the grading, storm sewers, sanitary sewers, water lines, street paving, walks, corner markers and incidentals necessary to complete the construction of the project.

The bond shall be executed by the owner with a security or securities satisfactory to the Finance Director and the Law Director, guaranteeing the completion of the improvements within such time as is proposed by the owner.

Upon completion of various items of work, the owner shall apply to the City for final inspection. If the City finds that all installments meet the requirements of the approved plans and specifications, the bond shall be released.

If the improvements are not completed as proposed within the time limit that was established, the bond shall be forfeited and the money shall be collected by the City and used to complete the specified improvements. The money that is collected from the bond shall be used for no other purpose, and any money remaining after completion of the work shall be returned to the original depositor.

(Ord. 1990-20. Passed 11-26-90.)

1126.08 BED AND BREAKFAST RESIDENCE OVERLAY ZONE.

(a) Location. A special Bed and Breakfast Residence Overlay District is hereby created composed of those portions of residential zones (all "R" prefixed zones) that are within an area defined by the western limits of the southern limit of the business zone to the north of Wall Street, thence to the west at the Lake Erie Shore to the ditch immediately to the west of West Drive, thence in a southerly direction along this ditch to the rear (south) property line of the residential properties at the south side of West Cleveland Road, thence following this property line to the east to the west property line of the residences facing on the west side of Ohio Street, thence south along this rear property line to Route 6, crossing Route 6 to the west property line of the residential properties facing onto the west side of Center Street and along this line to the south to the railroad track, along the railroad track to the east to the commercial zone fronting on the east side of Williams Street and then northerly to the point of beginning.

(b) Permitted Uses. In this portion of these residential areas, deemed to be the Historic Residential Core of Huron, bed and breakfast residences shall be permitted as uses in residential structures, as defined in Section 1121.04, in addition to the permitted uses specified elsewhere in this Zoning Ordinance for these districts, under the following additional restrictions.

(c) Restrictions. A bed and breakfast residence shall contain no more than two guest rooms, to be occupied by no more than a total of four adults, and shall be operated by the resident owner of the property. Guest rooms are intended for transient short-term occupancy and may not be occupied for more than fourteen days. Breakfast shall be provided only to guest room occupants and not to the general public. Only one nonilluminated sign shall be permitted in relation to a bed and breakfast residence. The sign shall be executed in historically appropriate period-style letters, and shall not contain the words "hotel", "motel", "boarding house", "room" or "rooms". No residence shall be removed in order to allow for a bed and breakfast use, nor shall a residence, or a tree larger than four inches in trunk diameter, be removed to provide parking for such a use.

Other than the single permitted sign, there shall be no exterior expression of the bed and breakfast use that is not a common exterior expression of the residence types of the overlaid residential district. Bed and breakfast residence guest rooms shall all be within the principal residence and shall be a part of the residential utility services systems.

(Ord. 1990-20. Passed 11-26-90.)

1126.09 UNIVERSITY PARK PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE.

Upon submission of a petition signed by the owners of eighty percent (80%) or more of the property located within the area designated as "IND" on the long-range plan map of the Policies Plan that is located south of the current railroad tracks, north of Bogart Road and east of Rye Beach Road, including the half-width of contiguous areas designated for new streets or public and private non-farm open area, and upon submission of an approved plan of development for that entire area that is consistent with the Policies Plan and meets the requirements of a "Class A" Planned Industrial Development Project as specified in this Zoning Ordinance, such area shall be rezoned as a "Class A" Industrial Planned Development Project.
(Ord. 1990-20. Passed 11-26-90.)

1126.10 RIVER PARK PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE.

Upon submission of a petition signed by the owners of eighty percent (80%) or more of any contiguous sixty acres or more of the property located within the area designated as "IND" on the long-range plan map of the Policies Plan that is located to the north of Sprowl Road, west of Berlin Road, east of River Road and south of the current railroad tracks, including the half-width of contiguous areas designated as a new street, public park, or public and private non-farm open areas, and upon submission of an approved plan of development for that area that is consistent with the Policies Plan and meets the requirements of a "Class B" Planned Industrial Development Project as specified in this Zoning Ordinance, such area shall be so rezoned.
(Ord. 1990-20. Passed 11-26-90.)

1126.11 PLANNED OFFICE DEVELOPMENT PROJECT OVERLAY ZONE.

Upon submission of a petition signed by the owners of the land shown on the long-range plan map of the Policies Plan as designated for a planned office center, as indicated by a letter "O" inside a circle inside spaces indicated as public and private non-farm open areas, including the full width of such open area buffers where they abut other private land uses, public streets, railroads and/or watercourses, and upon submission of an approved plan of development for that area that is consistent with the Policies Plan and meets the requirements of a Planned Office Development Project as specified in this Zoning Ordinance, such area shall be so rezoned.
(Ord. 1990-20. Passed 11-26-90.)

1126.12 THE WESTERN PLANNED COMMERCIAL STRIP SHOPPING CENTER OVERLAY ZONE.

Four new commercial zones are indicated on the long-range plan map of the Policies Plan on Rye Beach Road: One immediately south of the railroad tracks at the east side of Rye Beach Road, and three more located at the northeast, southeast and southwest intersection with Bogart Road, these three latter with their primary frontage on Bogart Road. Upon submission of a petition signed by the landowners of any one of these areas, and upon submission of an approved plan of development for that area that is consistent with the Policies Plan and meets the requirements of a Western Planned Commercial Strip Commercial Center Project as specified in this Zoning Ordinance, such area shall be so rezoned.
(Ord. 1990-20. Passed 11-26-90.)

1126.121 BASIN DISTRICT OVERLAY ZONE. (REPEALED)

EDITOR'S NOTE: Former Section 1126.121 was repealed by Ordinance 2011-12.

1126.13 LANDSCAPE REQUIREMENTS.

(a) Landscaping Plan Required.

- (1) In all applications for a subdivision, a zoning permit, a zoning variance, approval of a conditional use, a planned development project, a condominium project or any other such case where a site plan or development plan is to be filed, such plans include a landscaping plan indicating the accurate location, trunk diameter and type (name) of each tree currently located on the site that is of at least two-inch trunk diameter, or more, the diameter being measured twenty-four inches above the ground.
- (2) All trees on the site that are of six-inch diameter or more shall be preserved in the development of the parcel except for those trees that:
 - A. Are within public rights of way or utility easements;
 - B. Are within the ground coverage of a proposed structure or within ten feet of such structure;
 - C. Are within automotive driveways or within three feet of the outside edge of such driveway, and/or
 - D. Are, in the judgment of the Planning Commission, severely damaged or diseased, or interfere with utility lines.
- (3) Where new tree planting is required by the provisions of this Zoning Ordinance, such shall be indicated on the landscaping plan, indicating location, trunk diameter and type of tree.
- (4) Where new trees are required by the terms of this Ordinance, the applicant/owner shall plant such new trees as indicated on the approved landscaping plan no later than one year after the issuance of the building permit or, in the case of a subdivision plat or development plan, of the approval of the new plat or plan.
- (5) For each six-inch tree removed from the site, not exempted in subsection (a)(2) hereof, for which there is no replacement planted within the one-year period specified above, the owner/applicant shall be found in violation of this Ordinance and assessed a fine of five hundred dollars (\$500.00) for each tree, these fines to be used by the City to plant trees on public property and/or rights of way.
- (6) For every six-inch diameter tree removed in the course of development or construction, including those exempted in subsection (a)(2) hereof, a new tree shall be planted on the site having a trunk diameter of not less than two inches.

(b) Landscaping Standards.

- (1) In development planning, it is required that every effort be made in laying out the streets and locations of structures, drives, parking areas and walks to avoid destruction of heavily wooded areas, tree groups of over three-inch trunk diameter and individual trees of six-inch trunk diameter or more.

- (2) Trees, existing, new or a combination of existing and new, shall be provided, of not less than two-inch trunk diameter measured twenty-four inches above the ground, of types included on a list of approved species adopted by the Planning Commission, to result in a total of two inches of trunk diameter for each of the following new site area units in the site, or portion thereof:

<u>Square Feet</u>	<u>District</u>
1,000	R Districts
1,000	Planned Development Projects
2,400	B Districts
3,600	I Districts
2,400	M Districts

- (3) Inside B District parking lots, R-3 District parking lots and in all planned development project parking facilities, one tree of not less than two-inch trunk diameter shall be provided, occupying with its associated ground cover the area of one parking space, for every six parking spaces in the lot, spaced evenly throughout the parking lot area.
- (4) No new tree plantings shall be required if the aggregate trunk diameters of the existing trees to remain, of trees two inches in diameter or more, meet or exceed the above requirements.
(Ord. 1990-20. Passed 11-26-90.)

1126.14 REGULATIONS GOVERNING ADULT CABARETS AND ADULT ORIENTED BUSINESSES AND THEIR EMPLOYEES.

- (a) Definitions. As used in these regulations:

- (1) "Adult cabaret" means a night club, bar, restaurant or similar establishment in which persons appear in a state of nudity in the performance of their duties.
- (2) "Permit" means a permit to operate an adult cabaret, issued pursuant to these regulations.
- (3) "Nudity" means the showing of any of the following:
- A. The human male or female genitals, pubic area or buttocks with less than a fully opaque covering;
 - B. The female breast with less than a fully opaque covering on any part of the nipple.

(b) Scope of Regulations. These regulations govern adult cabarets within the incorporated area of the City and the owners, operators, persons in charge and the employees of such establishments.

(c) Permit or License Required. No person shall engage in, conduct or carry on an adult cabaret or permit an adult cabaret to be engaged in, conducted or carried on, in or on premises owned or controlled by him, without a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which an adult cabaret is operated.

(d) Application for Permit or License.

- (1) Application for an original or renewal permit or license shall be in writing, addressed to the City of Huron Building Department, Huron, Ohio.
- (2) An application for a renewal permit or license shall be filed not later than thirty days prior to the expiration of the permit or license to be renewed.
- (3) All applications shall be filed with the Building Official.
- (4) A non-refundable filing fee shall be paid at the time of filing the application, as follows:
 - A. Three hundred dollars (\$300.00) for an initial permit to operate an adult cabaret;
 - B. One hundred fifty dollars (\$150.00) for a renewal permit to operate an adult cabaret.
- (5) An application for an initial or renewal permit to operate an adult cabaret shall contain the following:
 - A. The address where the adult cabaret is operated, or is to be operated;
 - B. The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
 - C. The full name, residence address, date of birth and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity;
 - D. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number, the name and address of its statutory agent in Ohio; the full name, residence address, date of birth and social security number of each partner, and the status of each partner as a general or limited partner;
 - E. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number, the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth and social security number of each shareholder, if a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;
 - F. The full name, residence address, date of birth and social security number of each person employed by the adult cabaret or whose employment is contemplated by the establishment and the capacity in which such person is or is to be employed;

- G. A written statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction and the name and location of the Court;
 - H. A written statement by the applicant for a permit to operate an adult cabaret that the Ohio Liquor Control Commission has never, pursuant to Ohio R. C. 4301.25, revoked a permit held by the applicant or any person or entity named in the application;
 - I. Authorization for an investigation into the background, including any criminal record, of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
 - J. The applicant's agreement to abide by these regulations and the laws of Ohio, the City of Huron and any amendments, additions or reenactment thereof.
- (e) Inspection and Investigation.
- (1) Upon receipt of an application for a permit or renewal permit to operate an adult cabaret, the Building Official shall notify the state or local authorities designated by the City to conduct health and safety inspections of the specified premises and to determine compliance or noncompliance with applicable health and safety codes. Written reports of inspections shall be prepared by the inspectors and filed with the Building Official and shall become part of the application for a permit.
 - (2) Upon receipt of an application for a permit or renewal permit to operate an adult cabaret, the Building Official shall refer the applicant to the Huron Police Department to be fingerprinted and shall request that the Police Department conduct an investigation into the background of the applicant and into the background of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the Building Official and shall become part of the application for a permit.
- (f) Action on Application.
- (1) The City shall act on the application within thirty days after the filing of the reports required by subsection (d). If the City finds that additional information, inspections or investigations are reasonably necessary to evaluate the application properly, it may order the applicant to file supplemental information or order supplemental inspections and investigations and postpone action on the application pending receipt of the supplemental information or reports.

- (2) The application will be denied if:
- A. The application is incomplete, contains any false information or fails to comply with these regulations;
 - B. The applicant for a permit or renewal permit to operate an adult cabaret has failed to cooperate with any required health or safety inspection or background investigation;
 - C. The applicant or any person named in the application for an initial or renewal permit to operate an adult cabaret within the past five years has been convicted of or pleaded guilty to an offense under Ohio R.C. Chapter 2907, or a substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States or under a municipal ordinance in any such jurisdiction;
 - D. The operation of an adult cabaret at the specified premises would violate existing zoning restrictions;
 - E. The report of the health and safety inspections conducted pursuant to subsection (e)(l) reveals any unsanitary, unsafe or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;
 - F. Any person employed at the licensed adult cabaret has been convicted of or pleaded guilty to a violation of Division C of Section 503.33 of the Ohio Revised Code.
 - G. The Liquor Control Commission of the State of Ohio has revoked, under Section 4301.25 of the Ohio Revised Code, a permit held by any one of the persons named in the application.
 - H. The applicant has violated these regulations or aided or abetted any violation of these regulations.
- (3) If the application is denied, the Building Official shall promptly notify the applicant in writing of the order denying the application. If the City approves the application, the Building Official shall promptly issue to the applicant a permit or license, as the case may be.
- (4) A permit or renewal permit to operate an adult cabaret shall contain the address of the permit premises, the name and address of the permit holder and the date of issuance and date of expiration of the permit.

(g) Expiration of Permit or License. A permit to operate an adult cabaret is valid for one (1) year and expires on the anniversary of the date of issuance, unless sooner revoked as provided in these regulations.

(h) Display of Permit. The permit to operate an adult cabaret shall be prominently displayed in an area of the premises open to the public.

(i) Revocation of Permit or License. The City may at any time revoke a permit or license issued pursuant to these regulations, on any of the same grounds listed in subsection (f)(2) for denial of the permit or license, including any such ground arising or discovered after issuance of a permit or license. The Building Official shall promptly notify the permittee or licensee in writing of the order of revocation.

(j) Inspections, Investigations and Physical Examinations.

- (1) Health and safety inspections of permit premises shall be conducted at intervals of six (6) months after issuance or renewal of the permit, to insure continued compliance with health and safety codes. In addition the City may order health and safety inspections at any time there is reasonable cause to believe that an unsanitary, unsafe or hazardous condition exists on the premises. The Building Official shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the Building Official.
- (2) City personnel or agents may at all reasonable times inspect permit premises to insure continued compliance with the laws of Ohio, the City of Huron and these regulations.
- (3) At any time there is reasonable cause to do so, the City may order a background investigation, including criminal record, if any, of any permittee, person named in the application for a permit or employee of a permittee. Written reports of investigations shall be filed with the Building Official.

(k) Rules Governing Operation of Adult Cabarets.

- (1) Adult cabarets shall close not later than 2:00 a.m. or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later, shall not reopen earlier than 11:00 a.m. and shall not be in operation between closing and 11:00 a.m.
- (2) All parts of the establishment shall at all times be maintained in a neat, clean, sanitary and safe condition.
- (3) The owner, operator or person in charge of the establishment shall allow state or local authorities, including law enforcement officers, access to any and all parts of the premises for the purpose of making any health or safety inspection pursuant to these regulations and shall cooperate in any background investigation.
- (4) No person under age eighteen shall be employed by or in any adult cabaret in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.
- (5) No adult cabaret shall be established or operated within five hundred (500) feet of the boundaries of any parcel of real estate having situated on it a school, church, library, public playground or park.
- (6) The permittee shall file a list of employees with the Building Official and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, social security number and position of such employee.
- (7) The owner, operator or person in charge of the adult cabaret shall exercise adequate supervision to insure the employees comply at all times with these regulations and the laws of the State of Ohio and the City.

(l) Rules Governing Conduct of Employees.

- (1) No person under the age of eighteen shall accept or continue employment by an adult cabaret, in any capacity, whether full-time, part-time or as a volunteer and with or without remuneration or compensation in any form.
- (2) Any employee of an adult cabaret shall cooperate with any background investigation under these regulations.
- (3) No employee of an adult cabaret, in the performance of his or her duties, shall do any of the following:
 - A. Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
 - B. Perform, offer or agree to perform any act that would require the touching of the genitals, pubic area or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
 - C. Uncover the genitals, pubic area or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

(m) Records. The Building Official shall keep a complete record of all documents and proceedings under these regulations, including without limitation, applications, reports, copies of permits and licenses issued, notices, correspondence, permittee employee lists, City Council proceedings, resolutions, orders and petitions. All documents shall be endorsed by the Building Official with the date of filing.

(n) Deposit and Use of Fees. Fees collected by the City for permits and licenses under these regulations shall be deposited in the General Fund to be first applied to the cost of administering and enforcing these regulations.

(o) Violations. No person or entity shall violate any portion of this Section 1126.14.

(p) Penalty. A violation of any portion of this Section 1126.14 shall be a misdemeanor of the first degree.
(Ord. 1998-39. Passed 12-7-98.)

CHAPTER 1127 Mixed-Use District

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| <p>1127.01 Purpose.</p> <p>1127.02 Establishment and definition of Mixed Use Districts and subsequent procedures for approval.</p> <p>1127.03 Conformity to standards, general development concepts, and procedures for approval.</p> <p>1127.04 Permitted uses.</p> <p>1127.05 Development standards and criteria.</p> <p>1127.06 Building design guidelines.</p> | <p>1127.07 Mixed-Use Riverfront District (MU-RFD).</p> <p>1127.08 Mixed-Use Civic District (MU-CD).</p> <p>1127.09 Mixed Use - Granary District (MU-GD).</p> <p>1127.10 Variations to an approved General Development Concept.</p> <p>Appendix A - Permitted Uses.</p> |
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CROSS REFERENCES

Conformance with Performance Standards - see P. & Z. Chap. 1121.06
 Nonconformity - see P. & Z. Chap 1121.07
 Residence Districts - see P. & Z. Chap. 1123
 Non-residence Districts - see P. & Z. Chap. 1125
 Landscape Requirements - see P. & Z. Chap. 1131
 Off-street Parking and Loading Regulations - see P. & Z. Chap. 1133

1127.01 PURPOSE.

The Mixed Use District (MX) is established in order to achieve the following purposes:

- (a) Provide an opportunity for a mix of land uses consistent with the City's Master Plan, while protecting the public health, safety, and general welfare;
- (b) Provide for and encourage a balanced, compatible mix of uses, rather than a separation of uses, in a pedestrian-friendly environment;
- (c) Establish development standards that allow for flexibility while protecting adjacent property from undue adverse impacts; and,
- (d) Reinforce or create community character within Mixed Use Developments that is consistent with the City's Master Plan.

(Ord. 2015-7. Passed 8-25-15.)

1127.02 ESTABLISHMENT AND DEFINITION OF MIXED USE DISTRICTS AND SUBSEQUENT PROCEDURES FOR APPROVAL.

In order to achieve the goals set forth in Section 1127.01, three (3) Mixed Use Districts are hereby established in accordance with procedures for a zoning amendment as set forth in Chapter 1139.03, Amendments. The boundaries of each Mixed Use District shall be indicated on the Official Zoning Map and shall be officially denoted as such.

- (a) Riverfront District. This district is established to promote the development of walkable and dense commercial and residential structures, both horizontal and vertical, as not to adversely affect adjacent residential areas. The regulations within this chapter are devised to promote investment in locations where investment is otherwise impeded due to small lot sizes, inefficient shape of lots, shallow depth of the zoning district on the street frontage, the existing underutilized development, and to address development that exhibits functional obsolescence. Development in this area should provide facilities that create a safe, accessible, and pleasing environment for pedestrians and bicyclists. The Huron Riverfront District is intended to:
 - (1) Encourage development that serves the daily needs of the community, nearby residential areas, and visitors to the community;
 - (2) Emphasize entertainment based uses, such as restaurants, bars, taverns and other entertainment uses, both indoor and outdoor, that encourage activity and vitality;
 - (3) Provide small scale office, retail, specialty shops and other uses;
 - (4) Encourage development that exhibits the physical design characteristics of sidewalk-oriented, store-front style shopping and office space;
 - (5) Encourage development that offers multiple and complementary uses; and,
 - (6) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
- (b) Civic District. The establishment of this overlay district is to create alternative provisions for land development regulations to those currently in place under the existing zoning district. The Civic district is intended to promote the development of walkable and dense commercial and civic spaces, and to address the existing underutilized development and development that exhibits functional obsolescence. This district is intended to:
 - (1) Promote a cohesive mix of uses, including civic and public space, commercial, service oriented, and other uses that have a direct relation with the intended development of this district;
 - (2) Establish a vibrant community center;
 - (3) Encourage street-level commercial uses;
 - (4) Ensure organized development to prevent adverse effects of disjointed development; and,
 - (5) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
- (c) Granary District. This district is established to ensure a cohesive and vibrant mix of uses which are developed in conjunction with a broad development plan. This section is intended to:
 - (1) Promote a mix of uses, including commercial, entertainment, retail, night life, and residential space in a cohesive manner;
 - (2) Encourage development that serves a regional community as envisioned within the City's Master Plan;

- (3) Provide a large-scale regional center of commerce;
- (4) Ensure organized development of large tracts of land and uses to prevent adverse effects of disjointed development; and,
- (5) Provide public access to the water front through greenspace, walking areas, and view sheds. (Ord. 2015-7. Passed 8-25-15.)

1127.03 CONFORMITY TO STANDARDS, GENERAL DEVELOPMENT CONCEPTS, AND PROCEDURES FOR APPROVAL.

Given the special characteristics related to a Mixed Use District, specific provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Chapter and those of other Chapters of this Zoning Code, the provisions set forth in this Chapter shall govern. Any existing provisions that are not covered by this Chapter shall be governed by the respective provisions and requirements found elsewhere in this Zoning Code, unless modified by the General Development Concept as provided for below. In the event that implementation of this Chapter results in any parcel, building, land, or use being classified as non-conforming according to Section 1121.07 of the Huron Planning and Zoning Code, the procedures set forth in Chapter 1121.07 shall be followed.

As provided for in this Chapter, an applicant for a project within a Mixed Use District shall submit to the City a General Development Concept for review and approval. Such General Development Concept shall comply with all applicable provisions of this Chapter and the Zoning Code. The submittal of an application for the review of a General Development Concept shall include the maps, building elevation drawings, site and landscape plans, list of uses within the development, signage plan for the development, indication of traffic circulation, and designs and supplementary documents required by the City of Huron.

