

CODIFIED ORDINANCES OF FOSTORIA
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration

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EDITOR'S NOTE: The Fostoria Zoning Ordinance was adopted by Ordinance 99-111, passed December 21, 1999. Subsequent amendments to Ordinance 99-111 will be indicated by legislative histories placed at the end of the affected sections.

CHAPTER 1105
General Provisions and Definitions

1105.01 General provisions.

1105.02 Definitions.

CROSS REFERENCES

- Definitions generally - see ADM. 101.02
 Rules of Construction - see ADM. 101.03 et seq.
 Sign definitions - see P. & Z. 1133.02
 Manufactured home definitions - see P. & Z. 1141.02
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1105.01 GENERAL PROVISIONS.

(a) Title. Titles One and Three of this Part Eleven -- Planning and Zoning Code shall be known and cited as the "City of Fostoria, Ohio Zoning Ordinance of 1999" or the "Zoning Code".

(b) Zoning Code Declared to be Minimum Requirement. In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Zoning Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

(c) Severability. Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid the decision shall not affect the validity of the Zoning Code as a whole, or any part thereof other than, the part so declared to be unconstitutional or invalid.

(d) Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect. This Zoning Code shall supersede the "Zoning Ordinance of 1983".

(e) Effective Date. This Zoning Code shall become effective beginning January 1, 2000. (1983 Code 150.01)

1105.02 DEFINITIONS.

For purposes of this Zoning Code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "ACCESSORY BUILDING OR USE." A building or use on the same lot with, and incidental and subordinate to, the principal building or use.
- (2) "ADDITION." Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room. When a structure already covers the maximum amount of land permitted by the Zoning Code, construction and addition would violate the terms of this Zoning Code, unless a variance is granted by the Zoning Board of Appeals. An addition is a form of alteration.
- (3) "AGRICULTURE." The use of land for general farming, including farm residence and farm buildings, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry, sod farming, raising and care of horses, but not including animal processing or any manufacturing process.
- (4) "ALTERATIONS, STRUCTURAL." Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or roof pitch.
- (5) "AMUSEMENT ARCADES." An establishment in which four or more arcade games are placed and independent of the primary use.
- (6) "APARTMENT." A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.
- (7) "AUTOMOBILE SALES." A lot arranged, designed, or used for the storage and display for sale of any motor vehicle, recreational vehicle or any type of trailer provided the trailer is unoccupied.
- (8) "AUTOMOTIVE REPAIR" The repair, rebuilding, or reconditioning of motor vehicles, or parts thereof, including collision service, painting, and steam cleaning.
- (9) "AUTOMOTIVE OR METAL SALVAGE AND WRECKING." The dismantling, storage, sale, dumping, or wrecking of used, dismantled, partially dismantled, obsolete, or used wrecked motor vehicles, mobile homes, trailers, or parts thereof. See "JUNK YARD"
- (10) "AWNING." A roof like cover that projects from the wall of a building for the purpose of shielding from the elements.
- (11) "BASEMENT." A story all or partly underground but having at least one-half of its height below the average level of adjoining ground. A finished basement shall be included for the purpose of residential floor area if used for dwelling purposes. See "STORY."

