



City of Huron
Agenda for the Planning Commission/DRB – Work Session
Wednesday, October 11, 2023 5:30pm.

I. Call to Order

II. Roll Call

III. Old Business

1. Zoning Administration Legislation Update
2. Chicken Coop Regulations
3. Apiary Regulations

IV. Staff Report

1. Fee Schedule/Miscellaneous Permit Legislation
2. Next Work Session – Sign Legislation

V. Adjournment

CHAPTER 1313

Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review

1313.01 Purpose.

1313.02 Requirements.

1313.03 Procedure for filing and review.

1313.04 Fees.

1313.99 Penalty.

CROSS REFERENCES

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

(1) A scale drawing showing:

A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.

B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.

C. The extent and type of parking lot and driveway paving.

D. The location and dimensions of all pedestrian ways and/or sidewalks.

E. The location and size of all existing and proposed utilities.

F. Complete building elevations and signage including color renderings of the same

G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.

H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.

B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.

C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

(1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.

(2) The location of vehicular ingress and egress and the dimensions of the same.

(3) The location and dimensions of all pedestrian ways and/or sidewalks.

(4) The location and size of all existing and proposed utilities.

(5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning

Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.

(Ord. 2013-39. Passed 9-24-13.)

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)

CHAPTER 1313

Building Plan Review Site Plan and Storm Water Pollution Prevention Plan (SWPPP)
Review

1313.01 Purpose.

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1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 MINIMUM REQUIREMENTS FOR CONSTRUCTION.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

(1) A scale drawing showing:

A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.

Commented [EE1]: Move site plan requirements to Zoning; Move SWPPP to 1315 Stormwater

Commented [EE2]: Include materials for full set of building plans...

Occupancy/Use...
Foundation Plan. Plan representation indicating the general design intent of the foundation. ...
Floor Plan(s) Dimensioned plans indicating the layout of rooms, walls, doors, and windows. ...
Roof Plan. ...
Exterior Elevation. ...
Building Section(s) ...
Electrical Plan(s) ...
Construction Notes and Details\

Tie back to OBC and RCO

Work with Building Dept. to tighten up...

B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.

C. The extent and type of parking lot and driveway paving.

D. The location and dimensions of all pedestrian ways and/or sidewalks.

E. The location and size of all existing and proposed utilities.

F. Complete building elevations and signage including color renderings of the same

G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.

H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.

B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.

C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

(1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.

(2) The location of vehicular ingress and egress and the dimensions of the same.

(3) The location and dimensions of all pedestrian ways and/or sidewalks.

(4) The location and size of all existing and proposed utilities.

(5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

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(a) For all site plans (including design review requirements), with the exception of single or two- family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning

Commented [EE3]: Outline SOP for building plan submittal...streamline language

Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.

(Ord. 2013-39. Passed 9-24-13.)

Commented [EE4]: Leave

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)

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Exhibit B

Section 505.18 – Chickens

- (a) Notwithstanding any of the foregoing sections, female chickens ("hens," for the purpose of this section), may be kept in the City only in accordance with the following regulations:
- (1) Zoning districts. Hens may be kept only in an R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
 - (2) Application and permit. Before the keeping of hens may occur, a permit shall have first been obtained from the Planning and Zoning Department. The permit application must be accompanied by a set fee paid to the City. New permit applications shall include the following information:
 - i. the name, phone number, home address and email address of the applicant;
 - ii. the size and location of the subject property;
 - iii. a proposal containing the number of hens the applicant seeks to keep on the property;
 - iv. a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings;
 - v. a certificate or letter showing that the applicant has taken a class in keeping backyard hens from the Ohio State University Extension or other source approved by the Director of Planning;
 - vi. the permission of the property owner to keep hens from the HOA, if applicable;
 - vii. the permission of the property owner for the applicant to keep hens, if the applicant is not the owner;
 - viii. and the applicant's permission for any City official to enter the lot to determine whether the permit should be granted and the use maintained.
 - (3) Inspection. Within 30 days of the Planning Director or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this section; and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed. A determination shall be made, within 30 days of the inspection, whether the permit should be issued.
 - (4) Personal use, limitations. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six (6) hens shall be allowed on any lot.
 - (5) Setbacks. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
 - (6) Enclosure. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the property

Commented [EE1]: Overkill?