When an applicant intends to use the zoning regulations set forth in the Mixed Use District chapter, applications shall be reviewed and acted upon as follows:

- (a) A General Development Concept shall be submitted to the Zoning Inspector and be subject to review by appropriate agencies prior to being submitted to the Planning Commission. Upon completion of the initial staff review, the General Development Concept will be forwarded to the Planning Commission for review.
- (b) The Planning Commission shall review a General Development Concept to determine if such application complies with the review criteria set forth in this Chapter and other applicable chapters or sections of this Zoning Code. The Planning Commission shall, when formulating its decisions, determine that: (1) the General Development Concept is consistent with the Master Plan, (2) the development will result in a harmonious grouping of buildings within the proposed development and the development will relate appropriately to existing and proposed uses on adjacent property and existing public streets; and (3), that the development includes adequate infrastructure for traffic, access, and utility services.
- (c) The Planning Commission may modify any applicable provisions and requirements contained in this Zoning Code when approving a General Development Concept, including the regulations in this Chapter, if it is shown by the applicant that:
 - (1) There will be preservation of distinctive physical characteristics of the site;
 - (2) Additional amenities or public spaces or increased efficiency in public services will be provided; and,
 - (3) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, the application results in a development of equivalent or higher quality than that which could be achieved through strict application of the applicable provisions and requirements of the zoning code; provided that the development, as proposed, shall have no adverse impact upon the public health, safety or general welfare of the City.

- (d) Upon review of the General Development Concept, the Planning Commission may approve, approve with modifications, or deny the application. If the Planning Commission approves the General Development Concept, the Planning Commission must forward any necessary development agreements or zoning amendments necessary for execution of the General Development Concept to City Council for approval. All development agreements shall be reviewed by the City's Law Department prior to execution.
- (e) Upon receiving a recommendation from the Planning Commission for approval of any zoning amendments or development agreements necessary for the proper execution of a General Development Concept, the City Council will review the General Development Concept. Any zoning amendments shall be done in accordance with procedures spelled out within section 1139.03 of the Zoning Code. Any development agreements shall be authorized in the manner of a Resolution.
- (f) Failure on the part of the Developer to conform to said plans included within the General Development Concept, and/or applicable Municipal requirements and/or the terms and conditions of the City's approval may be grounds for action by the City. (Ord. 2015-7. Passed 8-25-15.)

1127.04 PERMITTED USES.

Uses in accordance with Appendix A, Permitted Uses, may be considered as part of a General Development Concept subject to all applicable requirements contained in this Zoning Code. In determining the appropriateness of each proposed use, the Planning Commission shall determine that the plan satisfies one or more of the following:

- (a) That the proposed uses will fulfill the Purpose, Section 1127.01;
 - (b) That the proposed uses are in accordance with the City's Master Plan; and,
 - (c) That in the case of small sites as provided for in this Chapter, that the proposed land uses will promote the desired mixture of uses either within the proposed Mixed Use Development or with adjacent sites, and are developed in a manner to compliment the proposed Mixed Use Development.
- (Ord. 2015-7. Passed 8-25-15.)

1127.05 DEVELOPMENT STANDARDS AND CRITERIA.

A Mixed Use Development shall be designed and depicted within a General Development Concept. The proposed Mixed Use Development shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Chapter and the City's Master Plan and in compliance with the purposes and objectives of the Mixed Use regulations as set forth in this Section. In the event that the specific regulations for each district differ from those stated within this section, the regulations pertaining to the proposed district shall govern.

- (a) General Development Concept Criteria. A General Development Concept shall be designed and depicted in accordance with the following:
 - (1) Public Street Access. The project area within any General Development Concept shall front on an existing or planned public or private street or way. In the event that the frontage of a developable lot is separated from the public or private street by a pre-existing parking surface that contains access to a public or private street, that lot is considered to have frontage along the public or private street. The adjacent edge of the existing parking surface shall be used for setback calculation. The access point(s) onto such existing street shall minimize adverse impacts on surrounding properties. The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed and relating them to existing access points.

- (2) Landscaping, Screening, and Buffering. Each Mixed Use District is subject to specific landscaping, screening, and buffering regulations to fulfill the intent of the district. Landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses. Appropriate buffer zones with adequate landscaping shall be provided between the proposed Mixed Use Development and adjacent areas in accordance with Chapter 1131 Landscape Requirements.
- (3) Land Use and the Arrangement of Building Setbacks.
- A. Buildings and uses within the Mixed Use Development shall be located to reduce any adverse impacts and to enhance the character of areas adjacent to the development.
 - B. Whenever a Mixed Use District includes areas of a higher density or intensity than permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas. In determining the appropriateness of proposed transitional areas, the Planning Commission shall consider the relationship between adjacent land uses, existing topography, existing natural features and vegetation, building size, and type of adjacent land uses. To provide appropriate transitional areas, creative site design, building design, incorporation of landscaping, and building arrangement is strongly encouraged. Design alternatives include but are not limited to the following:
 - (i.) Non-residential building facades facing residential development shall have the appearance of a front façade including an architectural appearance compatible with residential areas. Such building designs and arrangements shall not appear to "back-up" to residential areas;
 - (ii.) Non-residential buildings with service and loading areas entirely integrated into the building architecture and appropriately screened from view;
 - (iii.) Buildings and lots shall have high quality and attractive landscape features that provide adequate screening or buffering and are well integrated into development design; and,
 - (iv.) Buildings and lots shall incorporate existing topographic or natural features.
- (4) Off-street Parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to prevent and avoid adverse impacts to the Mixed Use Development as well as those areas adjacent to the Development.
- (5) Internal Public and Private Streets. Public and private internal streets shall be designed in accordance with the standards as set by Chapter 1119 Design Specifications, and Chapter 1133 Off-street parking regulations. Internal streets shall be designed and located to avoid conflict with pedestrian and bicycle traffic.

- (6) Signs. At the time of development plan review, the applicant shall submit a sign plan in conformance with the following:
- A. Each Mixed Use District is subject to specific signage regulations to fulfill the practical and aesthetic intent of each district.
 - B. All signs and graphics within the Mixed Use Development shall be compatible in size, location, height, material, shape, color, and illumination.
 - C. A sign plan for the entire project proposed under the General Development Concept shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from rights-of-way and the type and intensity of illumination.
 - D. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings.
 - E. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
 - F. Ground signs should be designed to relate to and share common design elements, including the scale, materials, and colors, with the building(s) they are in close proximity to.
- (7) Pedestrian and Bicycle Circulation Systems. A pedestrian and bicycle circulation plan shall be included and designed to provide convenient and safe pedestrian and cyclist access throughout the Mixed Use Development, and to connect to neighboring developments and community facilities, if applicable. The circulation system may include sidewalks, trails, bike lanes and other walkways not located along streets.
- (8) Buildings, structures, and parking areas should be designed and located within the Mixed Use Development in ways that conserve unique natural, historic, or cultural features, and reflect the character desired by the City's Master Plan.
- (9) The physical relationship of buildings and other site improvements to one another and to the surrounding public streets, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the Mixed Use Development.
- (10) The bulk of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development, when integration with surrounding development is not desired, to mitigate any undue adverse impact(s).
- (11) The setback of all buildings from the perimeter of the Mixed Use Development shall be specified on the General Development Concept.
- (12) Maximum Building Height. The maximum building height in each district shall comply with the regulation set forth in the district's section except that the building height shall not exceed the maximum height permitted in the abutting zoning district, by more than ten (10) feet, when the building is within thirty (30) feet of an abutting R-1, R-1A, R-2, or an R-3 zoning district boundary.

- (13) Project Phasing. If the Mixed Use Development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth in this Chapter and this Zoning Code. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.
- (14) Bond or Escrow Agreement. The City reserves its right, as a prerequisite to the issuance of a permit under this chapter to require the applicant to provide a surety or indemnity bond or escrow agreement to insure the construction of the project within the period specified by the approved development agreement between the developer and the City. The bond or escrow shall be enforceable by or payable to the City in a form and with surety and conditions approved by the Director of Law. In the event of default under such bond or escrow, the City may use the sum defaulted to construct such site improvements to the extent of the funds available.
- (15) Other Applicable Zoning Regulations. Unless regulated or modified within this Chapter a Mixed Use Development shall comply with the following applicable regulations:
 - (A) Chapter 1129, Sign Regulations
 - (B) Chapter 1131, Landscaping Requirements
 - (C) Chapter 1133, Off-street Parking and Loading Regulations.
(Ord. 2015-7. Passed 8-25-15.)

1127.06 BUILDING DESIGN GUIDELINES.

In addition to the other regulations set forth in this Chapter, the building design guidelines set forth in this Section shall apply to the exterior appearance and design of all new construction and exterior building renovations when development is occurring in conformance with an approved General Development Concept in any Mixed Use District. When reviewing a General Development Concept, the following criteria shall serve as guidelines for evaluating the schematic building designs presented with such a General Development Concept.

(a) General Criteria.

- (1) The application shall enhance and improve the character of the community and be appropriate and compatible with its surroundings and in conformance with the character established for the area by the City's Master Plan.
- (2) Each building or unit of a multiple building development should have its own distinct identity, yet should also be compatible with adjacent units or buildings in terms of proportion, color, and materials.
- (3) Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved and developed, particularly shorelines. Modification to topography may be permitted only when such modifications do not adversely affect surrounding property.
- (4) Safe pedestrian and bicycle connections shall be provided between buildings, in a multi-building development, and between principal buildings, their parking lots, and public sidewalks.

(b) Criteria for the Design of Buildings.

- (1) Facades of every building facing a public right-of-way have glazing areas, equal to or greater than sixty percent (60%) of the area (measured using the total area below the second floor).
 - (2) Excluding the end wall of residential floors, for all upper floors, all facades facing a public-right-of-way of every building shall have glazed areas equal to thirty-five percent (35%) of the total area of the front facade, with each floor being calculated independently.
 - (3) For any façade of the building, other than the front façade, that is visible from a private access drive, parking area, or public circulation area shall have no more than twenty (20) feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.
 - (4) All roof-top equipment shall be enclosed in building materials that match the structure or which are visually compatible with the structure.
 - (5) All dumpsters / large trash receptacles must be fully enclosed by a fence, swing gate or other structure using materials that match the primary structure or are visually compatible with the primary structure.
 - (6) Building materials within three (3) feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. No stucco (commonly known as "dry-vit" or E.F.I.S.) or similar materials shall be permitted within three (3) feet of the finished grade.
 - (7) Buildings located at street intersections and other important pedestrian or automobile entry points shall employ distinctive architectural features to distinguish these areas.
- (Ord. 2015-7. Passed 8-25-15.)

1127.07 MIXED-USE RIVERFRONT DISTRICT (MU - RFD).

Building Standards, Lot Standards, and Setback Requirement for the Mixed-Use Riverfront District:

Building Standards: MU-RFD Schedule 1127.07	
District Standards	
District size, min. (acres)	N/A
Lot Standards	
Lot area, min. (sq. ft.)	N/A
Lot area, max. (sq. ft.)	N/A
Lot frontage, min. (ft.)	30
Lot coverage, min. (%)	60%
Lot coverage, max. (%)	100%

Setback	
Front, min. (ft.)	0
Front, max. (ft.)	10
Side, min. (ft.)	0
Side, max. (ft.)	5
Rear, min. (ft.)	0
Rear, min. (ft.) when abutting R zoned district	20
Building Standards	
Height, max. (ft.)	60 ft. Height may not exceed 45 feet for lots adjacent Residential zoned districts
Gross Floor Area Maximum per commercial use, Commercial (sq. ft.)	7,500
Minimum sq. ft. per residential unit	700
Note: Residential adjacency standards apply and may affect setback and building height design features.	

- (a) **Building Siting and Orientation.** The following shall apply to building siting and orientation requirements within this district:
- (1) **Residential use.** The front wall of the principal structure shall be parallel to the street, or parallel to a radius of the curve of the street, if the street is curved.
 - (2) **Residential use, corner lot.** The principal residential entrance to the structure shall face one of streets that the lot abuts. One side of the building shall be designated as the front, and shall be subject to the building design guidelines within this chapter.
 - (3) **Commercial.** Buildings shall maintain a continuous wall plane at the front property line. Architectural features may project beyond the allowable setback by up to three (3) feet at a minimum height of twelve (12) feet above the sidewalk. The front wall of the principal structure shall be parallel to the street, or parallel to a radius of the curve of the street, if the street is curved.
 - (4) **Buildings located at street intersections.** When located at an area noted on the Thoroughfare Map as important pedestrian or automobile entry points, the project shall employ distinctive architectural features and site design features to distinguish these areas.
 - (5) **Screening from Residential Property.** Screening along rear and side lot lines abutting residential properties is required, consistent with Chapter 1131 Landscape Requirements.

- (6) Entrance Orientation. The primary building entrances shall be oriented to the abutting public street. Additional entrances may be oriented to a secondary street or parking area. If the development abuts multiple public streets, an entrance may be placed fronting each. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, and/or similar design features.
- (b) Uses. Permitted, conditional, and accessory uses may occur within each building type as specified in Appendix A, Permitted Uses.
- (c) Parking. The Mixed Use Riverfront District is intended to have a higher density of development and therefore strongly encourages the most productive use of land within the district. Because of the unique conditions of the lots within this district, provision of off-street parking in the manner prescribed under Chapter 1133 Off-street Parking and Loading Regulations would result in undesirable land use. Therefore, the following regulations apply for the provision of off-street parking within the MU - RFD:
- (1) Requirements. No off-street parking is required for nonresidential uses within the MU - RFD, unless such use exceeds 2,500 square feet of net floor area, in which case off-street parking must be provided for only the floor area in excess of 2,000 square feet of net floor area at a rate of 75% of the required amount per Chapter 1133 Off-street Parking and Loading Regulations.
- (2) Location. Surface parking shall not be located between the front façade of a building and the abutting street. Parking areas, shall be located on the rear or side of the building, except in the event that the frontage of a developable lot is separated from the public or private street by a pre-existing parking surface that contains access to a public or private street. In the event that the proposed project backs up to the Riverfront, parking should be kept on the side of the building.
- (3) Shared. A district-wide approach to off-street parking for nonresidential uses is preferred within this district. Off-street parking for these uses may be located up to three hundred (300) feet away from the principal entrance. Off-street structured parking may be located up to five hundred (500) feet away from the principal entrance. If multiple principal buildings are part of one General Development Concept, each use shall be considered separately for calculation of parking required. One main parking surface area can be used to provide parking for each use within the General Development Concept. Finally, on-street parking may be used in the calculation of required parking if the space is within two-hundred (200) feet of the principal entrance of the building.
- (4) Bicycle Parking. All uses listed within Appendix A, Permitted Uses are required to include short-term bicycle parking facilities, unless already installed by the City. One (1) space per five-hundred (500) square feet of gross floor area for commercial uses must be provided in conjunction with the following regulations:
- (A) All required bicycle spaces must be located on the same lot. The property owner may also make arrangements with the City to place bike parking spaces in the public right-of-way, pending approval of the Planning Commission.

- (B) The bicycle parking spaces must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. For passive security purposes, the bike parking shall be well-lit and clearly visible to building occupants or clearly visible from the street.
 - (C) Bicyclists must not be required to travel over stairs or other obstacles to access bicycle parking.
 - (D) Short-term bicycle parking spaces must be located no more than fifty (50) feet from the principal building entrance and at the same grade as the sidewalk or other pedestrian accessible routes.
- (d) Signs.
 - (1) The installation and maintenance of signage shall be done in accordance with Chapter 1129 Sign Regulations and the provisions this section. Additional signage regulations for this district include the following:
 - (A) Pole signs are prohibited.
 - (B) Wall and projecting signs are encouraged. Projecting signs may be up to six (6) feet in height on one-story buildings and twelve (12) feet in height on two (2) or more story buildings. Signs must not project further than three (3) feet from the part of the building the sign is affixed to. All projecting signs shall be placed so that the base of the sign is at least twelve ten 12 10 feet above ground level, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian or vehicular traffic beneath the sign, in which case the sign must be placed so that the base of the sign is at least six (6) feet above ground level.
 - (C) Signs may only have external illumination.
 - (D) Temporary business signs may be utilized within this district. freestanding by weight of at least thirty-five (35) pounds, and is limited to two (2) sides, with no side exceeding eight (8) square feet in size. The signs may be utilized for advertising during business hours. Temporary business signs shall not be placed in the public right-of-way without approval of the city.
- (e) Landscaping, Screening, and Buffering.
 - (1) Landscaping is generally difficult due to the unique circumstances within this district and requirements for the same are therefore limited. Landscaping will generally be included as part of the City's streetscape along Main Street.
 - (2) Buffer yards must be provided in accordance with Chapter 1131 Landscape Requirements.
 - (3) Any open area between the building and the public right-of-way not dedicated for walkways or access lanes, must have plant or ground cover at a minimum.
- (f) Building Façade.
 - (1) All facades of any building in this district facing a public right-of-way shall have glazing areas, equal to or greater than sixty percent (60%) of the facade area (measured using the total area below the second floor).
 - (2) Excluding the end wall of residential floors, for all upper floors, all facades facing a public-right-of-way of every building shall have glazed areas equal to thirty-five percent (35%) of the total area of the front facade, with each floor being calculated independently.

- (g) Sidewalks and Pedestrian Amenities.
- (1) Sidewalks the width of the public right-of-way shall be included along the entire width of the site frontage along any public street classified as downtown core per the City's adopted Thoroughfare Plan. Sidewalks five (5) feet in width shall be provided along any street or alley not classified as a downtown core public street.
 - (2) Pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or concrete.
 - (3) To the maximum extent possible, provisions shall be made for connections with existing pedestrian systems on adjoining properties, including sidewalks, bikeways, walkways or other modes of pedestrian traffic.
- (h) Curb Cuts and Access Points. Curb Cuts and Access Points shall be placed in a way as to not disrupt pedestrian traffic and pose possible pedestrian safety conflicts. Curb cuts and access points shall be limited to as few as necessary within this district.
- (i) Outdoor Displays. Outdoor displays for merchandise are generally permitted within this district. Displays are limited in size and location. Any structure or display shall not impede with fluid and safe pedestrian and vehicular traffic. The structure shall not exceed five (5) feet in height nor shall it be closer than four (4) feet to the nearest curb as to maintain a clear path for pedestrians. Additionally, outdoor displays shall not be placed within twenty (20) feet of the point of intersection of the right-of-way lines of any street intersection to avoid potential sight-line issues for pedestrian and vehicular traffic. The display shall not encompass more than ten percent (10%) of the building's street frontage. Outdoor displays may only be setup between the hours of 8 AM and midnight. Design standards and placement are subject to administrative approval by the Zoning Inspector.
(Ord. 2015-7. Passed 8-25-15.)

1127.08 MIXED-USE CIVIC DISTRICT (MU - CD).

Building Standards, Lot Standards, and Setback Requirement for the Mixed-Use Civic District:

Building Standards: MU-CD Schedule 1127.08	
District Standards	
District size, min. (acres)	N/A
Lot Standards	
Lot area, min. (sq. ft.)	3,000
Lot area, max. (sq. ft.)	N/A
Lot frontage, min. (ft.)	30
Lot coverage, min. (%)	40%
Lot coverage, max. (%)	75%

Setback	
Front, min. (ft.)	10
Front, max. (ft.)	30
Side, min. (ft.)	10
Side, max. (ft.)	20
Rear, min. (ft.)	10
Rear, min. when abutting R zoned district (ft.)	30
Building Standards	
Height, max. (ft.)	40 ft. parapet wall allowed to exceed height by 4 ft. in the case of flat roof. Steeples attached to any places of worship may exceed height regulation by 10 feet.
Gross Floor Area Maximum per use, Commercial (sq. ft.)	10,000
Minimum sq. ft. per residential unit	650
Note: Residential adjacency standards apply and may affect setback and building height design features.	

- (a) Building Siting and Orientation. The following shall apply to building siting and orientation requirements within this district:
- (1) Entrance Orientation. The primary building entrances shall be oriented to the primary abutting public street. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
 - (2) Screening from Residential Property. Screening along rear and side lot lines abutting residential properties is required as described in Chapter 1131 Landscape Requirements.
 - (3) Buildings located at street intersections. When located at an area noted within the thoroughfare map as important pedestrian or automobile entry points, the owner shall employ distinctive architectural features to distinguish these areas.
- (b) Uses. Permitted, conditional, and accessory uses may occur within each building type as specified in Appendix A, Permitted Uses.
- (c) Parking.
- (1) Requirements. Off-street parking areas must be located on the same lot as the principal use. Parking lots may be designed and operated in a way that conforms to the joint-use parking facility subsection of Chapter 1133 Off-street Parking and Loading Regulations.

- (2) Location. Surface parking shall only be placed to the side and rear of the building. Surface parking area may be located in the front of the building, but is limited to 25% of the project's total required parking as specified in Chapter 1133 Off-street Parking and Loading Regulations. On-street parking may be included within the total requirement if the space is within three-hundred (300) feet of the principal entrance to the building or use.
- (3) Location - Off-street Loading Areas. The loading and unloading areas must be placed on the rear or side of the building. If the use only requires temporary parking area efforts should be made to place said area as close to the side or rear of the building as possible based on the individual circumstances of each lot. All loading spaces shall be screened in accordance with Chapter 1133 Off-street Parking and Loading Regulations and Chapter 1131 Landscaping Requirements.
- (4) Bicycle Parking. All non-residential uses are required to include short-term bicycle parking facilities, unless already installed by the City. One (1) space per five hundred (500) square feet of gross floor area for commercial uses must be provided in conjunction with the following regulations:
 - (A) All required bicycle spaces must be located on the same lot as the use or within fifty (50) feet of the lot when on private property. The property owner may also make arrangements with the City to place bike parking spaces in the public right-of-way, pending review of the Planning Commission.
 - (B) The bicycle parking spaces must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. For passive security purposes, the bike parking shall be well-lit and clearly visible to building occupants or clearly visible from the street.
 - (C) Bicyclists must not be required to travel over stairs or other obstacles to access bicycle parking.
 - (D) Short-term bicycle parking spaces must be located no more than fifty (50) feet from the principal building entrance and at the same grade as the sidewalk or other pedestrian accessible routes.
- (d) Signs. The installation and maintenance of signage shall comply with Chapter 1129 Signage Requirements and the provisions of this Chapter. Additional regulations for this district include:
 - (1) Pole signs are prohibited.
 - (2) Signs may only have external illumination.
- (e) Landscaping. Landscaping shall be provided in accordance with Chapter 1131 Landscaping Requirements.
- (f) Sidewalks and Pedestrian Amenities.
 - (1) Sidewalks shall be placed along the entire length of the front lot line and on any side lot line of a parcel that abuts a public street.
 - (2) To the maximum extent possible, provisions shall be made for connections with existing pedestrian systems on adjoining properties, including sidewalks, bikeways, walkways or other modes of pedestrian traffic.
- (g) Curb Cuts and Access Points. Curb Cuts and Access Points shall be placed in a way as to not disrupt pedestrian traffic and pose possible public safety hazards. Curb cuts and access points shall be limited to as few as necessary within this district.