- (12) “BILLBOARD.” See “SIGN “
- (13) “BOARD.” The Board of Zoning Appeals of the City.
- (14) “BOARDING HOUSE.” A dwelling or part thereof, other than a hotel, motel, or restaurant where meals or lodging are provided for compensation for more than five and not more than 20 individuals where no cooking or dining facilities are provided in the individual rooms and where there is used only one sign not exceeding four square feet in area.
- (15) “BUILDING.” Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- (16) “BUILDING, DETACHED.” A building having no party wall in common with another building.
- (17) “BUILDING, FRONT LINE OF.” The line of that face or front of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.
- (18) “BUILDING, HEIGHT OF.” The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- (19) “BUILDING, PRINCIPAL OR MAIN.” A building in which is conducted the main or principal use of the lot on which the building is situated.
- (20) “BUSINESS, CONVENIENCE.” Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, laundromats, hardware and grocery stores, if they are less than 10,000 square feet in total floor area and employ less than ten persons. Uses in this classification tend to serve a day-to-day need in the neighborhood.
- (21) “BUSINESS, GENERAL.” Commercial uses which require locations on or near major thoroughfares or their intersections and which tend, in addition to serving day-to-day needs of the community, to supply the more durable and permanent needs of the whole community.
“GENERAL BUSINESS” uses include, but need not be limited to, such activities as supermarkets, department stores, discount stores, general retail sales, and similar uses.
- (22) “BUSINESS SERVICES.” Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes businesses.
- (23) “BUSINESS, WHOLESALE.” Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.
- (24) “CANOPY.” A rootlike structure of a permanent nature which projects from the wall of a building and overhangs the public right-of-way.

- (25) “CARPORT.” A detached accessory building or portion of a principal building not completely enclosed by walls or doors for the parking or temporary storage of automobiles, travel trailers, or boats by the occupants of the premises. For the purpose of this Zoning Code, a “CARPORT” shall be subject to all regulations of a private garage.
- (26) “CEMETERY.” Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of the cemetery.
- (27) “CHURCH.” A building where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. (Ord. 98-102. Passed 11-4-98.)
- (27.1) “CIRCULAR DRIVE”. A tract of land that has a separate ingress and egress, extends into the street or alley, is used to conform to the requirements of “Off-Street Parking” {(1105.02(94))}, is used to create a continual forward motion of vehicles from ingress to egress and is in a half circular shape. (Ord. 01-60. Passed 6-19-01.)
- (28) “CLINIC.” An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists practicing together. The structure may contain a pharmacy which sells only prescription drugs and medicines, but may not contain a drug store.
- (29) “CLUB.” A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.
- (30) “COMMERCIAL ENTERTAINMENT FACILITIES.” Any activity conducted for a gain which is related to the entertainment field, such as motion picture theaters, nightclubs, cocktail lounges, bars, taverns, dance halls, amusement arcades, and similar entertainment activities.
- (31) “COMMERCIAL SCHOOL.” A specialized form of personal service dedicated to teaching arts, crafts, or other subject areas in a group setting.
- (32) “COMMERCIAL STORAGE.” A building or portion thereof used, rented, or leased out for the temporary storage of personal property.
- (33) “COMMISSION.” The Planning Commission of the City.
- (34) “CONDITIONAL PERMITTED USE.” A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.
- (35) “CONDITIONAL USE PERMIT.” A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
- (36) “CONDOMINIUM.” SEE Ohio R.C. 5311
- (37) “CONVERSION.” Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.
- (38) “COUNCIL.” The Council of the City of Fostoria.
- (39) “DENSITY.” A unit of measurement; the number of dwelling units per acre of land.
- (40) “DISABLED VEHICLE.” A motor vehicle which, by condition or disrepair or accident, is unable to be moved and maneuvered under its own power, but is subject to repair. A disabled vehicle shall also include vehicles without current license plates, (Registration).