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Exhibit B

is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three (3) square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

- (7) Sanitation, slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent-proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, O.R.C. Chapter 918.
 - (8) Number and transferability. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.
 - (9) Permit revocation. The Planning Director may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this section.
 - (10) Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals pursuant to Chapter 1139 of the Codified Ordinances.
- (b) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.
- (c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.

Exhibit B

Section 505.19 – Bees

(a) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:

(1) Definitions. As used in this section, the following words and terms shall have the meanings ascribed in this section.

- A. "Apiary" means any place where one or more colonies or nucleus colony of bees are kept.
- B. "Bees" means any stage of any species of the genus Apis.
- C. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- D. "Beehive" means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
- E. "Colony" means the beehive and its equipment, including bees, combs and brood.
- F. "Beekeeping equipment" means anything used, in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
- G. "Tract" means a contiguous parcel or land under common ownership.
- H. "Nuc" or "nucleus colony" means a small hive smaller than the usual hive box designed for a particular purpose.
- I. "Undeveloped property" means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(2) Zoning districts. Bees may be kept in all zoning districts.

(3) Application and permit. Before the keeping of bees may occur, a permit shall first be obtained from the Planning and Zoning Department. Applications shall be filed with the Planning and Zoning Department. The permit application shall be accompanied by a fee paid to the City. Permit applications shall include the following information:

- A. The name, phone number, home address and email address of the applicant;
- B. The size and location of the subject property;
- C. A proposal containing the number of hives the applicant seeks to keep on the property;

Exhibit B

D. The permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner;

E. An attestation that the applicant has attended a beekeeping class;

F. The applicant's Ohio Beekeeper number as provided by the Ohio Department of Agriculture; and

G. The applicant's Apiary #(s) as provided by the Ohio Department of Agriculture.

If the applicant does not have their Ohio Beekeeper number and/or their Apiary #(s) at the time of filing then the Planning and Zoning Department may grant a permit on the condition that the applicant provides their Ohio Beekeeper number and/or their Apiary #(s) within 30 days of approval of the application.

All applications shall contain a waiver, signed by the applicant, providing permission for any City official to enter the property for the purpose of determining the beekeeper's compliance with this section. Permits shall not be transferable. The City shall provide the property owner at least 48 hours written notice prior to entering the property.

Commented [EE3]: Language necessary? – confirm with Todd

H. the permission of the property owner to keep bees from the HOA, if applicable;

(4) Inspection. Within 30 days of the Planning Director or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the applicant is in compliance with this code. The person(s) inspecting the premises shall not manipulate any hives during the inspection.

(5) Regulations.

A. Beekeeper must file the application pursuant to section (a)(3) of this section.

B. Beekeeper must abide by O.R.C. Chapter 909, Apiaries.

C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.

D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.

E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.

F. For each beehive permitted to be maintained under this section, there may also be maintained one nuc upon the same apiary tract.

G. No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area. If an applicant has a greater number of beehives

Exhibit B

than permitted by this section and possessed those beehives prior to the enactment of this section, then the Planning and Zoning Department may grant the application.

H. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.

I. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.

J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.

K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.

L. Each beekeeper shall maintain her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

(6) Permit revocation. The Planning and Zoning Department may revoke a permit at any time if the holder materially fails to adhere to the provisions of this section.

(7) Appeal. Any denial of a permit application or permit revocation may be appealed to the Board of Building Standards pursuant to Section 1139 of the Codified Ordinances.

(b) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.

Exhibit B

1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(b) 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; exempt are chickens and bees subject to Chapter 505.18 and Chapter 505.19.

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

Exhibit B

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.

(7) Keeping of female chickens (hens) subject to meeting the requirements set forth in Chapter 505.18

(8) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19

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

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 District; except 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.

1123.04 R-3 MULTI-FAMILY RESIDENCE DISTRICT.

(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.

(f) Prohibited Uses. Notwithstanding any of the foregoing sections and chapters, the following uses are strictly prohibited in the R-3 zoning district

1. Keeping of chickens

2. Beekeeping

Exhibit B

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.

(7) **Keeping of bees subject to meeting the requirements set forth in Chapter 505.19**