- (h) Outdoor Displays. Outdoor displays for merchandise are generally permitted within this district. Displays are limited in size and location. Any structure or display shall not impede with fluid and safe pedestrian and vehicular traffic. The structure shall not exceed five (5) feet in height nor shall it be closer than four (4) feet to the nearest curb as to maintain a clear path for pedestrians. Additionally, outdoor displays shall not be placed within twenty (20) feet of the point of intersection of the right-of-way lines of any street intersection to avoid potential sight-line issues for pedestrian and vehicular traffic. Outdoor displays may only be setup between the hours of 8 AM and midnight. Design standards and placement are subject to administrative approval by the Zoning Inspector.
(Ord. 2015-7. Passed 8-25-15.)

1127.09 MIXED USE - GRANARY DISTRICT (MU - GD).

Building Standards, Lot Standards, and Setback Requirement for the Mixed-Use Granary District:

Building Standards: MU-GD Schedule 1127.09	
District Standards	
District size, min. (acres)	5
Lot Standards	
Lot area, min. (sq. ft.)	N/A
Lot area, max. (sq. ft.)	N/A
Lot width, min. (ft.)	40
Lot coverage, min. (%)	50%
Lot coverage, max. (%)	100%
Setback	
Front, min. (ft.)	0
Front, max. (ft.)	50
Side, min. (ft.)	0
Side, max. (ft.)	50
Rear, min. (ft.)	0
Rear, when abutting R zoned district	15

Building Standards	
Height, max. (ft.)	75 ft. Parapet wall allowed to exceed height by 4 ft.
Gross Floor Area Maximum, Commercial (sq. ft.)	25,000
Residential Density, Dwelling Units per acre	50
Gross Floor Area Minimum, Residential Dwelling Unit (sq. ft.)	700
Note: Residential adjacency standards apply and may affect setback and building height design features.	

- (a) Building Siting and Orientation. Buildings shall be oriented in the most logical manner dependent upon the layout of the development as a whole. Elements such as proximity and vantage point of the river and lake, proximity to streets and ways, and access of public walks and other pedestrian amenities shall be taken into account. Buildings shall be oriented in a way to promote a fluid flow of traffic, both vehicular and pedestrian-based.
 - (1) Entrance orientation. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. The primary entrance must be placed along the frontage of any pedestrian or vehicular way. A secondary entrance is permitted in the case that the respective side of a building is adjacent to the waterfront and must also be identifiable by architectural design treatment.
- (b) Uses. Permitted, conditional, and accessory uses may occur within each building type as specified in Appendix A, Permitted Uses.
- (c) Parking.
 - (1) This district is intended to promote pedestrian and bicycle access, with as little space taken up by parking surface area as possible ensuring quality urban design. Therefore, the incorporation of jointly used parking structures shall be utilized as part of a general development concept.
 - (2) Required spaces. The spaces within the district shall be determined based on the schedule set forth in Chapter 1133 Off-street Parking and Loading Regulations. In order to foster more dense development, the use of parking structures is permitted.
- (d) Signs. The installation and maintenance of signage shall be done in accordance with Chapter 1129 Sign Regulations and the provisions of this Chapter. Additional regulations include the following:
 - (1) Pole signs are prohibited.

- (2) Wall and projecting signs are encouraged. Projecting signs may be up to ten (10) feet in height on one-story buildings and fifteen (15) feet in height on two (2) or more story buildings. Signs must not project further than five (5) feet from the part of the building the sign is affixed to. All projecting signs shall be placed so that the base of the sign is at least ten (10) feet above ground level, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian or vehicular traffic beneath the sign, in which case the sign must be placed so that the base of the sign is at least six (6) feet above ground level.
- (e) Landscaping. The installation and maintenance of landscaping materials shall be done in accordance with Chapter 1131 Landscape Requirements.
- (f) Sidewalks and Pedestrian Amenities. Pedestrian circulation shall be addressed with the use of sidewalks and other modes of internal connections. Each general development concept within this district, shall have a pedestrian amenities plan. The plan shall include the following:
 - (1) Interconnected pedestrian plan that allows for continuous access to all uses within the development area.
 - (2) Indication of surface materials being used, which shall include visually attractive and durable, low-maintenance surface materials such as pavers, brick, or concrete.
 - (3) Streetscape design features shall be incorporated, including decorative lighting, benches, landscape materials and shade trees, and other architectural features highlighted within the Master Plan.
 - (4) Design specifications for all pedestrian amenities. Perimeter paths and pedestrian walkways should be a minimum of six (6) feet wide. Interior paths and pedestrian walkways shall be a minimum of four (4) feet wide, except when along the frontage of a building or structure which encompasses the main entrance, in which case the walkway shall be six (6) feet in width.
- (g) Greenspace and Public Amenities. Areas of lawn, trees, and other vegetation or artistic architectural structures set apart for passive recreational use or aesthetic purposes must be provided as part of a general development concept.
 - (1) Requirements. A minimum of two thousand (2,000) square feet of public greenspace must be provided for every one (1) acre of development.
 - (2) Design. Creativity is strongly encouraged within greenspace areas.
 - (3) Location. Ten percent (10%) of the green space shall be adjacent to the water front in order to maintain public access to the water front.
- (h) Internal Streets and Vehicular Circulation. Internal streets shall be constructed with curbs to define the limits of the roadway. Internal streets shall be constructed in the same manner as specified by the Thoroughfare Plan: Neighborhood Link. Streets shall be laid out in a system designed to minimize pedestrian and vehicular conflicts and to promote the fluid flow of traffic.
- (i) Lighting. Lighting shall be installed using a combination of attractively designed fixtures of varying heights throughout the development, including along pedestrian ways, along streets, and within parking areas to provide a safe, secure, and aesthetically pleasing development. Lighting within the district shall be employed in such a manner as to prevent glare or direct light onto adjacent residential property.

- (j) Curb Cuts and Access Points. This district should be developed and planned with prioritization placed on pedestrian and bicycle traffic, with curb cuts and access points segregated as much as possible. (Ord. 2015-7. Passed 8-25-15.)

1127.10 VARIATIONS TO AN APPROVED GENERAL DEVELOPMENT CONCEPT.

(a) Minor Variations. Minor variations from an approved General Development Concept may be approved by the Planning Commission upon finding that the variations are generally in keeping with the spirit and concept of the approved General Development Concept, in accordance with the conditions required by the City Council in its approval, and in accordance with the requirements of this Chapter. For the purposes of this Section, a minor variation shall include:

- (1) Small, incidental alterations to the location or number of spaces in off-street, surface parking lots.
- (2) Small, incidental construction of accessory structures;
- (3) Incidental increases/decreases in the square footage of principal buildings. Any increase in the overall number of permitted dwelling units shall not be considered a minor variation;
- (4) Minor alterations in the placement of dwelling units within a phase of the overall project;
- (5) Minor design modifications that will have no discernible impact on neighboring properties, the public, or those intended to occupy or use the proposed development.

(b) Other than Minor Variations. All variations contained on a development plan that are not described in this chapter shall be reviewed by the Planning Commission. If the Planning Commission finds that such variations are generally in keeping with the spirit and concept of the approved General Development Concept, in accordance with any required conditions, and in accordance with the requirements of this Chapter and this Code, the Planning Commission shall approve such variations.

(c) If approval of any variations to a General Development Concept result in a necessary change to existing zoning or previously authorized development agreements, the Planning Commission must forward the revised General Development Concept and any relevant zoning amendments or revised development agreements to City Council for review and approval.

(d) Upon receiving a recommendation from the Planning Commission for approval of any zoning amendments or development agreements necessary for the proper execution of a revised General Development Concept, the City Council will review the General Development Concept. Any zoning amendments shall be done in accordance with procedures spelled out within section 1139.03 of the Huron Planning and Zoning Code. Any development agreements shall be authorized in the manner of a Resolution.

(e) Failure on the part of the Developer to conform to said plans included within the General Development Concept, and/or applicable Municipal requirements and/or the terms and conditions of the City's approval shall be grounds for action by the City.

(f) Amendments to a General Development Concept. Amendments to a General Development Concept, whether by the original applicant or subsequent applicants, shall be submitted and reviewed in accordance with procedures set forth in this Chapter regarding Conformity to Standards, General Development Concepts, and Procedures for Approval. (Ord. 2015-7. Passed 8-25-15.)

Appendix A - Permitted Uses

Use	MU-RFD	MU-CD	MU-GD
Residential and Lodging			
A. Single-family dwellings	NP	NP	NP
B. Townhouses, stacked or otherwise	P	P	P
C. Dwelling units on the first floor of a building	NP	NP	NP
D. Dwelling units above the first floor of a building	P	P	P
E. Hotel, 16 or fewer guest rooms	P	NP	P
F. Hotel, greater than 16 guest rooms	P	P	P
G. Bed and Breakfast	P	NP	NP
Office and Professional Services			
A. Administrative, business and/or professional office	P	P	P
B. Bank and other financial institutions (not payday loan centers)	P	P	P
C. Medical or Dental Office	NP	P	P
D. Medical, Dental or Health Services Clinic (Definition examples)	NP	P	P
E. Veterinary service clinics	NP	NP	NP
Retail, Entertainment and Services			
A. Retail establishments	P	P	P
B. Restaurant, indoor seating	p	P	P
C. Restaurant, outdoor seating	P	P	P
D. Drive-thru facility	NP	NP	NP
E. Bars and Taverns	P	P	P
F. Artisan studios, photography shops, and art galleries	P	P	P
G. Grocery Stores	NP	NP	NP
H. Anchor or box retail	NP	NP	P
I. Outdoor displays or sales	C	C	P
J. Service establishment, personal	P	P	P
K. Bakery	P	P	P
L. Farmers Market or open air market	P	C	C
M. Breweries, distilleries, wineries and associated tasting rooms	P	P	P
N. Strip center development	NP	NP	NP

Entertainment - Recreation			
A. School, specialty or personal instructor	P	P	P
B. Theater, indoor	P	P	P
C. Assembly hall, membership club, conference center	P	P	P
D. Public park or playground area	P	P	P
E. Accessory outdoor recreational facilities	P	NP	P
F. Bowling alleys	P	NP	P
Community and Civic Facilities/Other			
A. Places of worship/Church	P	P	NP
B. Library	P	P	NP
C. Cultural institution	P	P	NP
D. Governmental offices	P	P	NP
E. Parking surface area	P	P	P
F. Parking structure	P	P	P

(Ord. 2015-7. Passed 8-25-15.)

CHAPTER 1129 Sign Regulations

1129.01 Purpose.	1129.08 Maintenance.
1129.02 Application of sign regulations.	1129.09 Alteration and removal of nonconforming signs.
1129.03 Computations.	1129.10 State Route 2 Corridor Sign Regulations.
1129.04 Maximum sign areas permitted.	1129.11 Administrative procedures.
1129.05 Sign regulations.	Appendix A - Maximum sign age area.
1129.06 Design and construction standards.	Appendix B - State Route 2 Corridor.
1129.07 Sign illumination standards.	

CROSS REFERENCES

Conformance with Performance Standards - see P. & Z. Chap. 1121.06
 Nonconformity - see P. & Z. Chap 1121.07
 Residence Districts - see P. & Z. Chap. 1123
 Non-residence Districts - see P. & Z. Chap. 1125
 Mixed Use Districts - see P. & Z. Chap. 1127
 Off-street Parking and Loading Regulations - see P. & Z. Chap. 1133
 Fees - see Building Code 1321

1129.01 PURPOSE.

This Chapter is established to promote the general health, safety and welfare of residents and visitors of the City of Huron by establishing sign regulations, as necessary to ensure that signs are in harmony with the character of the associated use and surrounding area and installed and maintained in a safe manner. A sign may be erected, placed, established, painted, created or maintained in the City of Huron only in conformance with the standards, procedures, exemptions and other requirements of this chapter.

- (a) As more specifically set forth herein, the purposes of these sign regulations are to:
- (1) Provide reasonable, yet appropriate, conditions for identifying businesses and commercial enterprises;
 - (2) Allow for easy identification of the type of activity to which the sign pertains (residential, business, and industrial districts) and of the community as a whole;
 - (3) Control the size, location and design so that signs will be aesthetically harmonious with their surroundings;
 - (4) Eliminate any conflict which would be hazardous between business or identification signs and traffic control signs and devices;
 - (5) Promote and maintain attractive, high value residential districts;

- (6) Provide review procedures which enable the City to comprehensively evaluate the appropriateness of the sign to the site, building and surroundings;
 - (7) Assure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and,
 - (8) Prohibit all signs not expressly permitted by this Zoning Code.
- (b) For the purpose of this Chapter, a "sign" and associated definitions as referenced by this code include the following:
- (1) "Address Sign" means signs showing a resident's name and / or street number.
 - (2) "Advertising Sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered either on location, or offered elsewhere than on the lot the sign is located.
 - (3) "Air Markers" means signs or groups of signs painted on a large roof or the side of a tall structure to give aeronautical or geographic information to the pilot of a passing aircraft.
 - (4) "Awning Sign" means signs painted upon a cloth, plastic or metal surface supported by a frame adequate to support the structure fastened to the front of a building.
 - (5) "Billboard Sign" means any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising either: (1) a business, service, entertainment, activity or event which is not conducted on the land upon which the structure is located; (2) a product which is not primarily sold, manufactured, processed or fabricated on the land upon which the structure is located; (3) a geographical location or place which is not located on the land upon which the structure is located; or (4) a person. However, any structure which meets the definition of a directional sign shall not be considered to be a billboard.
 - (6) "Building Identification Signs" show the name and date of erection of the building upon which they are displayed. They are typically cut into masonry surfaces or constructed of bronze or other durable materials.
 - (7) "Canopy Sign" means signs mounted or placed upon a cloth, plastic or metal surface supported by a metal frame fastened to a building at one end and supported on the other.
 - (8) "Changeable copy" means a non-electronic sign on which the message or graphics are not permanently affixed to the structure, framing or background, but which may be manually replaced (ex. bulletin and announcement boards).
 - (9) "Contractor Sign" means a temporary sign located at an active construction site to inform the public of the name of the project, name of the contractor, name of the engineer and similar data.
 - (10) "Directional or Instructional Signs" means signs directing traffic (vehicular, marine, pedestrian, bicycle, etc.) to a given site, premises or facility.
 - (11) "Electronic message board" means a sign or changing display, copy or message board, composed of a series of lights that may be changed automatically and/or remotely through electronic means. Display screens, such as those installed at gas / fuel station pumps for advertisement, with audio components are also included in this category.

- (12) "Feather Signs" means a freestanding type of attention getting device made of fabric or nylon affixed to a light weight pole used for attracting attention, promotion, or advertising. May also be called a flag or teardrop sign. See Figure 1129.01 below:



- (13) "Flashing Signs" means signs, other than time-temperature signs, in which intermittent flashing of lights is used to accentuate the sign's message.
- (14) "Geographical Area Signs" designate the location of a group of related sites or activities such as Chaska Beach, Huron Plaza or Huron Corporate Park.
- (15) "Ground sign" means a permanent outdoor sign supported by one or more uprights or braces in or upon the ground and includes ground supported pole signs.
- (16) "Identification Sign" means a sign intended to announce or promote the use, activity, service or business on the premises, such as a park, neighborhood, or specific district.
- (17) "Illuminated Sign" means signs in which all or a portion of the message is outlined by fluorescent tubes, low-wattage lamps or other sources or by floodlighting the surface of the sign. Illuminated signs also include installations where the entire sign or portions of it are backlit by an internal light source.
- (18) "Marquee Sign" means signs mounted upon an integral structural component with a covered framework of permanent nature projecting from the face of a building above an entrance and open on three sides.
- (19) "Monument Sign" means a ground sign generally having a low profile with little or no open space between the ground and the sign and having a structure constructed of masonry, wood, or materials similar in appearance. The base of these signs are typically landscaped.
- (20) "Political Signs" means temporary signs advocating the candidacy of a certain individual or group or the passage or defeat of a political issue.

- (21) "Portable Signs" means any signs designed to be transported, including but not limited to signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A or T-frame signs; attached temporarily or permanently to the ground, structure or other signs; mounted on a vehicle or watercraft for advertising purposes, parking and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business; searchlight stands; and air or gas-filled balloons or umbrellas used for advertising.
- (22) "Professional Occupation Signs" mean signs listing the profession or occupation of a building resident.
- (23) "Projecting sign" means a permanent outdoor sign which is affixed or pinned to a building wall and projects from the building wall a distance more than twelve (12) inches.
- (24) "Real Estate Signs" means temporary signs indicating the availability for sale or lease of the premises upon which located.
- (25) "Roof sign" means a sign which is displayed above the eaves and below the roof line. This also includes signs painted or displayed directly upon the roof of a building.
- (26) "Safety Signs" means any signs used by the City, County, State or Federal Government, or any board, commission or subdivision thereof, for the warning, guidance or protection of the public, and particularly includes all traffic signs and devices.
- (27) "Signable area" of the building means an area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail.
- (28) "Street Clock Signs" means advertising messages displayed upon the surface of a clock mounted upon the face of a building or upon the adjacent sidewalk and designed primarily to attract the attention of pedestrian traffic.
- (29) "Suspended Signs" means banners or framed signs supported by suspension between two fixed objects.
- (30) "Temporary Signs" means signs fabricated of paper, cardboard, plywood, fabric or other light, impermanent material intended to be displayed unchanged. Such signs are limited to special event purposes and for a period not to exceed thirty days in advance or eight days after the campaign or activity for which they were erected. Temporary signs of a political nature as previously defined shall not be subject to the time regulations herein.
- (31) "Time-temperature Signs" are designed to project current information on time and temperatures through the display of illuminated figures and do not include advertising messages.
- (32) "Wall sign" means an outdoor sign affixed or attached to the wall of a building or other structure and projecting not more than twelve (12) inches from the face of the wall and installed generally parallel to the wall's face.
- (33) "Warning Signs" means private signs warning of the dangers of trespass upon the premises where placed.
- (34) "Window sign" means any arrangement of letters, figures, symbols or other devices used for advertisement, announcement, direction or declaration, intended to attract or inform the public, which is affixed to, painted on, or placed inside of a window so as to be read or viewed from the outside. The glass or clear plastic portion of an exterior door shall be considered a window for purposes of this definition.

- (35) "Window sign, permanent" shall be any window sign intended to be displayed for thirty (30) days or more.
- (36) "Window sign, temporary" shall be any window sign intended to be displayed for temporary purposes.
(Ord. 2015-8. Passed 8-25-15.)

1129.02 APPLICATION OF SIGN REGULATIONS.

The regulations and standards contained in this chapter shall apply to signs outside of the public right of way. A sign may only be erected, established, painted, created or maintained in conformance with the standards, procedures, exemptions and other requirements of this chapter.

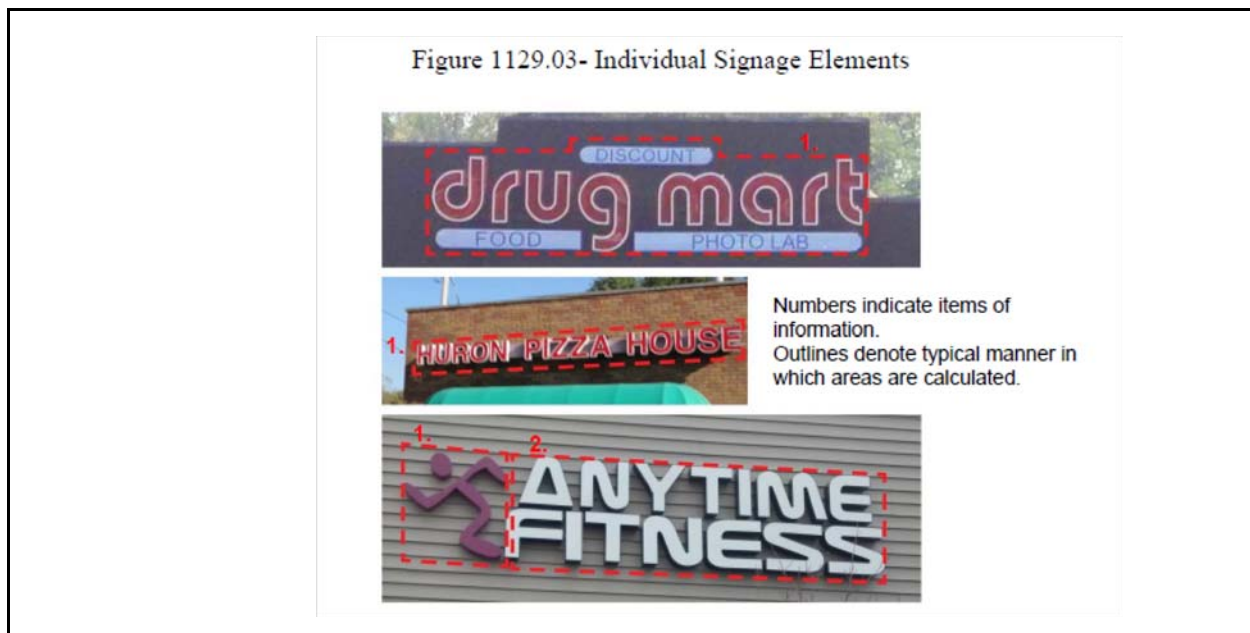
- (a) No signs shall be permitted in the public right of way, except for the following:
 - (1) Public / Safety signs erected by or on behalf of a governmental body, when approved by the City, to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - (2) Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and,
 - (3) Awning, marquee and projecting signs projecting over a public right of way in conformity with the conditions of Section 1129.04 (i.e. maximum area and number of signs) and the height clearance conditions in Section 1129.05(c).
- (b) No sign is permitted to be installed or placed on public property, except in conformance with the requirements of this section. Any such sign shall be forfeited and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign and any damages caused to public property.
- (c) The City shall have, and is hereby granted, the authority to revoke any permit granted hereunder, and is granted the authority to order any sign maintained in violation of any provision of this section to be altered, repaired, changed, reconstructed, demolished, or removed as may be necessary to conform hereto. Such work or act shall be completed with ten (10) calendar days of the date of such order.
(Ord. 2015-8. Passed 8-25-15.)