- (41) “DISTRICT” or “ZONING DISTRICT.” A section or sections of the Municipality for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking and the intensity of use are uniform. Boundaries of the districts are shown on the zoning district map, which is part of this Zoning Code.
- (42) “DRIVE-IN COMMERCIAL USES.” Any retail commercial use providing off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.
- (43) “DRIVE-THROUGH COMMERCIAL USES.” Any retail commercial use providing business transactions from a stopped, but not parked, vehicle.
(Ord. 98-102. Passed 11-4-98.)
- (43.1) “DRIVEWAY”. A tract of land which is used to conform to the requirements of “Off-Street Parking” {(1105.02(94))} or to gain access to a “Private Garage” {(1105.02(60))}, is perpendicular to the street or alley and does not extend in front of the “Dwelling Unit” portion of the primary structure in a residential area.
(Ord. 01-60. Passed 6-19-01.)
- (44) “DWELLING.” A building or portion of a building designed for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels, motels, and boarding houses.
- (45) “DWELLING, ATTACHED.” A dwelling with two or more party walls or one party wall in the case of a dwelling at the end of a group.
- (46) “DWELLING CLASSIFICATIONS.”
A. “INDUSTRIALIZED UNIT.” An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement.
B. “MULTIPLE-FAMILY.” A dwelling consisting of three or more dwelling units with varying arrangements of entrances and party walls, and designed for occupancy by families.
C. “SINGLE-FAMILY.” A building designed and/or used exclusively for residential purposes for one family and containing not more than one dwelling unit.
D. “TWO-FAMILY.” A detached or semi-detached building used for residential occupancy by two families living independently of each other.
- (47) “DWELLING, DETACHED.” A dwelling which is designed to be and is separate from any other structure or structures.
- (48) “DWELLING, SEMI-DETACHED.” A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is separate from any other structure or structures.
- (49) “DWELLING UNIT.” One or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.
- (50) “EDUCATIONAL INSTITUTION.” A public or parochial school of primary, elementary, high, or college level education including accessory uses or structures.
- (51) “ESSENTIAL SERVICES.” The erection, construction, alteration, or maintenance by public utilities of municipal or other governmental agencies; or underground or overhead gas, electrical, steam, or water transmission or distribution 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 service of public utilities of municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings other than structures for the purpose of housing the essential services named herein.

- (52) “EVERGREEN” Any tree that retains its green living foliage the entire year. (Ord. 98-102. Passed 11-4-98.)
- (53) “FAMILY.” One or more persons (no more than five unrelated) occupying a dwelling and living as a single dwelling unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.
- (54) “FENCE.” A structure for enclosure or screening.
- (55) “FLOOR AREA (for determining floor area ratio)” The sum of the gross horizontal area of every floor of a building measured from the exterior walls or from the center line of walls separating two buildings. The floor area shall include: elevator shafts and stairwells at each floor; floor space used for mechanical equipment except equipment located on the roof; penthouses, roofed porches, breezeways, interior balconies, and mezzanines and attics having head room of seven feet, ten inches or more; and floor area devoted to accessory uses. However, any space devoted to off-street parking shall not be counted in the floor area ratio.
- (56) “FLOOR AREA, NONRESIDENTIAL.” The sum of the horizontal area of every floor of a specific use, excluding stairs, washrooms, elevator shafts, maintenance rooms, storage spaces, display windows, fitting rooms, and similar uses. All dimensions shall be measured between interior faces of walls for determining off-street parking requirements.
- (57) “FLOOR AREA, RESIDENTIAL.” The sum of the horizontal area of the floors of a residential building, excluding basement areas not devoted to residential uses. All dimensions shall be measured between interior faces of walls.
- (58) “FLOOR AREA RATIO.” The total floor area of a building or buildings on a lot, divided by the area of that zoning lot.
- (59) “FOOD PROCESSING.” The preparation or processing of food products. Examples of activities included are bakeries, dairies, canning of fruits and vegetables, and meat packing.
- (60) “GARAGE, PRIVATE.” A detached accessory building enclosed on all sides for the parking or temporary storage of automobiles, travel trailers, or boats by the occupants of the premises.
- (61) “GARAGE, PUBLIC.” A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, trailers, and the like.
- (62) “GARAGE, SERVICE STATION.” Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of disabled vehicles, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than found in service stations. A service station is not a repair garage nor a body shop.
See “AUTOMOTIVE REPAIR” and “AUTOMOTIVE OR METAL SALVAGE AND WRECKING.”
- (63) “HOME OCCUPATION.” An accessory use of a dwelling or accessory building for gainful employment involving the manufacture, provision, or sale of goods or services.