1129.03 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height.

- (a) Determining Building Frontage and Building Unit. The building frontage shall be the length of the building which faces the principal street. In the event that due to the unique nature of the site, building, or parcel, the principal entrance to the uses therein is located on any side of a building that is not adjacent to the principal street, one (1) additional sign is permitted to clearly delineate the location of the entrance.
 - (1) In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
 - (2) Only one (1) exterior wall of any business shall be considered its frontage. If the building is located on a corner lot, only one side of the building shall be used to calculate frontage. In this instance, it shall be the Planning Commission's discretion as to which side of the building is considered to front a principal street.

- (3) For multi-tenant buildings, the portion of a building which is owned or leased by a single tenant shall be considered a building unit.
- (4) The length of a building unit is that portion of the building so occupied by a single activity and calculated in the same manner as the building frontage.
- (b) Determining Sign Area or Dimension. Signs may be displayed as freestanding ground signs, wall signs, roof signs, window signs and projecting signs within the limitations and restrictions as further described by this Chapter, provided the items of information allowance authorized by this Section is not exceeded.
 - (1) For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame.
 - (2) Signs should be commonly designed as part of the building or architectural style and not just be unrelated areas with lettering.
 - (3) For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding or projecting sign, the area of the sign shall encompass a regular geometric shape or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements. See Figure 1129.03 below:



- (4) The sign area shall include the frame, but shall not include the pole or other necessary structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display surface or device.
- (5) A freestanding sign shall have no more than two (2) display surfaces provided that the two (2) display surfaces are arranged back-to-back, and not more than eighteen (18) inches from each other. No more than two (2) display faces shall be permitted. Only one (1) display surface is used in computing total signage area.
- (6) In the event there is a dispute in determining the sign area or any sign dimension, the Planning Commission shall have the final responsibility for making such determination.
- (c) Determining Sign Height. The height of a freestanding sign shall be measured from the finished grade of the site to the top of the highest element of the sign. All freestanding signs on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to the addition of the sign. The height of a temporary freestanding sign in a residential district shall be measured from the grade at the base of the signpost to the top of the highest element. See Schedule 1129.05(d)
- (d) Determining Window Area. The window area of a building shall be the total glass area of windows on the first floor of the wall of the building facing the primary frontage, provided that for the purposes of these regulations, the height of windows on the first floor shall be that portion of the window within fifteen (15) feet of the grade.
(Ord. 2015-8. Passed 8-25-15.)

1129.04 MAXIMUM SIGN AREAS PERMITTED.

Signs as permitted in the respective zoning districts shall conform to the maximum area and number of signs requirements in Appendix A - Maximum Signage Area, unless regulations are otherwise specified in this Zoning Code. Signage areas designated reflect one (1) side of a sign as allowed by this Zoning Code. Numbers in Appendix A indicate the allowable area of the sign type. If a cell is blank, that sign type is not permitted in the designated zoning district.
(Ord. 2015-8. Passed 8-25-15.)

1129.05 SIGN REGULATIONS.

Permitted signs must adhere to the regulations outlined below:

- (a) Wall Signs (review). All such signs are subject to the following limitations:
 - (1) Wall signs placed in the vertical space between windows may not exceed in height more than two-thirds (2/3) of the distance between the top of a window and the sill of any above windows, or major architectural details related thereto.
 - (2) Wall signs shall not extend above the roof line.
 - (3) A sign may not cover or interrupt major architectural features.
 - (4) Rear and side entrances. There may be an additional sign not more than fifteen (15) square feet attached to the building at a public entrance not fronting on a street that opens from a parking lot or having access from a parking lot used by the public.

- (b) Window Sign. The following regulations apply to signs affixed to or are displayed in a window:
- (1) Ground Floor Occupants.
- A. Permanent window signs shall have a maximum area not greater than twenty percent (20%) of the total window area of the space occupied by the occupant, but not cover more than 50% of any one window unit. If a permanent window sign is installed along a public right-of-way, the signage must allow transparency in the window and not block views in and out of the establishment. If the proposed signage is applied to a "spandrel" window or a window that serves no visibility or natural light purpose to the establishment, the sign may be opaque.
- B. Temporary window signs shall have a maximum area not greater than ten percent (10%) of the total window area of the space occupied by the occupant, but not cover more than fifty percent (50%) of any one window unit. Temporary window signs must be attached to the inside of the window.
- i. Temporary signs shall not be illuminated in any way.
- ii. Temporary window signs used to advertise a special event (i.e. grand opening, sale, event) shall be removed within ten (10) days after the close of the event. These signs shall include the date that the sign was posted.
- C. In addition to such other window signage as may be permitted by this Chapter, each occupant may display one window (1) sign, , which indicates its hours of operation and one (1) window sign, not to exceed two (2) square feet in area consisting solely of the words "open" or "closed".
- (2) Upper Story Occupants. For a multi-story building, each non-residential occupant above the ground floor shall be permitted one (1) permanent sign to be placed in a window of the occupant's space.
- A. Not to exceed six (6) square feet or fifty (50%) percent of the area of the window in which the sign is placed, whichever is smaller.
- B. The Planning Commission may authorize the display of a window sign in or on an upper story window upon determination that such second story sign is consistent with this code and in harmony with the general character of the building and neighborhood.
- (3) Permanent window signs may be illuminated only during the hours of operation of the occupant.
- (c) Projecting Signs.
- (1) A projecting sign shall be at least six (6) inches from the wall and extend no more than four (4) feet beyond the face of the building wall or other structure.
- (2) Projecting signs shall be limited to occupants that have a minimum of 20 feet of building façade along the front lot line.
- (3) All projecting signs shall be placed so that the base of the sign is at least ten 10 feet above ground level, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian or vehicular traffic beneath the sign, in which case the sign must be placed so that the base of the sign is at least six (6) feet above ground level.

- (d) Permanent Freestanding Ground Signs. Permanent freestanding signs shall be permitted for business/service activities that front a public street and are accessible by vehicular or pedestrian traffic. These signs shall comply with the following regulations:
- (1) Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding signs. Permanent freestanding signs shall comply with the maximum number, area, and height limitations and minimum setback from the street right-of-way set forth in Schedule 1129.05(d).

SCHEDULE 1129.05(d) PERMANENT GROUND SIGNS					
DISTRICT	Maximum Number Permitted	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setback from ROW (ft.)	Minimum Setback from Side Lot Line (ft)
R-1	1 per subdivision	8	6	7	5
R-1A	1 per subdivision	8	6	7	5
R-2	1 per subdivision	8	6	7	5
R-3	1	12	8	7	5
MU-RFD					
MU-COD	1	12	8	7	5
MU-GD					
B-1	1 per lot	24	8	7	5
B-2	1 per lot	24	8	7	5
B-3	1 per lot	40	12	7	10
Green/ Recreation	1 per entrance from public street	40	6	7	10
I-1	1 per lot	100	8	7	30
I-2	1 per lot	100	8	7	30
P-I	1 per lot	30	6	7	30
Entrance/Exit Signs	2 per driveway	6	3	0	0

- (2) Public Safety Impact. Notwithstanding the preceding, the Planning Commission reserves the ability to review each sign application on the basis of the potential impact to public safety with regards to safe pedestrian and vehicular traffic flow.
- (3) Minimum Setback from Intersections. On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights-of-way, as set forth in Schedule 1129.05 (d). In addition, these signs are subject to the approval by the Chief of Police to ensure proper sight lines are maintained.
- (4) Landscaping. The base and foundation area of each freestanding ground sign shall be landscaped with plant material. Landscape plans for signs shall be prepared in conformance with planting guidelines established by the City and shall be included with and reviewed as part of each application for signage and are subject to the following:
 - A. Freestanding signs shall be erected in a landscaped setting and not on sidewalks or drives. Signs may be located in parking lots, but must be within a landscaped island area.
 - B. No part of a freestanding sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.
 - C. For residential subdivisions, the freestanding sign shall have a maximum of two (2) sign faces per entrance and be either a double-faced freestanding sign or two (2) single-sided sign faces attached to walls or entry features located one on each side of the street entrance.
- (5) Multi-Occupant Facilities. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof. Total area of signs erected or displayed within a given development shall not exceed two square feet for each lineal foot of street frontage.
- (6) Message Boards. All signs with electronic message boards / changeable copy are subject to the following limitations:
 - A. Signs with electronic message boards / changeable copy are permitted as ground signs only.
 - B. The electronic message board portion of a sign shall not exceed thirty (30%) percent of the sign area
 - C. Under no circumstance shall any type of on-premises sign allowable under this section contain a message or display that appears to flash, undulate, pulse, move, scroll, portray explosions, fireworks, flashes, blinking or flashing light, appear to move toward or away from view, expand or contract, rotate, twist or display any other comparable movements as to distract drivers or pedestrians.
 - D. Electronic message boards can only be activated or displayed from 6:00 a.m. until 10:00 p.m.
 - E. Brightness.
 - i. All digital displays shall be illuminated at a level no greater than 0.3 foot candles over ambient light levels for location and time when measured at the recommended distance based on the digital display size, and shall employ light cut-off devices, such as but not limited to louvers, in order to minimize light escaping above a horizontal plane.

- ii. All digital displays must be equipped with both a dimmer control and photo sensor, which will automatically adjust the display intensity according to natural ambient light conditions.
 - iii. The use of Light Emitting Diodes (LED) bulbs or other technology that emits light in a highly concentrated intensity in electronic message boards is prohibited.
 - iv. Digital displays may not display light of an intensity or brilliance to cause glare or otherwise impair vision of the operator of a motor vehicle.
 - v. Color of lighting shall be designated in the permit application and be subject to approval by the Planning Commission.
 - vi. No electronic message boards shall be placed within one-hundred and twenty-five (125) feet of a residential district.
- F. Sound Prohibited. Signs or signage devices that project sound are prohibited.
- (7) Temporary Signs. The following regulations for temporary signs are in addition to the maximum sign area and height regulations set forth in Appendix A - Maximum Signage Area
- A. Temporary / Political / Real Estate / Contractor: Temporary signs announcing any proposed building, a building under construction, remodeling or reconstruction, advertising the sale, rental or lease of any building, buildings, or a part thereof, or political / special event signs shall comply with the following:
- i. Such signs shall be located on private property. Any signs announcing a proposed building, a building under construction or remodel, or advertising the sale, rental or lease of any building, buildings, or part thereof shall be located on the lot to be occupied or occupied by the building or use advertised.
 - ii. Such signs cannot be placed within the City Right-of-way.
 - iii. Garage or Home Sale Sign. One temporary sign promoting a garage sale shall be permitted on the site of the sale. Such sign shall be posted on private property for a period not to exceed three (3) calendar days or the length of the sale, whichever is less, on not more than two separate occasions in any given calendar year. Such sign shall not exceed a total of six (6) square feet. If the sale is to take place at a property that is within a residential subdivision, one (1) additional temporary directional sign may be placed at the logical entrance point to the subdivision. Such sign shall not be affixed to any utility poles or other infrastructure within the Right-of-Way and is limited to three (3) square feet. Any garage or home sale signs shall not be located within the Right-of-way or affixed to any infrastructure within the Right-of-way, including utility poles and street signs. Placement of a garage or home sale sign will be authorized through the issuance of a garage or home sale permit. Signs must include the property address of the sale and must be collected once sale is completed

- (e) Supplementary Sign Regulations. The following sign regulations are in addition to the maximum sign area and height regulations set forth in Sections 1129.04:
 - (1) Freestanding Signs for Gasoline Stations. Freestanding commercial identification signs are permitted for gasoline stations in compliance with the following regulations:
 - A. One (1) freestanding identification sign with a maximum area of thirty-six (36) square feet per sign face is permitted per development. The area of the freestanding sign shall be in addition to the maximum area permitted by Appendix A - Maximum Signage Area.
 - B. No portion of any freestanding sign shall project into the public right-of-way. (Ord. 2015-8. Passed 8-25-15.)

1129.06 DESIGN AND CONSTRUCTION STANDARDS.

In addition to assuring compliance with the numerical standards of these regulations, the Planning Commission and Design Review Board, when approving signs, shall consider the proposed general design, arrangement, texture, material, colors, lighting placement and the appropriateness of the proposed sign in relationship to other signs and the other structures both on the premises and in the surrounding areas, and only approve signs which are consistent with the intent, purposes, standards and criteria of the sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited to the following conditions:

- (a) The lettering shall be large enough to be easily read from the public street but not out of scale with the building, site or streetscape.
- (b) The number of items (letters, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall not create visual clutter.
- (d) Signs shall have an appropriate contrast and be designed with a limited number of, and with the harmonious use of, colors. Signs and awnings, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. Continuity of design means uniformity of background colors or harmonious use of a limited range of complementary background colors.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in these regulations.
- (f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall reflect the primary purpose of identifying the name and type of establishment.
- (g) The sign should be consolidated into a minimum number of elements.
- (h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (i) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (j) All signs in business and industrial districts may be illuminated provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.

- (k) No flashing or moving parts shall be permitted for any sign or advertising display within the City.
- (l) No paper or similarly pliable material posters shall be applied directly to the wall, building or pole or other support. Letters or pictures in the form of advertising that are printed or painted directly on the wall of a building are prohibited, except for window signs pursuant to this chapter and conditionally permitted murals.
- (m) No sign shall be erected, located or maintained in a location where it interferes with free vision of traffic approaching any intersection of streets, roads, alleys, private drives or other vehicular ways; not where it may interfere with, obstruct the view, or be confused with an authorized traffic sign or safety device. No sign or advertising device shall be permitted which, by color, location or design, resembles or conflicts with traffic control signs or devices.
- (n) No signs shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape or window, door, exit or entrance to or from any building, or otherwise be placed in the City's right-of-way.
- (o) No sign shall be placed, erected or maintained in a manner which will interfere with the proper and convenient protection of property by the Division of Fire.(p) Pennants, banners, streamers, whirligig devices, balloons, inflatable devices, and other similar devices are prohibited except for banners and pennants when part of public information signs installed by the City.
- (q) Billboards and other off-premise signs are prohibited.
- (r) Signs of any type may not be affixed or attached to any utility infrastructure or public infrastructure within the public right-of-way.
- (s) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign. Signs shall be designed, constructed, fastened or anchored to withstand various weather elements.
- (t) For any sign which projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign in such form and in such amount as the Law Director may reasonably determine. Proof of such insurance shall be required prior to obtaining a permit.
- (u) Freestanding signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting property or to be a safety hazard to pedestrians or vehicles, and shall comply with the requirements set forth by the Chief of Police for maintaining clear sight at an intersection.
- (v) "Feather Signs" are prohibited.
- (w) The City Council has full review and approval authority for any sign erected in the median of State Route 6 between the walk-over bridge and Williams Street.
(Ord. 2015-8. Passed 8-25-15.)

1129.07 SIGN ILLUMINATION STANDARDS.

- (a) Illumination.
 - 1. Permitted are the following types of illumination for all activities in all areas, except residential districts, subject to the limitations indicated in this Section.
 - A. Colored light.
 - B. Flashing signs which consist of a light which is intermittently on and off are prohibited.

- C. Illuminated surface colors, internal illumination, such as a light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface.
 - D. Indirect illumination, such as a light source not seen directly. Floodlight illumination, provided that the floodlight or spotlight is positioned so that none of the light shines onto an adjoining property or in the eyes of pedestrians or motorists.
 - E. Neon tube illumination such as a light source applied by a neon tube which is bent to form letters, symbols or other shapes.
 - F. Illumination controls. Flashing, moving, rotating intermittently lighted signs or other mechanically rotated or eye-catching devices shall be prohibited. Display signs illuminated by electricity, or equipped in any way with electric devices or appliances, shall conform with respect to wiring and appliances to provisions of the Chapter relating to electrical installations. Signs shall not be illuminated by fluorescent lamps using more than four hundred twenty-five (45) milliamperes or by transformers of more than thirty (30) milliamperes capacity. Fluorescent lamps of eight hundred (800) milliamperes may be used provided the spacing between such lamps is no less than nine (9) inches from center to center of lamp and such lamps are not closer than five (5) inches from center of lamp to inside face or faces of sign. Neon tubing may be powered by milliamperes transformers only when such tubing is used to back light silhouetted letters or for the internal illumination of plastic faced signs or letters. Such tubing shall not be visible to the eye and shall not be closer than one (1) inch to the plastic face or letter of any sign.
- 2. Signs shall be permitted to be illuminated in compliance with the following:
 - A. Light sources shall be shielded from all adjacent buildings and streets.
 - B. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists.
 - C. Light shall be directed in a way to reduce glare and light distribution or trespass onto adjacent properties. Light intrusion and dispersion efforts shall be in effect to mitigate adverse effects of light trespass and glare onto residential properties.
 - D. The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.
 - 3. In single and two-family residential districts, temporary signs shall not be illuminated. Permanent, freestanding signs shall only be externally illuminated using white light only and must be positioned so that none of the light shines onto an adjoining property or in the eyes of pedestrians or motorists. (Ord. 2015-8. Passed 8-25-15.)

1129.08 MAINTENANCE.

All signs shall be maintained in accordance with the following:

- (a) The property owner, owner of the sign, tenant, and agent are required to maintain the sign and building in a condition fit for the intended use and in good repair, and such person or persons have a continuing obligation to comply with all Building Code requirements.

- (b) A sign in good repair shall be free of peeling or faded paint, shall not be damaged, show uneven soiling or rust streaks; shall not have chipped, cracked, broken, bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable maintenance standards of the City.
- (c) If the sign is deemed by the Zoning Inspector to be in disrepair or in an unsafe condition, such sign shall be considered an unsafe structure and all City regulations applicable for the repair or removal of such sign shall apply. If the City finds that any sign is unsafe, insecure, a menace to the public, or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the City to the owner. The owner of the sign shall, within seven (7) days of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the allotted time, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The City may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
- (d) Whenever any sign that is currently nonconforming to this Code, and is required to be removed or altered for the purpose of repair, re-lettering, re-facing, or repainting, the sign will be subject to the City's sign permitting and review process in order to bring the sign into compliance.
- (e) Whenever any sign that is currently conforming to these standards is required to be removed for the purpose of repair, re-lettering, re-facing, or repainting, the same may be done without a permit, or any payment of fees, provided there is no alteration or enlargement to the structure or the mounting of the sign itself.
- (f) Abandoned Signs & Failure to Maintain.
 - 1. In the event that a tenant vacates a premises the owner of such premises, shall, within ten (10) days after such premises has been vacated, remove all signs owned or erected by such tenant, unless a new tenant or the owner of such premises maintains such signs in good repair and in a safe condition at all times.
 - 2. When the use or required maintenance of any sign is discontinued, the owner of such sign shall immediately remove the same.
 - 3. Any non-conforming sign which is unused for a continuous period of three (3) months or which advertises business activities, products, or services which have been discontinued or abandoned for a period in excess of three (3) months shall be removed or altered to comply with the provisions of this Chapter. (Ord. 2015-8. Passed 8-25-15.)

1129.09 ALTERATION AND REMOVAL OF NONCONFORMING SIGNS.

(a) Consistent with the purposes of this Zoning Code, every graphic or other sign in violation of any provision of this Chapter shall only be removed, altered or replaced so as to conform to the provisions of this Code. Any sign which was in compliance with these regulations immediately prior to the effective date of this Code, but, on the effective date of this Code or any amendments thereto, is not in compliance with the regulations herein shall be deemed nonconforming.

(b) Nonconforming signs shall be removed and any subsequent modification or replacement (excluding routine maintenance pursuant to Section 1129.08) shall conform to all requirements of these regulations:

1. When more than fifty percent (50%) of the value of the sign has been destroyed or been removed;
2. A change in the ownership of the real estate or a change in the management of the property or business will require conformity with the standards expressed in this chapter.

(c) A nonconforming sign shall be replaced, altered, modified or reconstructed in accordance with these regulations upon a change to the existing use of the pertaining building, or the pertaining building comes under new ownership or new management. Any proposed replacement, alteration, modification or reconstruction of a nonconforming sign shall be denied by the Planning Commission or their designees if the proposed changes are not in conformance with this Code.

(d) The Planning Commission may permit certain nonconforming signs to continue when, because of unique design features or construction qualities, the Commission determines the sign to be architecturally or historically significant.
(Ord. 2015-8. Passed 8-25-15.)

1129.10 STATE ROUTE 2 CORRIDOR SIGN REGULATIONS.

This section has been established to recognize that many corporations and businesses choose to locate within the State Route 2 Corridor due to the availability of highway visibility, and therefore additional free-standing signs are permitted on the side of the building or parcel adjacent to Ohio State Route 2. Notwithstanding signage otherwise permitted within this Chapter, Ohio State Route 2 Corridor signage is subject to the following regulations:

- (a) The State Route 2 Corridor encompasses the parcels included within the boundaries as shown on Appendix B: State Route 2 Corridor Map. .
- (b) Only properties within the State Route 2 Corridor are able to place additional signage in accordance with the section.
- (c) Developments, uses, or principal buildings that are detached or stand alone in nature, and are the only principal use on a specific parcel are permitted to have their own respective sign. The sign must be placed on the same parcel as the principal building or use.
- (d) Development or principal buildings that incorporate multiple uses or tenants within may only use one sign that includes space for each use or tenant within the development.
- (e) Signs shall be a minimum of twenty (20) feet from the right of way along State Route 2.
- (f) Signs used within this district shall be designed in accordance with schedule 1129.10(f):

Schedule 1129.10(f)

Number of Uses Per Sign	Minimum Setback	Maximum Height	Maximum Display Area
Single Use	40 ft.	20 ft.	80 sq. ft.
2-4 Uses	40 ft.	25 ft.	150 sq. ft.
5-7 Uses	50 ft.	30 ft.	180 sq. ft.
8+ Uses	50 ft.	35 ft.	200 sq. ft.
Temporary Real Estate Signs	10 ft.	15 ft.	40 sq. ft.