- (64) “HOTEL.” A building containing five or more guest rooms in which lodging is provided to the public for compensation, which is open to transient guests, and distinguished from a boarding house or a bed and breakfast.
- (65) “INSTITUTION.” Building or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
- (66) “JUNK.” Means old or scrap copper, brass, rope, rags, trash, batteries, paper, rubber, lumber, pipe, used building materials, roofing; old or scrap iron, steel or other ferrous or nonferrous materials which are not held for sale for remelting purposes by an establishment having facilities for processing such materials; an inoperable, unlicensed, one which fails to display a current license plate (registration), dismantled, partly dismantled, or wrecked vehicle or motor vehicle or parts thereof.
- (67) “JUNK YARD” An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities and any site, location, or premises on which are kept two or more junk motor vehicles, whether or not for a commercial purpose. See “AUTOMOTIVE OR METAL SALVAGE AND WRECKING.” See also Ohio R.C. 4737.05.
- (68) “KENNEL.” Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.
- (69) “LAND USE PLAN.” The long range plan for the desirable use of land in the City, as adopted by the Planning Commission; the purpose of the plan being, among other purposes, to serve as a guide in future development and zoning for the community.
- (70) “LAUNDROMAT.” A business that provides professional cleaning, home-type washing, drying, or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.
- (71) “LOADING SPACE, OFF-STREET.” Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- (72) “LOT.” A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The lot shall have frontage on an improved public or on an approved private street, and may consist of a single lot of record; a portion of a lot of record or a combination of complete lots of record.
- (73) “LOT COVERAGE.” The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (74) “LOT FRONTAGE.” The front of a lot shall be construed to be the portion adjacent to the street right-of-way. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “YARDS”.

- (75) “LOT LINES.”
- A. “FRONT LOT LINE.” The line separating the lot from the street right-of-way line.
 - B. “REAR LOT LINE.” The line of the lot opposite from the front lot line.
 - C. “SIDE LOT LINE.” Any lot line which meets the front lot line at an angle equal to or greater than 30 degrees.
- (76) “LOT MEASUREMENTS.” A lot shall be measured as follows.
- A. “DEPTH.” The distance between the midpoint of the front lot line and the midpoint of the rear lot line.
(Ord. 98-102. Passed 11-4-98.)
 - B. “WIDTH.” Lot width means the horizontal distance between the side lot lines measured at right angles to the depth.
(Ord. 01-127. Passed 12-4-01.)
- (77) “LOT, MINIMUM AREA OF.” The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- (78) “LOT OF RECORD.” Any lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (79) “LOT TYPES.” Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows.
- A. “CORNER LOTS.” A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - B. “INTERIOR LOT.” A lot with only one frontage on a street.
 - C. “REVERSED FRONTAGE LOT.” A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
 - D. “THROUGH LOT.” A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (80) “LOT, ZONING.” A lot, which at the time of filing for a zoning certificate, is designated by its owner or developer as the lot to be used, developed, or built upon under single ownership and meeting all requirements of Chapter 1127.
- (81) “MAINTENANCE AND STORAGE FACILITIES.” Land, buildings, and structures devoted primarily to the maintenance and storage of equipment and materials.
- (82) “MANUFACTURED HOME.” See Chapter 1141.
- (83) “MARQUEE.” See “CANOPY.”
- (84) “MANUFACTURED HOME PARK.” See Chapter 1139.
- (85) “MORE RESTRICTIVE.” In reference to a nonconforming use, the changing of a use to a more conforming permitted use, thus increasing the requirements such as sideyards, and the like, or increasing the compatibility of a nonconforming use to the requirements of the district in which it is located.
- (86) “MOTEL.” See “HOTEL.”
- (87) “NFPA” National Fire Protection Association Standards.
- (88) “NONCONFORMITIES.” A building, structure, or use of land existing at the time of enactment of this Zoning Code, and which does not conform to the regulations of the district or zone in which it is situated.