*Sign height measured from the natural grade elevation

- (g) Signs shall be placed at a minimum distance equal to the height of the sign from any adjacent lot line of a residentially zoned parcel.
- (h) Signs shall be placed and oriented so that its message area is clearly and continuously visible from at least one direction of travel along State Route 2 for at least five (5) seconds for a motorist traveling at the maximum allowable speed.
- (i) Under no circumstance shall any type of on-premises sign allowable under this section contain a message or display that appears to flash, undulate, pulse, move, scroll, portray explosions, fireworks, flashes, blinking or flashing light, appear to move toward or away from view, expand or contract, rotate, twist or display any other comparable movements that may distract drivers.
- (j) The base of any sign shall be landscaped in accordance with Section 1129.05(d)(iv).
- (k) Signs subject to this section shall be erected and maintained in accordance with all Federal and State regulations regarding highway commercial signage.
(Ord. 2015-8. Passed 8-25-15.)

1129.11 ADMINISTRATIVE PROCEDURES.

Subject to the exceptions noted herein, no sign shall be erected, placed or maintained within the City limits without first obtaining a sign permit from the Zoning Inspector, upon review by the Zoning Inspector and approval from the Design Review Subcommittee, and paying the required fee. Signs containing electrical components also shall be subject to the provisions of the City Electrical Code and the permit fees required thereunder.

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met and all proper permits have been obtained.
- (b) Application for Sign Permit. Any application for a sign permit shall be submitted to the City and include the following information or exhibits:
 - (1) A site drawing and measurements, depicting a rendition of the proposed sign, the specific location of intended posting in relation to all existing buildings and site amenities, the immediately surrounding area, and other required information which demonstrates compliance with all provisions concerning such signs, such landscape provisions, design specifications, and construction specifications.

- (2) Name, address, and contact information of the applicant.
 - (3) Any required electrical permit.
- (c) Permit Issuance. The Zoning Inspector shall review the permit application and related documents, and shall examine the proposed site of erection. If he finds that the requirements of this section have been met, and that the proposed sign is appropriate to its proposed setting, he shall forward the application to the Design Review Subcommittee for final approval. Upon review and issuance of a sign permit, and the work authorized under the permit is not completed within six (6) months of its issuance, the permit shall become null and void.
- (d) A permit shall not be required for the following signs when such signs are in full compliance with these sign regulations:
 - (1) A safety/security sign in a residential district
 - (2) A building identification sign in any district
 - (3) House identification, real estate, contractor sign, or political signs not exceeding nine square feet in area and located on the appropriate privately owned property or project area
 - (4) Any changes to the message display area of a previously approved bulletin or changeable copy type sign
 - (5) Holiday themed decorations
- (e) A permit shall be required for the following signs:
 - (1) Multiple-family and conditional uses in residential districts.
 - A. Residential or institutional identification signs;
 - B. Instructional and directional signs that are within five (5) feet of the public right of way;
 - C. All permanent signs that exceed two (2) square feet in area.
 - (2) Business, Industrial, Parking and Park districts.
 - A. Freestanding signs, ground signs, and monument signs (when permitted);
 - B. Projecting, canopy signs, awning signs, and marque signs;
 - C. Wall signs, professional occupation signs, roof signs, and suspended signs;
 - D. Changeable copy, time and temperature signs, and electronic message board signs;
 - E. Illuminated or flashing signs;
 - F. Instructional and directional that are within five (5) feet of the public right of way; and,
 - G. Permanent window signs including any elements that are painted on the window.
- (e) Existing signs. Signs not conforming to this section but which were legal when erected may be continued in use under a special nonconforming permit. This authorization shall not extend beyond the time that the sign requires removal, replacement, relocation or major repair or renovation costing at least half the amount required for a new sign of similar size and construction. Nonconforming signs that are being brought into compliance are subject to the application review process as described in this Code.

- (f) Inspection, correction and removal. If the Zoning Inspector finds that any sign is unsafe or insecure or not maintained in accordance with the requirements of this section, he shall issue written notice to the permit holder directing its correction or removal. If the notice is not complied with within three (3) days of receipt, the Zoning Inspector shall initiate legal process to remove the sign or to enforce compliance. If the sign presents an immediate peril to persons or property, the requirement of notice is waived and the sign may be summarily removed.
- (g) Fees. Fees for all signs, including temporary and portable, shall be that prescribed by the City Council in Section 1321.12 of the Codified Ordinances.
(Ord. 2015-8. Passed 8-25-15.)

APPENDIX A: MAXIMUM SIGNAGE AREA													
		Maximum Area Per Zoning District											
Sign Type	Max. Number Permitted	R-1	R-1A	R-2	R-3	MU-RFD	MU-COD	MU-GD	B-1	B-2	B-3	I-1	I-2
1. Address Sign	1	2	2	2	2	6	2	6	2	2	2	2	2
2. Advertising Sign (c)						Y	Y	Y	Y	Y	Y	Y	
3. Air Marker												Y	Y
4. Awning Sign	b.					12	12	12	12	12	12		
5. Billboard													
6. Building Identification Sign	1					5	5	5	5	5	5	5	5
7. Canopy sign	b.					12	12	12	12	12	12	12	
8. Changeable Copy Sign	1			15	15	5	5	5	10	10	10		
9. Contractor Sign	1	15	15	15	15	15	15	15	20	20	25	30	30
10. Directional Sign						4	4	4	4	4	4	5	5
11. Feather Sign													
12. Electronic Message Board (c.)								Y	Y	Y	Y	Y	Y
13. Flashing Sign													
14. Geographical Area Sign		C	C	C	C	C	C	C	C	C	C	C	C
15. Ground Sign							e.						
16. Identification Sign	1	8	8	8	8	5	5	8	5	5	5	5	5
17. Illuminated Sign (c.)						Y	Y	Y	Y	Y	Y	Y	Y
18. Marquee Sign	1					15		20	20	20	20		

19. Monument Sign							a.						
20. Political Sign	N/A	9	9	9	9	9	9	9	9	9	9	9	9
21. Portable Sign	1						10		10	10	10	10	10
22. Professional Occupation Sign	3					4	4		4	4	4		
23. Projecting Sign	1					20	10	20	15	15	15	15	15
24. Real Estate Sign		6	6	6	6	4	6	6	6	6	6	12	12
25. Roof Sign	1								C	C	C	C	C
26. Safety Sign		4	4	4	4	4	4	4	4	4	4	4	4
27. Street Clock Sign	1					6	6	6	4	4	4		
28. Suspended Sign	1					6	6	6	6	6	6		
29. Temporary Sign (c.)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
30. Time-Temperature Sign	1								15	15	15		
31. Wall Sign	Based on eligible frontage					30	30	30	30	30	50	120	120
32. Warning Sign	2	3	3	3	3	4	4	4	4	4	4	6	6
33. Window Sign, Permanent	4					a.							
34. Window Sign, Temporary	4					a.							

Appendix A Key:

“#” Area in square feet of allowed sign age

“Y” Indicates that sign type is allowed within the designated district

“C” Indicates a sign type is subject to Conditional approval by the Planning Commission

a. See regulations 1129.05.

b. Allowed cumulative sign area indicated - number of allowable awnings/canopies may differ

c. Indicates sign type is permitted. Size and number of signs determined by specific signs and regulations.

APPENDIX B - State Route 2 Corridor



CHAPTER 1131 Landscape Requirements

1131.01 Purpose.	1131.07 Screening requirements.
1131.02 Landscape plan requirements.	1131.08 Tree preservation.
1131.03 Selection, installation and maintenance of plant materials.	1131.09 Approval process for required landscaping, fences and walls.
1131.04 General landscape design standards.	1131.10 Flexibility.
1131.05 Parking lot landscaping.	Appendix A - Buffer Yard Requirements.
1131.06 Buffer yards.	

CROSS REFERENCES

Conformance with Performance Standards - see P. & Z. Chap. 1121.06
 Nonconformity - see P. & Z. Chap 1121.07
 Residence Districts - see P. & Z. Chap. 1123
 Non-residence Districts - see P. & Z. Chap. 1125
 Mixed-use Districts - see P. & Z. Chap. 1127
 Sign Regulations - see P. & Z. Chap. 1131
 Off-street Parking and Loading Regulations - see P. & Z. Chap. 1133

1131.01 PURPOSE.

The landscape regulations established by this section are intended to:

- (a) Enhance the aesthetic appearance of the community by providing minimum standards related to the quality and functional aspects of landscaping.
 - (b) Reduce incompatibility with abutting land uses, and between land uses and public rights-of-way through provision of landscape screening or buffers.
 - (c) Provide for the conservation of water through appropriate planting techniques, appropriate mix of plant materials, and regular maintenance of landscaped areas.
 - (d) Protect public health, safety, general welfare, and property valuation by preserving and enhancing the aesthetic quality of the City.
- (Ord. 2015-9. Passed 8-25-15.)

1131.02 LANDSCAPE PLAN REQUIREMENTS.

(a) Landscape Plan Required. A landscape plan must be submitted as part of any site plan submission, upon any substantial expansion or alteration to a commercial building as defined by the Ohio Building Code, or any change in use of a building, and for any residential subdivision that will result in the creation of ten (10) or more individual lots, or a condominium or multi-family project of four (4) or more residential units. The landscape plan is subject to review and approval by the Planning Commission as part of any planned development, or site plan, and must be approved prior to the issuance of a building permit and/or implemented prior to the certificate of occupancy.

(b) Content of Landscape Plan. A landscape plan drawn to scale must contain the following information:

- (1) The location and dimensions of all existing and proposed structures, signs, fences, landscape yards and areas, recreational facilities, and refuse disposal areas;
- (2) Property lines;
- (3) Any easements located on the lot;
- (4) Parking lots and drives, roadways and rights-of-way, bicycle paths, walkways and sidewalks;
- (5) Location of all existing and proposed electrical equipment, water mains, sanitary and storm sewer lines, and drainage facilities. Other freestanding structures shall be included as well, but do not need specific dimensions;
- (6) The location, quantity, size, common and botanical name and condition of existing trees with a trunk caliper of six (6) inches or more on the site;
- (7) The location, quantity, size, common and botanical name and condition of trees in the right-of-way, indicating trees to be retained and removed;
- (8) The location, quantity, size, common and botanical name of all proposed plant material including, but not limited to, shade, ornamental and evergreen trees, shrubs, groundcover, annuals/perennials and turf. All plant materials and quantities should be denoted in an easily readable table format and noted on the landscape plan as shown in their proposed location;
- (9) Any proposed changes to the grade of the site shall be indicated on the landscape plan in 2-foot contour intervals;
- (10) Elevations of all proposed fences, walls, steps, and fixed retaining walls (cast concrete, unitized walls) on the site; and,
- (11) An on-site water management plan shall also be included per Section 1115.03: Storm Water Drainage Standards.

(c) Minor Changes to Approved Landscape Plans. Minor changes to an approved landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Inspector. Changes to the size and amount of plant materials of an approved landscape plan are not considered a minor change. Major changes must be approved by the Planning Commission.
(Ord. 2015-9. Passed 8-25-15.)

1131.03 SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS.

All portions of the lot not covered by permitted structures, impervious, or pervious surfaces shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in accordance with the City's adopted property maintenance standards.

- (a) Selection. All planting materials used must be of good quality and meet the "American Standard for Nursery Stock," latest edition, as published by AmericanHort, for sizes, grading, root spread, dimension of root ball, and quality. The use of native species is encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria to be considered when selecting plant material. Plant material must be selected for its form, texture, color, pattern of growth and suitability to local conditions. All trees and vegetation planted shall be common to northern Ohio or similar climates. All trees and vegetation must be in good condition, free of cultural or mechanical injury, insect eggs or their larvae, and plant diseases.

- (b) Installation. All landscaping materials must be installed in accordance with the current planting procedures established by AmericanHort. Planting material should be grown in a climate similar to or more severe than that of Huron and be typical of its species in branch structure. All plant material must be installed so that soil is of sufficient volume, composition and nutrient balance to sustain healthy growth. All new trees shall be staked and mulched upon installation.
- (c) Planting Arrangement. Trees, shrubs and other materials shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.
- (d) Drought Tolerant Plant and Water-Efficient Landscape Requirements. Plant selection should incorporate drought-tolerant species wherever possible.
- (e) Maintenance. Landscaping materials must be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of weeds, refuse and debris. Fences, steps, retaining walls and similar landscaping elements must be maintained in good repair. The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for the maintenance, repair and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, must be maintained in good operating condition. If any of the above are found to be in disrepair according to the standards of the City's adopted property maintenance standards, the City will undertake enforcement initiatives in line with the City's nuisance and abatement procedures. (Ord. 2015-9. Passed 8-25-15.)

1131.04 GENERAL LANDSCAPE DESIGN STANDARDS.

Landscape plans, as described above will be evaluated and approved based on the following design criteria:

- (a) Scale and Nature of Landscape Material. The scale and nature of landscape materials must be appropriate to the size of the site and related structures.
- (b) Shade Trees. All deciduous shade trees at the time of installation shall have a minimum caliper of two and one-half (2.5) inches and a clear trunk height of at least six (6) feet, unless otherwise specified. Caliper of the trunk is taken at four and one-half feet (4.5) above the grade line on the uphill side of the tree. The ground line includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.
- (c) Evergreen Trees. Evergreen trees must have a minimum height of six (6) feet at installation.
- (d) Ornamental Trees. Single stem ornamental trees must have a minimum caliper of two (2) inches taken at height referenced in 1131.04(b), unless otherwise specified. Multiple stem ornamental trees must have a minimum height of eight (8) feet at planting.
- (e) Shrubs. The minimum height at installation of all shrubs must meet the dimensions of Schedule 1131.04(e). Large shrubs are those species that reach five (5) or more feet in height at maturity. Small shrubs are those species that should be kept at heights of fifteen (15) to thirty-six (36) inches.

SCHEDULE 1131.04(e): SHRUB INSTALLATION SPECIFICATIONS	
SHRUB TYPE	MINIMUM DIMENSION AT INSTALLATION
Deciduous, Large	3 feet in height
Deciduous, Small	15 inches in height
Evergreen, conifers (small)	18 to 24 inches in height
Evergreen, conifers (large)	6 feet in height
Evergreen, broadleaf (small)	1-1/2 feet (wide/spread)
Evergreen, broadleaf (large)	2-1/2 feet (wide/spread)

- (f) Perennials and Groundcovers. Unless otherwise specified, perennials and groundcovers must be a minimum of four (4) inch container stock and maximum twelve (12) inch on-center spacing.
- (g) Mulch. Unless otherwise specified, mulch must be a minimum two (2) and a maximum of four (4) inch dressing and must be applied on all exposed soil surfaces of planting areas except turf, creeping or rooting groundcovers, or direct seeding applications. Bare soil should be left at the base of the plant to avoid trunk suffocation or rot.
- (h) General Landscape Requirements. Table 1131.04(h) shows the minimum amount of landscape materials required per site. The quantities are inclusive of total aggregate shade trees and number of landscape units. The quantities are subject to the use of the principal building and total footprint of the site. The requirements within this section are to be included in addition to any required buffering, screening, building façade, or parking lot landscape requirements. Shade trees can be placed anywhere on the lot meeting all other requirements of this Code. Landscape islands shall be placed as to create visual interest and increase the aesthetic quality of the site and building façade.

Schedule 1131.04(h) General Landscape Requirements

Use	Shade Trees Per Site	Landscape Island Per Site	Landscape Island
Residential, Single Family and Two Family	1 per detached dwelling		
Residential, Multi-family	1 per 5 dwelling units	1 per 5 dwelling units	100 sq. ft. 1 ornamental tree or evergreen tree. 5-6 shrubs or perennials.
Business/Retail	5 per acre	1 per 0.5 acre	100 sq. ft. 1-2 ornamental trees or evergreen trees. 6-8 shrubs or perennials.
Mixed Use	Case-by-case	Case-by-case	Case-by-case
Office/Institutional	5 per acre	2 per acre	200 sq. ft. 1-2 ornamental trees or evergreen trees. 6-8 shrubs or perennials.
Industrial	1 per acre	1 per 2 acres	250 sq. ft. 2-4 ornamental trees or evergreen trees. 8-10 shrubs or perennials.

- * When figuring the number of landscape islands or quantity of plant material required, round the total number of plants required up to the nearest whole number.
- * A minimum of 50% of each landscape island shall be covered in planting materials. The entire landscape area left free from plantings shall be covered with mulch, wood chips, landscape stones, or similar materials.

- (i) Building façade landscaping. In any Business (B) or Mixed Use (MU) district, any flat expanse of a principal building façade that faces or is clearly visible from the public right-of-way and encompasses over 50% of the length of the adjacent lot line, shall include landscape material and plantings along the base of the façade. In the event the building shape is not parallel to the lot line, the façade shall be compared against the shorter of the adjoining lot lines. This provision is only applicable if landscaping will not result in a reduction of parking or inhibit the ability to provide safe and effective pedestrian and vehicular access to the principal building.

- (j) Generally Acceptable Landscape Materials. A list of generally acceptable plant shall be on file with the City and is available for reference for selection of landscape materials.
- (k) Reduction. The Planning Commission may reduce the required quantity of landscape material as specified in this Code based upon the existence of certain site specific circumstances, including insufficient open space or the potential to negatively impact the site's safety by implementing these requirements.
- (l) Species Diversity. Diversity among required plant material for on-site landscaping is encouraged to enhance visual interest and reduce the risk of losing a large population of plants due to diseases or pests. Schedule 1131.04 (k) indicates the percentage of diversity required based on the total quantity of the same species of plant to be used. As an example: if a landscape plan calls for 5-10 shade trees, there must be at least two (2) species of shade trees used, with a maximum of 60% of those being of one species and a minimum of 40% of those being of another.

SCHEDULE 1131.04(k): DIVERSITY REQUIREMENTS			
TOTAL NUMBER OF PLANTS PER PLANT TYPE	DIVERSITY REQUIREMENTS		MINIMUM NUMBER OF TOTAL SPECIES
	MAXIMUM OF ANY SPECIES	MINIMUM OF ANY SPECIES	
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

(Ord. 2015-9. Passed 8-25-15.)

1131.05 PARKING LOT LANDSCAPING.

(a) Perimeter Parking Lot Landscaping. Perimeter parking lot landscaping is required in the instance that any portion of the parking surface is within twenty (20) feet of a public right-of-way or abuts any residentially zoned district. Landscaping shall be placed along any edge or surface that generally faces the right-of-way to screen the parking area from view of pedestrian and vehicular traffic. Perimeter parking lot landscaping provides for the enhancement and screening of parking lots and enhancement of the streetscape. The perimeter parking lot landscape yard must be improved as follows:

- (1) The perimeter landscaping must be a minimum of ten (10) feet in depth when abutting a residential district and five (5) feet in depth when facing a public right-of-way. In both cases it must span the full length of the parking surface that either abuts a residentially zoned district or faces the public right-of-way.

- (2) Parking Lot screening when abutting residential district. A single hedge row is required to be planted with one (1) shrub every forty-eight (48) inches on center, spaced linearly. The shrubs must measure a minimum of thirty-six (36) inches at installation.
- (3) Public Right-of-Way Parking Lot Screening. Any materials, including plantings or decorative materials used within the landscape to screen the area from the view of the public right-of-way shall not exceed six (6) in height. Plants shall be spaced evenly and consist of a combination of hedges, shrubs, perennials, and live ground cover. Perimeter landscape yards shall be designed to enhance the streetscape, yet not hinder the use or safe flow of pedestrian and vehicular traffic. Any remaining area between the landscape yard and the curb not dedicated for walkways, accessory uses, access lanes, or other approved uses shall be covered with turf or ground cover at a minimum.
- (4) Alternatively, a low landscape wall or ornamental fencing the height of which provides effective screening may be used instead of shrubs. Where possible, plant materials must be installed between the public right-of-way and the wall to provide a softening effect on the wall.
- (5) All perimeter parking lot landscaping areas must be protected on the side adjacent the parking lot with raised curb. Curb openings are required to allow water to infiltrate into the landscape areas as permitted by grading.

FIGURE 1 EXAMPLE OF CURB INLET



- (b) Interior Parking Lot Landscaping.
 - (1) For parking lots consisting of twenty (20) or more spaces, interior parking lot landscaping is required.

- (2) One (1) parking lot island must be provided for every fifteen (15) parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, to be approved as part of the landscape plan, but the total number of islands must be no less than the amount required one (1) island for every fifteen (15) spaces. Where feasible, all rows of parking must terminate with a landscape island.
- (3) Parking lot islands and peninsulas must be at least the length of the adjacent parking spaces and six (6) feet wide measured across.
- (4) Landscaping shall not be installed as to interfere with the safe travels of both vehicular and pedestrian traffic, or to encroach upon proper sight-line clearances.
- (5) Parking lot islands must be designed in order to employ sustainable storm water runoff. All islands and landscaped areas must be properly drained to ensure survivability.
- (6) The following plantings are required in parking lot islands and landscaped areas:
 - A. Small shade trees or ornamental trees must be the primary plant materials used in parking lot islands and landscaped areas. Shrubs, hedges and other plant materials may be used to supplement the primary plantings but must not create sight line visibility concerns for automobiles and pedestrians.
 - B. The remaining area of a parking lot island must be covered with shrubs, turf, live groundcover, perennials or ornamental grasses. Mulch is required to fill in planting areas for early growth protection until the groundcover is established and covers the planting area. It is encouraged to mulch bare areas for three (3) to five (5) years, or until the plant material is fully established in the parking islands.
(Ord. 2015-9. Passed 8-25-15.)

1131.06 BUFFER YARDS.

(a) Purpose. Buffer yards are required in certain instances to establish an appropriate transition between adjacent land uses that differ in intensity, use, and density by clarifying the delineation between properties and creating attractive and effective buffers between uses. The type and extent of the buffer yard will be dictated by the relationship between the two adjacent land uses, with the width, length, and density of the materials increasing as the difference between the adjacent land uses increases. The buffer yard shall serve to protect and preserve the aesthetic appeal and scenic beauty of the parcels, reduce the impact of noise, reduce storm-water runoff, and create visual spatial breaks between various land uses, and other incompatible elements and of adjacent properties.

(b) Applicability. This section is applicable to all commercial development upon land that is subject to site plan approval. Residential developments are only subject to this requirement in the instance that ten (10) or more dwelling units are greatly altered or constructed as part of one site plan.

(c) Types. There are four (4) pre-established types of buffer yards. Appendix A shall be used to dictate the type of buffer yard necessary and shall be included within the landscape plan. These yards are described as:

- (1) Type A: A peripheral planting strip intended to separate uses, provide vegetation and greenery in potentially densely developed areas, and enhance the appearance of individual properties.
- (2) Type B: A low-density screen intended to serve as an intermittent visual obstruction to partially block visual contact between uses.
- (3) Type C: A medium density, semi-opaque, screen intended to substantially block visual contact between uses.
- (4) Type D: A high-density, opaque, screen intended to substantially block visual contact between uses. This type of buffer is also intended to block noise that has potential to negatively impact adjacent uses.

(d) Buffer Yard Design Standards. Buffer yards shall be installed using the following requirements:

- (1) Width. Each type of buffer yard is subject to a specific width. The width of the yard is measured based on a perpendicular angle to the adjacent property line.
- (2) Length. Each type of buffer yard is subject to a specific length. The length of the yard must span the specific length in percent of the adjacent property line.
- (3) Design and building standards are included in table 1131.06(d).

Table 1131.06(d)				
	Type A - Peripheral	Type B- Low Density	Type C - Semi-Opaque	Type D - Opaque
Buffer Yard width in feet	5	10	15	20
Buffer Yard length along lot line (%)	20%	30%	40%	50%
Plantings per buffer yard (1 buffer yard per 200 linear feet required)	2-4 ornamental trees. 2-4 evergreen shrubs. 20 shrubs	3-5 ornamental trees. 3-5 evergreen shrubs. 20-30 shrubs.	2-4 shade trees, 1-2 ornamental trees, 2-3 evergreen trees, 20-30 shrubs.	3-5 shade trees, 2-4 ornamental trees, 6 evergreen trees, 30 shrubs
Fencing Materials	Optional. Minimum 3 feet fencing of wood, simulated wood, vinyl, or masonry.	Optional. Fencing of wood, simulated wood, vinyl or masonry at a minimum of 3 feet in height. Fencing can be placed anywhere within the buffer yard in a generally straight line.	Fencing of wood, simulated wood, vinyl or masonry at a minimum of 6 feet in height. Fence must encompass 80% of the buffer yard. Fencing shall be placed along the property line on the outside of the buffer yard.	Fencing of wood, simulated wood, vinyl, or masonry at a minimum of 6 feet in height. Fence must encompass the entirety of the buffer yard. Fencing shall be placed along the property line on the outside of the buffer yard.

Ornamental Trees	Shade Trees	Evergreen Trees	Evergreen Shrubs	Shrubs
Install caliper: 2.5 inches	Install caliper: 2.5 inches.	Install height 6 feet.	Install height: 2-3 ft.	Install height: 24-36 inches.
Mature height: 7-20 feet	Mature height: 30-50 feet.	Mature height: 20-40 feet.	Mature height: 6-10 ft.	Mature height: 3-6 feet.

(e) **Responsibility and Maintenance.** It shall be the responsibility or joint responsibility of the applicant, property owner(s), agents of the owner(s), and tenants of the property to provide and install the buffer yard required by Table 1131.06 (d). All landscaping materials must be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of weeds, refuse and debris. Fences, steps, retaining walls and similar landscaping elements must be maintained in good repair. The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for the maintenance, repair and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, must be maintained in good operating condition to promote the health of the plant material and the conservation of water. If any of the above are found to be in disrepair according to the standards of the City's adopted property maintenance standards, the City will undertake enforcement initiatives in line with the City's nuisance and abatement procedures.

(f) **Permitted Uses.** The following activities are permitted within a buffer yard provided that none of the required plant material is eliminated or damaged, the total width of the yard is maintained, and the yard still accomplishes the appropriate level of screening: passive and active recreation, outdoor picnic and sitting areas, storm water retention basins, and general open green space.

(g) **Modifications to Buffering and Screening Requirements.** Buffer yards required by this Chapter shall be applied equally to all similarly situated properties. The Planning Commission is empowered to modify the above buffer yard and screening requirements when it determines that:

- (1) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent as this Section.
- (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.
- (3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
- (4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
- (5) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances that have taken place since the adoption of the Master Plan and this Code.
- (6) The Planning Commission may take into account site specific circumstances regarding existing and future land use when applying these standards and may impose or reduce the amount of screening necessary.

(Ord. 2015-9. Passed 8-25-15.)

1131.07 SCREENING REQUIREMENTS.

(a) Refuse Disposal Dumpsters and Refuse Storage Areas. All refuse disposal dumpsters, containers and refuse storage areas must be fully enclosed on four (4) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall at least one (1) foot higher than the tallest refuse container in the collection area, but in no case shall the wall or fence be less than six (6) feet in height. The base of the exterior portion of the screening infrastructure shall be landscaped to soften the appearance of the screening wall. The enclosure must be gated. The gate must be opaque, fully operational at all times, and closed while not in use. The materials used for screening, including the enclosure and gate, must complement the architecture of the principal building. An extension of an exterior principal building wall may be used as one or more of the screening walls for a refuse container, provided that the wall is six (6) feet in height and is of the same building materials as the principal building. The wall may not serve as the required gated enclosure. The location of refuse containers is subject to approval by the Planning Commission, but is prohibited within the front yard.

(b) Loading Docks / Areas. Where feasible, loading docks / areas must be located and oriented so as not to be visible from the street and adjacent properties, while still allowing access to the use served. In addition, loading areas must be screened as much as possible, unless such screening is determined unnecessary by the Planning Commission. Such screening must consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence six (6) feet in height, or natural landscaped materials, or any combination thereof that achieves desired level of screening.

(c) Outdoor Storage and Display Areas.

(1) Outdoor Storage.

- A. All outdoor storage areas must be completely screened by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence. Where feasible, plant materials must be installed along the fence or wall facing the public right-of-way to provide a softening effect. No materials stored outdoors may exceed the height of the required fence or wall with the exception of construction material with a maximum height of fifteen (15) feet if within any Business district and twenty (20) feet if within any Industrial district.
- B. Outdoor storage areas shall be graded and/or paved with semi-pervious materials to allow for appropriate drainage of all accumulated surface water.
- C. Lighting shall be placed and appropriately shielded as to not adversely impact adjacent properties.
- D. No outdoor storage units shall be in the front yard of the lot, or side lot if abutting a public street.
- E. Storage areas shall be made inaccessible to the public via physical barriers.
- F. No outdoor storage unit shall be within twenty-five (25) feet of the public right-of-way and/or within a front yard.
- G. Outdoor storage areas may be used to store tires. Storage of tires must be done in a manner that complies with all local health regulations, shall not occupy a space larger than 300 square feet, and shall be neatly stacked with no stack exceeding eight (8) feet in height.

- H. Exceptions. The following uses are exempt from these rules:
- (i) Outdoor display/storage for the seasonal sale of live plant material. This does not include rock, mulch, pavers, building materials, other landscape materials, or lumber yards.
 - (ii) Sale and display areas for automobile, boat, similar passenger recreational vehicles, farm equipment, and truck and trailer rentals.
- I. Flexibility. The Planning Commission may waive these requirements if they deem the inclusion does not serve a public purpose.
- (2) Outdoor Sales and Display Areas. The use of outdoor display and sales areas is permitted within any commercial district. The following standards apply, unless otherwise noted within specific section of the code defining the respective district.
- A. When the rear or interior side yard of an outdoor display area abuts a residential district, the outdoor display area must be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge six (6) feet in height.
 - B. Outdoor display areas located within ten (10) feet of the public right-of-way shall have a landscaped yard along the full length of the perimeter facing the public right-of-way. Landscaping shall be placed along any portion that generally faces the right-of-way to screen the parking area from view of pedestrian and vehicular traffic.
 - C. Outdoor display areas located within fifty (50) feet of the public Right-of-Way shall not exceed ten (10) feet in height and shall be total screened in accordance with this section. Outdoor display areas located within twenty-five (25) feet of the public right-of-way shall not exceed six (6) feet in height.
 - D. Outdoor displays are permitted on public walks along the frontage of the principal building subject to approval and receipt of permit from the city. There must be an unobstructed path maintained on all public walks at a minimum width of four (4) feet.
 - E. Lighting shall be placed and appropriately shielded as to not adversely impact adjacent residential properties.
 - F. Outdoor display areas must be located on a hard and durable surface.
 - G. Growing areas for nursery stock located in the front or corner side yard are considered to meet these screening requirements.

(d) Drive-Thru drive aisles abutting residential districts. Any portion of a drive-thru facility or aisle shall be screened from view when adjacent to residential properties in order to minimize the impact of exterior site lighting and sound amplification, headlight glare and any menu intercom displays, from the vantage point of the residential property. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge six (6) feet in height. Plant materials shall be installed along any fence or wall to provide a softening effect.

(e) Automotive sales areas. Where automotive sales areas are permitted, the following standards apply, unless otherwise noted within specific section of the code defining the respective district.

- (1) When the rear or side of an automotive sales area abuts a residential district, the automotive sales area must be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence.
- (2) Automotive sales areas located within ten (10) feet of the public right-of-way shall have a landscaped yard along the full length of the perimeter facing the public right-of-way. Landscaping shall be placed along any portion that generally faces the right-of-way to screen the parking area from view of pedestrian and vehicular traffic. These landscape areas shall be landscaped in the same manner as prescribed in Section 1131.5(a).
- (3) Display areas shall not be located within five (5) feet of the public right-of-way. Landscaping is permitted up to the public right-of-way.
- (4) Lighting shall be placed and appropriately shielded as to not adversely impact adjacent residential properties.
- (5) Items displayed within the sales area shall not be placed in a manner that will negatively impact the safe movement of pedestrian and vehicular traffic.

(f) Ground Mounted Mechanical Equipment. Ground Mounted Mechanical Equipment shall be screened from view from the adjoining properties and from the public right-of-way with evergreen plant materials so that the equipment is completely obscured from view at time of installation. (Ord. 2015-9. Passed 8-25-15.)

1131.08 TREE PRESERVATION.

In development planning, it is encouraged that preservation efforts are made while laying out the location of infrastructure on the site that methods of tree preservation be taken into account to prevent destruction of heavily wooded areas, tree groups of over six (6) inches in caliper width, and individual trees of over six (6) inches in caliper width. The following are basic provisions for the preservation of trees within a site plan:

- (a) Preservation of Trees. Preservation of all trees with a diameter of over six (6) inches at four and one-half feet (4.5) above the ground line on the uphill side of the tree and which are outside of the building area is required. Such trees may not be removed from a site, and must be maintained and protected during construction in accordance with the requirements of this Code. The size of the tree protection area during construction shall be a circle that meets the diameter of the drip line of the tree, or a diameter that is measured as one (1) foot in diameter for each one (1) inch of caliper, whichever is greater. Trees that are preserved on the site can be counted towards meeting the mandatory requirements for landscape material quantities within the development.
- (b) Tree Removal. Trees that meet the specifications set forth in Section 1131.08(a) that are currently located on the subject property shall only be removed if approved by the Zoning Inspector and one (1) or more of the following situations apply.
 - (1) The tree poses a hazard. In order to verify that a hazard exists, the City may require a tree hazard assessment to be performed by a qualified arborist.
 - (2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.

- (3) The roots of the tree are causing damage to sewer, plumbing or interfere with utility lines, or is causing damage to public infrastructure within the right-of-way or on City streets.
- (4) The tree contains structural problems (split trunk, split crotches, poor branch attachments), is damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner that could result in failure and fall.
- (5) The tree is infested with an epidemic insect or disease where the recommended control is not applicable and removal is necessary to prevent transmission of the insect or disease to other trees. The City may require this condition to be verified by a qualified arborist.
- (6) The tree is within automotive driveways or within three (3) feet of the outside edge of such driveway.
- (c) Tree Replacement. Any tree that is removed as a result of Section 1131.08(b) must be replaced with a tree of a species included within the generally accepted list on file with the zoning inspector, and in a location that will grow to replace the removed tree without posing the hazards for which the tree was removed.
 - (1) The Planning Commission may allow trees to be replaced with other types of landscape if one (1) of the following conditions is met:
 - A. The property includes other trees that provide sufficient shade so that additional trees are not necessary.
 - B. If a replacement tree would be out of character or form in conjunction with an approved landscape plan.
 - C. If in the opinion of the Planning Commission there is no suitable location on the property for a replacement tree.
 - D. If applicant can prove that another selection would be a better choice given site conditions or survivability of an improved species (for example: a suitable replacement for an ash tree affected by emerald ash borer).
- (d) Clear-cutting. Clear-cutting shall be defined as the removal of trees from a forested area to the extent that there is a clear danger of soil erosion and depositing of eroded soil upon adjacent land, public roads, private roads, or into adjacent waterways. The removal of all trees from a forested area at one time, without regard to species, quality, age or spacing shall be deemed clear-cutting.
 - (1) Clear-cutting is prohibited, except to the extent necessary to clear a building site, driveway, pool, tennis court, accessory building, household sewage treatment system and right of way providing access to the site from a dedicated public highway
 - (2) Clear-cutting is subject to approval by the Planning Commission.
(Ord. 2015-9. Passed 8-25-15.)

1131.09 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.

(a) The location of proposed landscaping, fences or walls required to fulfill the standards and criteria of this Chapter shall be reviewed and approved as part of the site plan review process required by the Planning Commission.

(b) However, when a fence, wall, or landscaping is proposed at a separate time from any other development or new construction, additions or site renovation, a fence, wall, or landscaping may be approved administratively by the Zoning Inspector when the Zoning Inspector determines that the proposal:

- (1) Complies with the requirements of this Chapter and other applicable provisions in this Code;
- (2) Is consistent with any previously approved plan; and,
- (3) Is compatible with the current site development if there is no approved plan.
(Ord. 2015-9. Passed 8-25-15.)

1131.10 FLEXIBILITY.

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping expected. However, in applying these standards during the site plan review, the Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of the district and the proposed development or redevelopment are best satisfied.
(Ord. 2015-9. Passed 8-25-15.)

Appendix A - Buffer Yard Requirements											
	Existing Use										
Proposed Use	R-1 and R-1A Single Family Residential	R-2 One/Two Family Residential	R-3 Multi-Family Residential	MU - RFD	MU - CD	MU - GD	B-1 Neighborhood Business	B-2 Downtown Business	B-3 General Business	I-1 Light Industrial	I-2 General Industrial
R-1 and R-1A Single Family Residential	N/A	A	A	B	B	B	B	B	C	D	D
R-2 One/Two Family Residential	N/A	A	A	A	A	A	A	B	B	D	D
R-3 Multi-Family Residential	B	A	A	A	A	A	A	B	B	D	D
MU-RFD	A	A	A	n/a	A	n/a	n/a	A	B	C	D
MU - CD	B	A	A	n/a	Decided case-by-case basis	A	A	A	A	C	D
MU-GD	B	A	A	n/a	A	Decided case-by-case basis	A	A	B	C	D
B-1 Neighborhood Business	B	A	A	n/a	A	A	A	A	A	C	D
B-2 Downtown Business	B	B	B	A	A	B	A	A	A	C	D
B-3 General Business	C	B	B	B	A	B	A	A	A	C	D
I-1 Light Industrial	D	D	D	D	C	C	C	C	C	B	B
I-2 General Industrial	D	D	D	D	D	D	D	D	D	B	A

* This Standard does not apply to individual residences and duplexes.

* Planning Commission may require additional landscaping within any newly established single family or multi-family subdivisions.

* Planning Commission may require different standards for contiguous lots with different uses, but are linked by common design elements and an established system of sidewalks or other pedestrian amenities.

CHAPTER 1133
Off-Street Parking and Loading Regulations

1133.01	Purpose.	1133.12	Off-street loading spaces required.
1133.02	Determination of required off-street parking spaces.	1133.13	Access drives in Commercial Districts.
1133.03	Number of parking spaces required.	1133.14	Non-residential joint use driveways and cross-access easements.
1133.04	Electric automobile charging stations.	1133.15	Single-family and two-family residential driveways.
1133.05	Off-street stacking spaces for drive-thru facilities.	1133.16	Improvement and maintenance standards.
1133.06	Required short-term bicycle parking spaces.	1133.17	Trailer parking.
1133.07	Allowance for shared parking.	1133.18	Exceptions to off-street parking requirements in Business District.
1133.08	Modification of minimum parking requirements.		
1133.09	Parking maximums.		
1133.10	Land banked for future parking.		
1133.11	Location of required parking spaces.		

CROSS REFERENCES

Conformance with Performance Standards - see P. & Z. Chap. 1121.06
 Nonconformity - see P. & Z. Chap 1121.07
 Residence Districts - see P. & Z. Chap. 1123
 Non-residence Districts - see P. & Z. Chap. 1125
 Mixed-Use Districts - see P. & Z. Chap. 1127
 Signage Regulations - see P. & Z. Chap. 1129
 Landscape Requirements - see P. & Z. Chap. 1131

1133.01 PURPOSE.

Off-street parking regulations are established in order to promote the overall vitality of the community through achieving various objectives, including:

- (a) Promoting the general convenience, welfare and prosperity of existing and future developments;
 - (b) Relieving congestion on City streets by promoting alternative modes of transportation, ensuring orderly movement of traffic, and increasing safety; and,
 - (c) Providing adequate, but not excessive off-street parking to minimize the negative impacts that result from large expanses of paved parking areas.
- (Ord. 2015-10. Passed 8-25-15.)

1133.02 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

Off-street parking shall be provided as a condition precedent to the occupancy or use of any building, structure or land, and at any time a building, structure or use of land is enlarged, expanded, increased in capacity or use, in conformance with the following provisions.

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- (a) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the net area of all the floors measured from the exterior faces of the building. Mechanical rooms, stairs, restrooms, cellars, unenclosed porches, attics not used for human occupancy are excluded from the count of total floor area.
 - (b) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated. When fixed seats are not indicated, the capacity shall be determined as being one (1) seat for each twenty (20) square feet of floor area of the assembly room.
 - (c) Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two (2) successive shifts.
 - (d) Fractional numbers shall be increased to the next whole number.
 - (e) The parking spaces required for multiple uses shall be the sum of the parking required for each use considered separately.
- (Ord. 2015-10. Passed 8-25-15.)

1133.03 NUMBER OF PARKING SPACES REQUIRED.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1133.03. For a use not specified in Schedule 1133.03, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

**Schedule 1133.03
REQUIRED OFF-STREET PARKING SPACES**

<u>Principal Building or Use</u>	<u>Minimum Spaces Required</u>
(a) <u>Residential Uses:</u>	
(1) Single-family dwellings	2 spaces for each dwelling unit. All new single-family development that occurs after the adoption of this chapter shall include at least a minimum of one (1) enclosed space.
(2) Two-family dwellings	2 spaces for each dwelling unit. All new two-family residential development that occurs after the adoption of this chapter shall include at least a minimum of one (1) enclosed space per dwelling unit.
(3) Townhouses	2 spaces for each dwelling unit.
(4) Apartments	2 spaces for each dwelling unit.

(5) Senior citizen apartments	1 space for each dwelling unit.
(6) Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity.
(7) Nursing homes	1 space per 6 beds
(b) <u>Office, Professional Service Uses:</u>	
(1) Business, professional and administrative offices and services (excluding medical and dental)	1 space for each 400 sq. ft. of floor area.
(2) Medical, dental offices and clinics, including urgent care clinics	1 space for each 200 sq. ft. of floor area.
(3) Financial establishments	1 space for each 400 sq. ft. of floor area.
(4) Animal clinic, veterinary office	1 space for each 400 sq. ft. of floor area.
(5) Funeral homes, mortuaries	1 space for each 50 sq. ft. of floor area in parlors or visitation rooms.
(6) Hospitals	2 spaces per room.
(c) <u>Retail/Service Uses:</u>	
(1) Retail or business uses permitted in any B District unless specific standards given below	1 space for each 300 sq. ft. of floor area.
(2) Furniture and appliance; retail nursery garden supply, establishments	1 space for each 500 sq. ft. of floor area.
(3) Restaurants; bars; taverns; night clubs	1 space for each 150 sq. ft. floor area (25% of any outdoor unenclosed dining areas shall be included in the calculation)
(4) Hotels, motels and Bed and Breakfasts	1 space for each sleeping room or suite including that which is to be used as a permanent residence by the owners of the establishment.
(5) Shopping Center	1 space per 400 sq. ft. of leasable floor area.
(d) <u>Automotive Uses:</u> (b)	
(1) Auto sales; new and used, auto, truck, boat sales, rental facilities	1 space for each 800 sq. ft. of floor area (indoor area only)
(2) Gasoline stations	.5 spaces per pump and 1 per 500 sq. ft. of accessory retail area.
(3) Car wash facilities	1 space per bay plus sufficient area for stacking spaces.

(4) Automobile service repair, and body work stations	2 spaces per bay
(e) <u>Commercial Entertainment/Recreation Uses:</u> (b)	
(1) Bowling alleys	Four (4) spaces per each lane. If there is additional space within the building used as a restaurant, bar, tavern, or night club, additional parking shall be included at a rate of 50% of that described in 1133.03(c)(3).
(2) Indoor movie theaters, auditorium and other public assembly places	1 space for every 4 seats for first 400 seats, then 1 space per 10 seats.
(3) Indoor or outdoor swimming pools, public or private	1 space per 200 sq. ft. of water area.
(4) Health, fitness, recreation club	1 space for every 200 sq. ft. of exercise area, including locker room, and equipment room.
(5) Wet-slipped boat dockage/storage	0.75 space for every boat space.
(f) <u>General Commercial Uses:</u> (b)	
(1) Printing, publishing, storage and warehousing of goods, wholesale establishments	1 space for each three (3) employees on a maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater.
(2) Research and testing laboratories	1 space for each 400 sq. ft. of floor area.
(g) <u>Educational Facilities:</u>	
(1) Junior high schools, elementary schools and kindergartens	1 space for each 300 sq. ft. of office space, plus 2 spaces per classroom.
(2) High Schools	5 spaces per classroom.
(3) Colleges, universities	10 spaces per classroom.
(4) Child Day Care Centers, nursery schools and similar uses	Five (5) spaces, plus 1 space for every 5 program participants based on the facility's licensed capacity. Additionally, a minimum of 2 pick-up/drop-off spaces must be provided.
(h) <u>Community Facilities:</u>	
(1) Places of worship	1 space for every 8 seats.
(2) Community Center, library, museum or similar public building	1 space for every 6 seats or for each 300 sq. ft. of floor area, whichever is greater.