- (89) “NURSERY” or “NURSING HOME.” A home or facility for the care and treatment of babies, children, or elderly people.
- (90) “NURSERY, PLANT MATERIAL.” Land, building, structure, or combination thereof for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.
- (91) “OBBC.” Ohio Basic Building Code.
- (92) “PARKING FACILITY.” A tract of land which is used for the storage of motor vehicles, not accessory to any other use on the same lot and containing parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.
- (93) “PARKING LOT.” An accessory use located on the same lot as the principal use for the storage of motor vehicles whether for free, for compensation, or as an accommodation.
- (94) “PARKING SPACE, OFF-STREET” An “OFF-STREET PARKING SPACE” shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but located totally off any street or alley right-of-way and subject to the requirements of Chapter 1131.
- (95) “PERSON” Any person, firm, partnership or association of any kind. (Ord. 98-102. Passed 11-4-98.)
- (96) “PERSONAL SERVICE.” The sale of services to the general public, such as repair services, barber or beauty shops, and similar activities.
- (97) “PLANNED UNIT DEVELOPMENT.” An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment.
- (98) “PLANT CULTIVATION.” The cultivation of crops, fruit trees, nursery stock, truck garden products, and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.
- (99) “PROFESSIONAL ACTIVITIES.” The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, real estate agents, and accountants, but not including veterinarians.
- (100) “PUBLIC SERVICE FACILITY.” The erection, construction, alteration, operation, or maintenance of buildings by a public utility, by a railroad (whether publicly or privately owned), or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.
- (101) “PUBLIC USES.” Public parks, libraries, and administrative and cultural buildings and structures.
- (102) “RECREATIONAL CAMP.” An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreational structures are accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing the accommodations.

- (103) “RECREATIONAL FACILITY, RESTRICTED.” Public or private recreational facility which requires less land than a nonrestricted facility, including, but not limited to, such activities as bowling alleys, commercial swimming pools, roller skating rinks, miniature golf courses, recreational centers, health clubs, golf or country clubs, lodge or private recreation clubs, and similar uses.
- (104) “RECREATIONAL FACILITY NONRESTRICTED.” Public or private recreational facility which requires and utilizes large areas of land, including, but not limited to, golf courses, riding clubs and stables, race tracks, amusement parks, country clubs, game preserves, hunting, fishing, and boating clubs and parks.
- (105) “RECREATIONAL VEHICLE (RV).” See Chapter 1141.
- (106) “RESTAURANT.” The sale of prepared food products to the general public. Alcoholic beverages may be sold and entertainment may occur on the premises.
- (107) “ROOMING HOUSE.” See “BOARDING HOUSE.”
- (108) “SEMI-PUBLIC USES.” Hospitals and other institutions of an educational, religious, charitable, philanthropic, or nonprofit nature.
- (109) “SETBACK LINE.” A line established by the Zoning Code parallel with and measured from the lot line, defining the limits of a yard in which no building may be located above ground, except as may be provided in the Zoning Code.
- (110) “SEWAGE DISPOSAL SYSTEM, INDIVIDUAL.” An on-site septic system which provides for the individual collection and disposal of sewage.
- (111) “SHRUB” A low-growing woody plant with one or several perennial main stems producing branches, shoots, or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six feet of clear, branchless trunk within five years of planting.
(Ord. 98-102. Passed 11-4-98.)
- (112) “SIGN.” Any device designated to inform or attract the attention of persons not on the premises on which the sign is located. See Chapter 1133 for additional definitions.
- (113) “SOCIAL ACTIVITIES.” Any building and land used for private or semiprivate club activities, including lodges, fraternities, and similar activities.
- (114) “SMALL ENGINE, REPAIR AND SALES.” The repair and sales of new and used equipment powered by less than four cylinder engines.
- (115) “STORY.” That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. See “BASEMENT.”
- (116) “STREET LINE, RIGHT-OF-WAY LINE.” A dividing line between a lot, tract, or parcel of land and the area dedicated for a contiguous street including (if any exist): sidewalks; tree lawn; curb; gutters; and the paved portion of the street.
(a) “STREET RIGHT-OF-WAY.” Land dedicated for public use as a contiguous street including, if any exist, sidewalks, tree lawns, curbs, gutters and the paved portion of the street.
- (117) “STRUCTURE.” Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, “STRUCTURES” include buildings, manufactured homes, walls, fences, swimming pools, signs, and the like.