(Ord. 2015-10. Passed 8-25-15.)

1133.04 ELECTRIC AUTOMOBILE CHARGING STATIONS.

Parking spaces within parking lots or structures may be installed with electric automobile charging stations, including models that charge by solar energy. Such spaces must be accessible to the public and clearly designated as charging stations. Such spaces count toward parking requirements. (Ord. 2015-10. Passed 8-25-15.)

1133.05 OFF-STREET STACKING SPACES FOR DRIVE-THRU FACILITIES.

Establishments which by their nature create lines of customers stacking to be served within automobiles shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 1133.03, in accordance with the following requirements:

- (a) Commercial establishments such as banks, drive-thru restaurants, automatic car wash facilities and other similar facilities with service windows or other interaction points shall provide sufficient space for the stacking of vehicles. There shall be a minimum of four (4) stacking spaces per facility. There shall not be less than two (2) spaces per window or interaction point when there are two (2) or more windows or points of interaction. Interaction points typically include service windows, menu boards, and communication systems.
 - (b) Self-serve car wash facilities shall provide no fewer than two (2) stacking spaces per stall.
 - (c) Gasoline stations shall provide no fewer than one (1) stacking spaces per accessible side of a gasoline pump island.
 - (d) In any case, there shall not be within the public right of way any portion of a drive-thru lane, or vehicles stacking for service at such drive-in or drive-thru facilities.
 - (e) Such spaces shall be designed so as not to impede pedestrian or vehicular traffic circulation on the site, or on any abutting streets or parcels.
 - (f) An escape lane shall be included within a drive-thru facility or circulation aisle to provide access around the drive-thru facility. All escape lanes shall measure a minimum of eight (8) feet in width.
- (Ord. 2015-10. Passed 8-25-15.)

1133.06 REQUIRED SHORT-TERM BICYCLE PARKING SPACES.

Short-term bicycle parking spaces, which are areas where bicycles can be left for short stops and require a high-degree of convenience, must be provided by each use within a Mixed Use or green/recreational space as delineated by the City of Huron Land Use Map. Unless stated otherwise within Chapter 1127 Mixed-Use District, temporary bicycle parking shall be provided in accordance with the following:

- (a) In all cases where short-term bicycle parking is required, a minimum of four (4) spaces shall be provided.
- (b) Any property or use that is exempt from providing off-street parking is still required to provide short-term bicycle parking in accordance with this section and/or Chapter 1127 Mixed-Use District.
- (c) Bicyclists must not be required to travel over stairs or other obstacles to access bicycle parking spaces.
- (d) If the required bicycle parking spaces are located on private property, they must be located on the same lot as the use. When the bicycle parking spaces will be on public property, they must be within fifty (50) feet of the principal entrance and at the same grade as the sidewalk or an accessible route. The property owner may make application to the City for suitable arrangements to place bicycle parking spaces in the public right-of-way. Bicycle parking infrastructure is only permitted to be placed within the right-of-way upon approval of the city.

- (e) The bicycle parking area must be convenient to building entrances and street access, but shall not interfere with normal pedestrian and vehicle traffic. For passive security purposes, the bike parking shall be well-lit and clearly visible to building occupants or clearly visible from the street.
- (f) Bicycle parking facilities must provide lockable racks, or similar structures, where the bicycle may be locked by the user. Racks must support the bicycle in a stable upright position. Structures that require a user-supplied locking device must be designed to easily allow a high-security U-shaped lock to secure the bike frame and one wheel while both wheels are still on the frame's brackets. All racks must be securely anchored to the ground or a structure to prevent the racks from being removed from the location.
- (g) Shared bicycle parking facilities may be provided by multiple uses granted access is easily accommodated, agreements / easements are documented and the combined number of spaces meets the requirements of this section and all other applicable sections. (Ord. 2015-10. Passed 8-25-15.)

1133.07 ALLOWANCE FOR SHARED PARKING.

Institutions, theaters and similar uses may make arrangements with banks, offices, retail stores and similar uses that are not normally open, used or operated during the same hours to share parking facilities and shall be subject to the following provisions:

- (a) Not more than fifty percent (50%) of the required parking spaces shall be shared.
- (b) Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Schedule 1133.03: Collective Parking Calculation. Schedule 1133.07(b) is applied in the following manner:
 - (1) The required number of spaces for each use is calculated according to Schedule 1133.03.
 - (2) The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category in Schedule 1133.07(b) to determine the number of required spaces. This is done for each time category.
 - (3) The numbers are summed for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

SCHEDULE 1133.07(b): COLLECTIVE PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid-7am	7am - 6pm	6pm-Mid	Mid-7am	7am - 6pm	6pm - Mid
Residential	100%	55%	85%	100%	65%	75%
Commercial	0%	100%	80%	0%	70%	60%
Restaurant	50%	30%	70%	5%	70%	100%
Hotel/Motel	100%	65%	90%	100%	65%	80%
Movie Theater	0%	10%	70%	5%	70%	100%
Office	5%	100%	5%	0%	10%	10%
Industrial	5%	80%	5%	0%	10%	10%

- (c) In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Law Director, and filed with the application for a zoning approval.
(Ord. 2015-10. Passed 8-25-15.)

1133.08 MODIFICATION OF MINIMUM PARKING REQUIREMENTS.

Whenever the parking requirements based on functions and uses, and application of the standards specified in Schedule 1133.03 can be shown by the applicant or studies of parking demand for the use will result in an excessive number of parking spaces for the use and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces.
(Ord. 2015-10. Passed 8-25-15.)

1133.09 PARKING MAXIMUMS.

The following vehicle parking space maximums are applicable to all surface parking lots for multi-family, non-residential, and mixed-use development uses:

- (a) Surface parking areas may not exceed one-hundred and ten percent (110%) of the required minimum number of vehicle parking spaces.
 - (b) Existing surface parking areas that exceed the parking maximums must come into conformance with the maximum number of parking spaces when the following occurs:
 - (1) A new principal building is constructed on the site.
 - (2) Over fifty percent (50%) of the total area of an existing parking lot is reconfigured. When surface parking areas exceed the number of spaces permitted by this section and are required to come into conformance, the excess spaces must be converted into any combination of the following:
 - A. General landscaping as specified by Chapter 1131 Landscape Requirements.
 - B. Temporary bicycle parking spaces.
- (Ord. 2015-10. Passed 8-25-15.)

1133.10 LAND BANKED FOR FUTURE PARKING.

Land banking land within the development site allows for designating a portion of land on a site that would be required for parking to be held and preserved as landscape, rather than constructed as parking. The Planning Commission may permit land banking of up to thirty percent (30%) of the required parking spaces, subject to the following:

- (a) Evidence is provided by the applicant that supports the reduced parking needs.
- (b) The area proposed for land banking of parking spaces must be an area suitable for parking at a future time.
- (c) Landscaping of the land banked area must be in full compliance with Chapter 1131 Landscape Requirements and, at a minimum, landscaped with turf or live groundcover.
- (d) The land banked area cannot be used for any other use and must be part of the same zoning lot and all under the same ownership.
- (e) As part of the site plan review process, the applicant must show the area to be banked on the site plan and marked as "Land Banked Future Parking".
- (f) The Planning Commission, on the basis of increased parking demand for the use, may require the conversion of all or part of the land banked area to off-street parking spaces. (Ord. 2015-10. Passed 8-25-15.)

1133.11 LOCATION OF REQUIRED PARKING SPACES.

In addition to specific requirements contained in each district regulation, the location of off-street parking facilities shall further be regulated according to the following provisions:

- (a) The parking spaces required for residential buildings in a residential district shall be located on the same lot with the building or use served.
- (b) The parking spaces required for any other building or use in a residential district and any use in a commercial district may be located on another properly zoned lot within 300 feet of the principal entrance and two (2) or more owners of buildings may join together in providing the required parking spaces. When the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which the parking spaces are provided shall be restricted by an instrument recorded describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this Zoning Code.
- (c) No parking of a motor vehicle shall be permitted on any portion of a lot designated as an accessory structure such as a patio, porch or deck.
(Ord. 2015-10. Passed 8-25-15.)

1133.12 OFF-STREET LOADING SPACES REQUIRED.

Off-street loading spaces shall be provided and maintained on the same zoning lot with the building as necessary to meet the needs of the principal use. The location of off-street loading spaces shall be regulated according to the following:

- (a) Streets, sidewalks, alleys or other public rights of way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- (b) No part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.
- (c) Off-Street Loading Space. In any district, in connection with any building or part thereof, hereafter erected or altered which is to be occupied by manufacturing, stores, warehouses, goods display, retail commercial, wholesale commercial, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained, on the same lot with such buildings, off-street loading space in accordance with the following schedule:

Net Floor Area of Building (Sq. Ft.)	Total Number of Off-Street Loading Spaces
Less than 10,000	0
Over 10,000 to 20,000	1
Over 20,000 to 40,000	2
Over 40,000 to 60,000	3
Over 60,000 to 80,000	4
Over 80,000 to 100,000	5

- (d) When the floor area of the building exceeds 100,000 square feet, the number of off-street loading spaces shall be determined by the Planning Commission.
 - (e) Each loading space shall be not less than ten feet in width, twenty-five feet in length and fourteen feet in height.
 - (f) Such loading space may occupy all or any part of any required yard, provided, no space shall be closer than fifty feet to any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by an acceptable fence or wall or other enclosure maintained in good condition, not less than six feet in height.
- (Ord. 2015-10. Passed 8-25-15.)

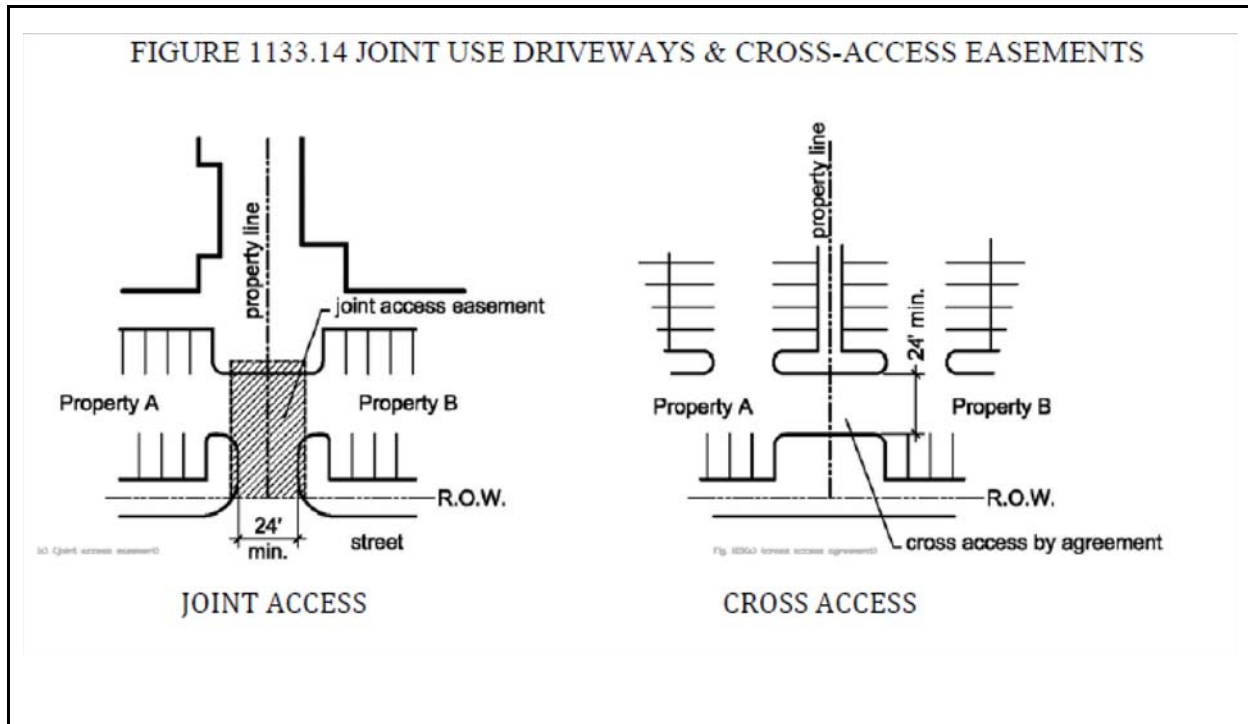
1133.13 ACCESS DRIVES IN COMMERCIAL DISTRICTS.

In all Business Districts and Industrial Districts, there shall be adequate provision for ingress and egress to all parking and loading spaces from public streets and ways. Access drives shall be provided as follows:

- (a) Each development shall be permitted one (1) entrance and one (1) exit at the lot frontage. In the case of a corner lot, Planning Commission may grant an additional access lane if doing so will make the flow of vehicular and pedestrian traffic safer and more efficient.
 - (b) One (1) additional entrance and exit drive may be permitted for every additional two hundred and fifty (250) feet of street frontage, or fraction thereof, above the district minimum. Planning Commission may grant one (1) additional entrance and exit drive if it is deemed imperative to efficient and safe operations for the use on within the development.
 - (c) The width of an access drive measured at the front lot line shall not be more than fifteen (15) feet per lane, with a maximum of one (1) entrance lane and two (2) exit lanes. When using a two (2) lane system, the total width shall not exceed thirty (30) feet at the property line. When using a three (3) lane system, the total width shall not exceed forty-five feet (45) at the front property line.
 - (d) An access point from a public street or way shall be located no closer than twenty (20) feet to a residential district and the resulting adjacent open area shall be properly landscaped and maintained in accordance with the standards in Chapter 1131 Landscape Requirements. Access lanes for all commercial and industrial uses shall not exist within property zoned residential.
 - (e) An access drive shall be located no closer than fifty (50) feet to an intersection, unless specific circumstances on the parcel make such placement necessary. Access drives adjacent to intersections are subject to approval by the Planning Commission.
 - (f) Landscaped medians may be installed to separate lanes of incoming and outgoing traffic and shall not be used in calculation of total width. Landscaped medians shall be landscaped in accordance with parking lot island regulations as set forth in Chapter 1131 Landscape Requirements and shall be installed in a manner as to protect safe and efficient flow of pedestrian and vehicular traffic. Signage may be included within this area, but shall be placed as to not adversely affect safe passage of traffic or site line visibility.
- (Ord. 2015-10. Passed 8-25-15.)

1133.14 NON-RESIDENTIAL JOINT USE DRIVEWAYS AND CROSS-ACCESS EASEMENTS.

Adjacent non-residential uses that possess dedicated parking areas are encouraged to provide joint use driveways and cross-access easements to allow circulation between sites (See Figure 1133.14: Joint Use Driveways and Cross-Access Easements). If the site intends to make use of a joint-use drive or cross access easement, the following regulations must be followed:



- (a) Property owners are required to arrange agreements with neighboring property owners prior to submittal of required permits and approvals. If joint use driveways and cross-access easements will be provided, the property owner must provide an executed agreement between the adjacent property owners.
- (b) Joint use driveways and cross-access easements must incorporate the following:
 - (1) A travel aisle and driveway width of twenty-four (24) feet to ensure two-way travel aisles to accommodate automobiles, service vehicles and loading vehicles.
 - (2) Bump-outs and other design features to make it visually obvious that the abutting properties are tied together.
 - (3) A unified access and circulation plan for shared parking areas.
- (c) Pursuant to this section, property owners who establish cross-access easements must record an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement.
(Ord. 2015-10. Passed 8-25-15.)

1133.15 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

(a) For single-family and two-family dwellings, residential driveways that provide access to a garage are limited in width dependent upon the designated motor vehicle capacity of the garage in factors of twelve (12) feet per space within the garage. In the event that a driveway exceeds twenty-four (24) feet in width, the driveway is permitted to extend for a distance of twenty (20) feet from the garage doors before tapering back to the maximum driveway width of twenty-four (24) feet. For driveways extended from attached garages located twenty-five (25) feet or less from the lot line, the driveway is permitted to be width of attached garage with no tapering required on private property. The apron shall then be a maximum of twenty-four (24) feet.

(b) Driveways must be located no closer than three (3) feet from the side and rear lot line. However, a residential driveway may be shared by adjacent lots and constructed on the lot line. This shared driveway location is only allowed if agreed to by the owners of each lot. This agreement will then be filed with the County Recorder for perpetual use.

(c) Residential driveways must be surfaced with Portland cement concrete, bituminous asphalt, brick or concrete pavers placed with gaps not exceeding one quarter inch and shall be graded and drained to prevent surface water accumulation. Paving with pervious or semi-pervious materials, such as permeable pavers, porous asphalt, and porous concrete is permitted, but must be able to withstand the impact of vehicular traffic. Gravel, wood chips, and other unfinished materials are prohibited.

(d) Vehicles parked on the premises of any parcel that is residentially zoned shall be located on a designated driveway that is installed and maintained in accordance Section 1133.16(c). Parking on front or side yards is prohibited.
(Ord. 2015-10. Passed 8-25-15.)

1133.16 IMPROVEMENT AND MAINTENANCE STANDARDS.

All required off-street parking and loading facilities including entrances, exits, maneuvering areas, stacking areas, and parking and loading spaces shall be in accordance with the following standards and specifications.

Parking Space Dimensions Full Sized Cars				
Angle of Parking (in degrees)	Minimum Width at Curb	Minimum Length from Curb	Minimum Drive Aisle Width (one- way)	Minimum Drive Aisle Width (two- way)
45	13 feet	19 feet	14 feet	18 feet
60	11 feet	20 feet	18 feet	18 feet
75	9 feet	19 feet	20 feet	20 feet
90	9 feet	19 feet	24 feet	24 feet

- (a) Stacking Space Dimensions. Each off-street stacking space for a drive-thru or drive-in facility shall have an area not less than 160 square feet (measuring eight (8) feet by twenty (20) feet) exclusive of access drives and parking aisles.

- (b) Circulation Lanes. The minimum width for a circulation lane shall be:
- (1) Twenty-four (24) feet for 90 degrees or perpendicular parking;
 - (2) Eighteen (18) feet for 60 degrees parking one way aisles;
 - (3) Fourteen (14) feet for 45 degrees parking one way aisles.
- (c) Paving. All required spaces, together with driveways, aprons, other circulation aisles and access sidewalks, both public and private, shall be surfaced as follows:
- (1) Parking lots and circulation lanes. Concrete not less than four (4) inches in thickness, or with bituminous surface not less than three (3) inches in thickness, consisting of one and three fourths ($1 \frac{3}{4}$) inches of compacted #301 base course and one and one fourth ($1 \frac{1}{4}$) inches of compacted #404 surface course, over a six (6) inch compacted aggregate base. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and state standards.
 - (2) Circulation lanes for parking lots. Concrete not less than six (6) inches in thickness, or with bituminous surface not less than four (4) inches in thickness, consisting of two and one half ($2 \frac{1}{2}$) inches of compacted #301 base course and one and one half ($1 \frac{1}{2}$) inches of compacted #404 surface course, over a six (6) inch compacted aggregate base. Paving with semi-pervious materials (e.g. permeable pavers, porous asphalt, porous concrete) that are able to withstand vehicular traffic or other heavy-impact uses are permitted in accordance with this section. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and state standards.
 - (3) Aprons. Concrete not less than six (6) inches in thickness for residential aprons and concrete not less than eight (8) inches in thickness for commercial aprons.
 - (4) Driveways. Concrete not less than four (4) inches in thickness, or with bituminous surface not less than four (4) inches thick consisting of two and one half ($2 \frac{1}{2}$) inches of compacted #301 binder course and one and one half ($1 \frac{1}{2}$) inches of compacted #404 surface course over a four (4) inch compacted aggregate base or paving with semi-pervious materials that are able to withstand vehicular traffic or other heavy-impact uses is permitted (e.g. permeable pavers, porous asphalt, porous concrete).
 - (5) Alternative paving materials. Semi-pervious materials, such as permeable pavers, porous asphalt, and porous concrete shall permit natural percolation of water and be installed and maintained in accordance with industry and manufacturer's standards and the following:
 - (A) The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.
 - (B) Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.
 - (C) The City may inspect the semi-pervious parking areas as needed. If maintenance is required, the owner may be required to submit to the City documentation of the removal of visible surface sediment accumulations, and/or test results of infiltration rate through the pervious concrete and sub-grade soils system.

- (D) For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semi-pervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.
- (6) Sidewalks, both public and private. Concrete not less than four (4) inches in thickness, and four (4) feet in width on a two (2) inch stone base.
- (d) Drainage. All required spaces, together with driveways and other circulation aisles, shall have adequate provision for underdrainage and for the disposal of storm water, so that water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- (e) Curbs. A physical barrier in the way of a concrete curb, parking blocks, or asphalt rolled curb at least six (6) inches in height shall be installed and maintained along the perimeter of a parking or loading area that abuts a landscaped area. Curb inlets must be placed in order to allow water flow into the landscaped areas permitted by proper site grading.
- (f) Marking. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing.
- (g) Screening. Screening and landscaping of parking areas shall be provided pursuant to the Chapter 1131 Landscape Requirements.
- (h) Signs. Signs shall be provided in accordance with Chapter 1129 Signage Requirements.
- (i) Lighting. Wherever a parking lot or garage is to be used during darkness, lighting shall be installed to provide an adequate standard of illumination over the entire parking lot and access or drive aisles within the parking area. All lights shall be shielded as to minimize glare will extend to adjacent property.
- (j) Maintenance. A parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes. All exposed concrete walls shall be painted or finished.
(Ord. 2015-10. Passed 8-25-15.)

1133.17 TRAILER PARKING.

- (a) Semitrailers, hitched and unhitched, shall only be parked in Industrial zoned districts. Short-term parking is permitted in commercial and mixed-use districts to conduct business activities specific to the site, but is limited to four (4) hours.
- (b) Semitrailers not in use shall not remain on any premises for more than seventy-six (76) hours after being loaded or unloaded.
- (c) Trailers and pole-trailers when being parked in residential districts are limited to being placed on a paved area of the allowable driveway as per section 1133.15 of this section.

(d) Outdoor parking of any inoperable or unlicensed commercial tractor is prohibited.

(e) For the purposes of this section, "commercial tractor", "pole trailer", "semitrailer" and "trailer" shall be defined in the same manner as set forth in Chapter 301, "Definitions" of the Traffic Code. (Ord. 2015-10. Passed 8-25-15.)

1133.18 EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS IN BUSINESS DISTRICTS.

(a) In certain business districts, parking needs are predominantly met by the existence of significant amounts of on and off-street public parking and, in some areas, large private parking areas serving multiple uses. A large number of small parking lots would be disruptive in these areas, in which safe and pleasant conditions for pedestrians are important assets. On the commercial-district parcels described below, the following exceptions to the off-street parking requirements shall apply:

- (1) Additional parking shall not be required in the event of a new use being added within the existing footprint of an existing multi-use building.
- (2) New uses in existing buildings with net floor areas (NFA) expanded by 25% or more of the previously existing footprint shall be required to either provide the required number of off-street parking spaces specified for the use or request that the Planning Commission grant a special exception from the off-street parking requirement for that particular use. In such case, the Planning Commission shall not allow for a parking reduction to exceed fifty (50%) of the required parking.

(b) Each Mixed Use District, as established in Chapter 1127 Mixed Use Districts, has specific off-street parking regulations due to the unique circumstances within each district. In the event that this chapter conflicts with the regulations set forth in Chapter 1127 Mixed Use Districts, the 1127 Mixed Use Districts chapter shall override Chapter 1133 Off-street Parking and Loading Regulations. (Ord. 2015-10. Passed 8-25-15.)

CHAPTER 1135
Flood Hazard Zoning/Flood Damage Reduction

1135.01	General provisions.	1135.04	Use and development standards for flood hazard reduction.
1135.02	Definitions.	1135.05	Appeals and variances.
1135.03	Administration.	1135.06	Enforcement.

CROSS REFERENCES

Flood control bonds; public capital improvements - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
 County Commission flood control aid to governmental units - see Ohio R.C. 307.77
 Basis of zoning districts - see Ohio R.C. 713.10
 Marking flood areas - see Ohio R.C. 1521.14

1135.01 GENERAL PROVISIONS.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of the City of Huron, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Huron has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near floodprone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and,
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Huron as identified in Section 1128.01(f), including any additional areas of special flood hazard annexed by the City of Huron.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study, Erie County, Ohio, (and Incorporated Areas), dated August 28, 2008
- (2) Flood Insurance Rate Map, Erie County, Ohio, (and Incorporated Areas), dated August 28, 2008.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Huron as required by Section 1135.04(c): Subdivisions and Large Scale Developments.
Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Huron Township Building Department, 1820 Bogart Road, Huron, Ohio.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including Subdivision Regulations, Zoning or Building Codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Huron, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2008-24. Passed 8-12-08.)

1135.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (1) Accessory Structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2) Appeal. A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.
- (3) Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.
- (4) Base (100-Year) Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (5) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

- (6) Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) Enclosure Below the Lowest Floor. See “Lowest Floor.”
- (8) Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (9) Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.
- (10) Fill. A deposit of earth material placed by artificial means.
- (11) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters, and/or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
- (12) Flood Hazard Boundary Map (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (13) Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (14) Flood Insurance Risk Zones. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - Zone A:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - Zone A99:
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.

- (15) Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (16) Flood Protection Elevation. The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.
- (17) Floodway. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than 0.5 (one-half) foot at any point within the community.
The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (18) Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (19) Historic structure. Any structure that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (20) Hydrologic and hydraulic engineering analysis. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (21) Letter of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- A. Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

- B. Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - C. Conditional Letter of Map Revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (22) Lowest floor. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
 - (23) Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
 - (24) Manufactured home park. As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, 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 the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
 - (25) National Flood Insurance Program (NFIP). The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
 - (26) New construction. Structures for which the "start of construction" commenced on or after the initial effective date of the City of Huron's Flood Insurance Rate Map, April 3, 1978, and includes any subsequent improvements to such structures.

- (27) Person. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.
- (28) Recreational vehicle. A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (29) Registered Professional Architect. A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Ohio Revised Code.
- (30) Registered Professional Engineer. A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.
- (31) Registered Professional Surveyor. A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.
- (32) Special Flood Hazard Area. Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (33) Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (34) Structure. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

- (35) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event , on the average, exceeds twenty-five percent (25 %) of the market value of the structure before the damage occurred.
- (36) Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- A. Any improvement to a structure that is considered "new construction,"
 - B. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - C. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (37) Variance. A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (38) Violation. The failure of a structure or other development to be fully compliant with these regulations.
(Ord. 2008-24. Passed 8-12-08.)

1135.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Zoning Inspector is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. (Ord. 2012-29. Passed 7-24-12.)

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1128.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1135.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1135.04(e) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1135.04 (i)(3).

- D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1135.04 (i)(2).
- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1135.04 (i)(1).
- F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1135.04(c).

(e) Review and Approval of a Floodplain Development Permit Application.

(1) Review.

- A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.
- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

- (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1135.03 (j)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1135.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Huron flood maps, studies and other data identified in Section 1135.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to submit new technical data.
 - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1135.04(c).
 - B. It is the responsibility of the applicant to have technical data, required in accordance with this chapter, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1135.03(j)(1).
- (2) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Huron, and may be submitted at any time.
- (3) Annexation.detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Huron's Flood Insurance Rate Map accurately represents the City of Huron's boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Huron has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1135.05, Appeals and Variances.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(1) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(Ord. 2008-24. Passed 8-12-08.)

1135.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in this chapter:

(a) Use Regulations.

(1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulations adopted by the City of Huron are allowed provided they meet the provisions of these regulations.

(2) Prohibited uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1135.03(j)(1)D. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1135.04(c)(4).

(d) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.

- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone A areas, with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this section.
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1135.04(d)(1), (2), (3), (5) and (7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with A. and B. of this subsection.
- (3) In Zone A areas with no elevation specified, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
 - (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1135.04(d)(5)C.;
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
 - (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of Section 1135.04(d).
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
 - (1) Development in floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. Meet the requirements to submit technical data in Section 1135.03(j)(1);

2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 5. Concurrence of the City Manager of the City of Huron and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in riverine areas with base flood elevations but no floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than .5 (one-half) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than .5 (one-half) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. An evaluation of alternatives which would result in an increase of .5 (one-half) foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Section 1135.04(i)(1)B., items 1, 3, 4, and 5.
- (3) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Huron specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1135.03 (j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 2008-24. Passed 8-12-08.)

1135.05 APPEALS AND VARIANCES.

(a) Appeals Board Established. The Board of Building and Zoning Appeals of the City of Huron shall hear and decide any and all appeals or variances from these regulations.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with subsection (d) of these regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within five (5) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

- (1) Application for a variance.
 - A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
 - B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
 - C. All applications for a variance shall be accompanied by the fee established by the City Council for appearances before the Board.
- (2) Public hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
 - A. The danger that materials may be swept onto other lands to the injury of others.
 - B. The danger to life and property due to flooding or erosion damage.
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - D. The importance of the services provided by the proposed facility to the community.
 - E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - F. The necessity to the facility of a waterfront location, where applicable.
 - G. The compatibility of the proposed use with existing and anticipated development.
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (3) Variances shall only be issued upon:
 - A. A showing of good and sufficient cause.
 - B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(4) Other conditions for variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(5) Procedure at hearings.

- A. All testimony shall be given under oath.
- B. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- C. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- D. The administrator may present evidence or testimony in opposition to the appeal or variance.
- E. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- F. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- G. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

- H. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.
- (6) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
(Ord. 2008-24. Passed 8-12-08.)

1135.06 ENFORCEMENT.

- (a) Compliance Required.
- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1135.03(i).
 - (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1135.06.
 - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c).
- (b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:
- (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
 - (3) Specify a reasonable time for performance;
 - (4) Advise the owner, operator, or occupant of the right to appeal;
 - (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.
- (c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth (4th) degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Huron. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Huron from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Huron shall prosecute any violation of these regulations in accordance with the penalties stated herein.
(Ord. 2008-24. Passed 8-12-08.)

CHAPTER 1137
Exceptions and Modifications

1137.01	Lots of record.	1137.04	Yard projections.
1137.02	Height modifications.	1137.05	Lot area requirements.
1137.03	Yard modifications.		

CROSS REFERENCES

Yard requirements along zoning boundary lines - see P. & Z.
 1121.06(f)

Height and yard regulations - see P. & Z. Ch. 1123, 1125

1137.01 LOTS OF RECORD.

(a) Dwelling On Any Lot of Record.

- (1) In any district in which dwellings are permitted, a one-family detached dwelling may be erected, enlarged or added to on any lot of official record at the effective date of this Zoning Ordinance, irrespective of its area or width, except as provided for in subsection (a)(2) hereof.
- (2) If two or more lots, or combination of lots, or lots with continuous frontage in single ownership were of record at the effective date of this Ordinance and if all or part of the lots do not meet the requirement for lot width and area as established by this Ordinance, the land involved shall be considered an undivided parcel for purposes of this Ordinance and no portion of such parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance; provided, however, that a portion of such parcel may be sold to the owner of property abutting such parcel for the purpose of enlarging the property of the abutting owner. In such event, the portion of the parcel being sold to the abutting owner need not meet the lot width and area requirements established by this Ordinance but the portion of the parcel being retained must meet the minimum lot width and area requirements established herein.

(b) Yard Reduction by Zoning Inspector.

- (1) Where there were substandard lots of record at the time of effectiveness of this Ordinance in districts permitting residences, the depth of the required rear yard and/or the minimum side yard width may be reduced by up to four inches for each foot by which the lot at the effective date of this Ordinance was less than 100 feet deep and/or less than fifty feet in width where this is necessary to provide the minimum site for one single car garage on the site, twelve feet wide by twenty-two feet deep.
- (2) Where construction or enlargement of, or addition to, a one-family detached dwelling is to be undertaken on a lot that is substandard by virtue of lot area and/or lot width under the terms of subsection (a) hereof, and the application of the yard requirements of the district within which it is located results in a space available for construction that is less than the minimum ground floor area required for a two-story dwelling (see Section 1121.06(n)) and/or a space available for construction of the residence that is less than twenty feet in width, the depth of the required rear yard and/or the minimum width of each side yard may be reduced by up to four inches for each foot by which the lot at the effective date of this Ordinance was less than 100 feet deep and/or less than fifty feet in width, in any combination of such reductions of side and rear yards, to the point where the minimum ground floor area and the minimum construction width of twenty feet has been attained but not exceeded.
- (3) Side yards, where reduced under subsection (b)(2) hereof, shall be reduced uniformly at both sides. Side yards shall only be reduced, under both subsections (b)(1) and (b)(2) hereof, when rear yard reduction, within the limits specified herein, cannot result in the required minimum residential ground floor building area, or the minimum twenty-foot residential construction width. Under no condition shall a side yard provided for under the terms of this section, for either a residence or a garage, be less than three feet in width, or less than five feet in the case of a side yard along a side street lot line, and provided further that no rear yard shall be less than ten feet.

(c) Relief by Board of Zoning Appeals.

- (1) Where the full application of all of the reliefs provided for in subsections (a) and (b) hereof, still do not provide a minimum ground floor area and/or a minimum twenty-foot construction width, the Zoning Inspector shall so certify to the Board of Building and Zoning Appeals which will accept such certification as proof of a clear and certain hardship on the land warranting relief.

- (2) Where the full application of all of the reliefs provided for in subsections (a) and (b) hereof, still do not provide the minimum site as specified for a single car garage, the permit for construction of the garage shall be denied. (Ord. 2012-30. Passed 7-24-12.)

1137.02 HEIGHT MODIFICATIONS.

(a) The height limitations stipulated elsewhere in this Zoning Ordinance shall not apply to the following:

- (1) Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building.
- (2) Places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- (3) Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or monuments, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height.

(b) All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant no less than fifty feet in all parts from every lot line.

(Ord. 1990-20. Passed 11-26-90.)

1137.03 YARD MODIFICATIONS.

(a) Average Depth of Front Yards. In any R District, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this chapter, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, provided however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

In any R District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming to the requirements of this chapter, such garage may be located within such front yard, but not in any case closer than six feet to the street line.

Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided however on both streets.

(b) Computing Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be, provided however, that no side yard shall be less at any point than three feet and no rear yard less than ten feet.

(c) Side Yard Modifications. Each side yard, where required, shall be increased in width by two inches for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty feet.

Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width, provided however, that such side yard is not narrower at any point than one-half the otherwise required least width, or narrower than three feet in any case.

A side yard along the side street lot line of a corner lot, which lot abuts in the rear either directly or across an alley, the side lot line of another lot in an R District, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street. (Ord. 1990-20. Passed 11-26-90.)

1137.04 YARD PROJECTIONS.

(a) Projection of Architectural Features. Certain architectural features may project into required yards or courts as follows:

- (1) Into any required front yard, or side yard adjoining a side street lot line;
- (2) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet six inches;
- (3) Fire escapes may project a distance not exceeding four feet six inches;
- (4) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landings do not extend above the entrance floor of the building except for a railing not exceeding three feet in height;

- (5) Bay windows, balconies and chimneys may project a distance not exceeding three feet provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall in which they are located;
 - (6) The above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-third of the required least width of such yard, but not exceeding three feet in any case;
 - (7) The above named features may project into any required rear yards to the same distance they are permitted to project into the front yard.
- (b) Fences, Walks and Hedges. May be located in required yards as follows:
- (1) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, they may be located in any yard;
 - (2) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear or side yard.
- (Ord. 1990-20. Passed 11-26-90.)

1137.05 LOT AREA REQUIREMENTS.

Subject further to the applicable provisions of the Planning and Zoning Code in any district, where neither the public water supply or a public sanitary sewer is accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be: lot area - 20,000 square feet, lot frontage at the building setback line - 100 feet, provided however, that where a public water supply system is accessible and will be installed, these requirements shall be 10,000 square feet and 75 feet respectively.
(Ord. 1990-20. Passed 11-26-90.)

CHAPTER 1139
Zoning Administration

1139.01	Enforcement; penalty.	1139.03	District changes and
1139.02	Board of Building and		regulation amendments.
	Zoning Appeals.	1139.04	Validity and repeal.

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the office of the City Manager and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code. For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in Section 1321.13 of the Building Code.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any amendment or supplement thereto, for which no other penalty is provided, shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. 2012-32. Passed 7-24-12.)

1139.02 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 100 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditions of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular conditional use or special exception, as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

- (1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.

- (2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises.
- (3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- (4) Conditional industrial uses. Permitted in the I-1 and I-2 Districts, certain of the industries or uses listed in Sections 1125.04 and 1125.05 as conditionally permitted. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use, of such devices or such methods of operation, as may in the opinion of the Board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar objectionable features, and may further impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties, where such distance is not specifically indicated, as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.
- (5) Temporary structures and uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- (6) Conditional uses: wind energy conversion systems.
 - A. Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.
 - B. Definitions.
 - 1. A wind energy conversion system (WECS) includes any or all of the following components.
 - a. A turbine with propeller type blades;
 - b. A vertical rotor;

- c. Other means of capturing the energy of the moving air;
 - d. A tower or a mounting structure;
 - e. An electrical power generator with associated electrical power transmission circuitry;
 - f. A battery or other means of storing energy;
 - g. Other means of transmitting energy (hydraulic, mechanical, etc.);
 - h. Mechanical control mechanisms;
 - i. Electrical/electronic/computer circuitry;
 - j. A foundation;
 - k. Enclosures.
- 2. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
 - 3. Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.
 - 4. Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.
 - 5. Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
 - 6. Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.
 - 7. Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.
 - 8. Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).
- C. Applicability.
- 1. This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.

2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

D. Permit requirement.

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
2. The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
4. An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

E. Small Wind Energy Conversion System Requirements.

1. Permitted locations. A small wind energy conversion system is permitted in any zoning district.
2. Setbacks.
 - a. Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
3. Design standards.
 - a. Monopole or freestanding design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
 - b. Minimum blade height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.

- c. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
 - d. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
 - e. Visual appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
 - f. Electrical interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
 - g. Signal interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.
- F. Permit applications. Application for a small wind energy conversion system and/or tower shall include the following information:
- 1. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
 - 2. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
 - 3. Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
 - 4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,

5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
 6. Emergency and normal shutdown procedures; and,
 7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
 8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.
- G. Commercial wind energy conversion system requirements.
1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
 2. Setbacks.
 - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
 3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
 4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
 5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission and Design Review Board.
- H. Non-use.
1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.

2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or
- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.

- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.
(Ord. 2012-32. Passed 7-24-12.)

1139.03 DISTRICT CHANGES AND REGULATION AMENDMENTS.

(a) Council May Amend Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter.

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

- (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
- (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
- (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
- (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full embership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.
- (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.
(Ord. 2012-32. Passed 7-24-12.)

1139.04 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
(Ord. 2012-32. Passed 7-24-12.)

TITLE SEVEN - Design Review
Chap. 1141. Design Review Regulations.

CHAPTER 1141
Design Review Regulations

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1141.01 PURPOSE.

The purpose of this chapter is to establish procedures whereby buildings, structures, and signage are reviewed for architectural design features and neighborhood compatibility. This section is in effect for all buildings and structures except for one and two family dwellings and their accessory uses throughout the Corporate limits.
 (Ord. 2011-10. Passed 3-22-11.)

1141.02 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of the Codified Ordinances of the City of Huron (Hereinafter referred to as the "City"):

- (a) "Alter or alteration" means any material change in an external architectural feature of any commercial/industrial property which lies within the corporate limits of the city, including demolition, removal, construction, modification to existing signage or placement of new signage, roofs, windows, siding, awnings/canopies, additions, doors/entrances, but not including the landscaping of real property. Repainting a structure the same color and color scheme as existed immediately prior to such repainting shall not constitute an alteration.
- (b) "Applicant" means any owner, owners, person(s), association, partnership, or corporation who applies for a zoning and/or building permit in order to undertake any change on property subject to this chapter.
- (c) "External Architectural Feature" means the architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color (for new construction and rehabilitation), and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.

- (1) "Commercial/Industrial Buildings and/or Structures" means all buildings and/or structures with the exception of one, and two family dwelling units and their accessory buildings and/or structures.
- (2) "Preservation District" any area within the corporate limits of Huron, Ohio, designated by Council to be subject to the provisions of this Chapter.
- (3) "Member" any member of the Huron City Planning Commission as established under the provisions of this Chapter.
- (4) "Council" the Huron City Council
- (5) "Review Committee" the subcommittee of the Huron City Planning Commission established under the provisions of this Chapter and the Rules and Regulations of the Planning Commission.
(Ord. 2011-10. Passed 3-22-11.)

1141.03 ESTABLISHMENT OF DESIGN REVIEW COMMITTEE.

There is hereby established a Design Review Committee which shall have the powers and duties as are hereinafter set forth in this Chapter. The Committee shall be a subcommittee of the Planning Commission and shall consist of three members, who shall be appointed by the Chairman of the Commission. Design Review Subcommittee members shall be appointed with due regard for the need to include Commission members or others that have the necessary technical expertise to review applicable projects. Members shall be appointed in accordance with the rules and regulations of the Planning Commission.
(Ord. 2011-10. Passed 3-22-11.)

1141.04 POWERS AND DUTIES OF THE DESIGN REVIEW SUBCOMMITTEE.

The Review Committee shall perform its duties under the guidelines established by the Commission. The City Manager shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Review Committee.

The Committee shall adopt rules and regulations, consistent with this Chapter, governing its procedures and transactions. The Committee shall meet as required to carry out the review of applications for projects, and such other related work as may be accepted through request of Council or undertaken on its own motion. Meetings shall be held in accordance with the rules of the Committee as required when there are applications to be considered and not less than once annually. Special meetings may be held at the call of the chairperson of the Committee.

Within the Corporate limits, the Review Committee shall review any proposed new construction, alterations to property, and signage as herein defined. The Review Committee's approval of such new construction, alterations, and signage shall be secured before any owner of property may commence work thereon.

In reviewing proposed new construction, alterations, and signage, the Review Committee shall at a minimum use as evaluative criteria, the following:

- (a) Materials shall be appropriate for the use of the proposed structures, weathering, and the relationship to other materials, including those used on adjacent structures.
- (b) Colors and textures shall be appropriate for the size and scale of proposed structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.

- (c) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in-scale with the building and carefully related to other elements.
- (d) Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke and other nuisances. The location, color, size type, and screening of mechanical equipment, whether on the roof, walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
- (e) Windows, doors, and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
- (f) Architectural styles similar to or compatible with existing historical buildings of uses adjacent to or across the street from the site shall be encouraged. Compatibility and complementarity among existing and proposed new structures shall be encouraged in all locations.
- (g) Scale of new construction should be similar to that of the majority of surrounding buildings.
- (h) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
- (i) Wall mounted signs shall be design to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series.
- (j) Sign colors shall complement the color of the building façade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter is discouraged.
- (k) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, and scale.
- (l) Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.
- (m) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.

- (n) Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
- (o) Site features such as fences, walls, and signs compatible in color, texture, scale, materials, and other characteristics with the main building shall be encouraged.
(Ord. 2011-10. Passed 3-22-11.)

1141.05 TRIGGERING MECHANISM FOR DESIGN REVIEW.

Once a property owner applies for the required site plan review, or in the case of a sign, for a permit, the applicable Design Review Committee application will be forwarded to them. All property owners within the Corporate limits must receive Design Review Committee and Planning Commission approval prior to building permit issuance.
(Ord. 2011-10. Passed 3-22-11.)

1141.06 RESERVED.

EDITOR'S NOTE: This section has been reserved for future legislation.

1141.07 RESERVED.

EDITOR'S NOTE: This section has been reserved for future legislation.

1141.08 FINAL DECISION.

As the Design Review Subcommittee is subordinate to the Planning Commission, action taken by the Committee will be in the form of a recommendation to the Planning Commission. The final decision on architectural reviews will rest with the Planning Commission. Appeals of the final decision of the Planning Commission will be in accordance with Section 1313.03 (f) of the Codified Ordinances. (Ord. 2011-10. Passed 3-22-11.)

1141.09 MINIMUM MAINTENANCE REQUIREMENT.

The owner of any structure within the Corporate limits shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or inhabited. (Ord. 2011-10. Passed 3-22-11.)

1141.10 EXCLUSIONS.

Normal and ordinary maintenance functions performed on buildings within the Preservation District and the removal/demolition of declared public nuisances (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this chapter.
(Ord. 2011-10. Passed 3-22-11.)

1141.99 PENALTY.

(a) Whoever constructs, reconstructs, alters, changes, or demolishes, any exterior feature of any structure, work or art, object, or area in violation of this chapter, or whoever maintains, changes, or installs a sign in violation of this chapter, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1139.01 (h) and (i) of the Zoning Code.

(b) Each day of violation shall constitute a separate distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect to demolition.
(Ord. 2011-10. Passed 3-22-11.)