- (118) “SUPPLY YARDS.” A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
- (119) “SWIMMING POOL.” Any structure, pool, pond, or lake, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including wading pools, but not including an ornamental reflecting pool or fish pond or similar type pool or pond, where swimming is not permitted.
- (120) “THOROUGHFARE.” A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- (121) “TREE” or “SHADE TREE.” A tall growing woody plant with one or more perennial main stems or trunk which develops branches from the base, capable of being pruned to provide at least six feet of clear, branchless trunk below the crown within five years of planting.
- (122) “TREELAWN.” The unpaved portion of a street right of way.
- (123) “TREES, PUBLIC.” All shade and ornamental trees now or hereafter growing on any tree lawn or any public place.
(Ord. 98-102. Passed 11-4-98.)
- (123.1) “TURN-AROUND”. A perpendicular extension of a driveway used to park or turn vehicles around to gain access to a street or alley in a forward motion and which is not located in front of the “Dwelling Unit” portion of the primary structure in a residential area.
(Ord. 01-60. Passed 6-19-01.)
- (124) “USE.” The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- (125) “VARIANCE.” A modification of the strict terms of the regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (126) “VETERINARY ANIMAL HOSPITAL OR CLINIC.” A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, or recuperation.
- (127) “YARDS, CLASSIFICATIONS.” An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure or building from the ground upward, except as otherwise provided herein. In measuring a yard for purposes of determining the width of a side yard, the depth of a front yard or rear yard, the minimum horizontal distance between the lot lines and the main building or accessory building shall be used.
- A. “CORNER SIDE YARD.” A side yard which faces a public street.
- B. “FRONT YARD.” A yard extending across the front between the side lot lines and being the minimum horizontal distance between the street or place line and the main building, or any projections thereof other than the projections of permitted uncovered steps, uncovered balconies, or unenclosed and uncovered porches. A corner lot shall have one front yard, one corner side yard, and two side yards.

- C. “REAR YARD.” A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or accessory building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or unenclosed and uncovered porches.
 - D. “SIDE YARD.” A yard between the main building or accessory building and the side line of the lot and extending from the required front yard to the required rear yard, being the minimum horizontal distance between a side lot line and the side of the main building or accessory building or any projections thereof.
- (128) “ZONING CERTIFICATE.” The document issued by the Zoning Inspector authorizing the use of land(s) or building(s).
 - (129) “ZONING DISTRICT MAP.” The zoning district map or maps of the City, together with all amendments subsequently adopted.
 - (130) “ZONING INSPECTOR.” The Zoning Inspector or his authorized representative of the City. (1996 Code 1107.03)

CHAPTER 1107
Administration and Enforcement; Penalty

1107.01 Enforcement.
1107.02 Zoning certificate.

1107.03 Zoning Inspector.
1107.04 Registration of contractors.
1107.99 Violation and penalties.

CROSS REFERENCES
Violation of zoning ordinances - see Ohio R.C. 713.13

1107.01 ENFORCEMENT.

(a) Applications Generally. Applications for certificates, permits, amendments, variances, appeals, and the like shall be developed by and available from the Zoning Inspector. Accompanying each application for a certificate, permit, and the like shall be a plot plan, drawn to a scale, and other plans as may be necessary to show the location and type of buildings to be erected, alterations to be made, or use of buildings and land.

- (1) Each plan shall show the following.
 - A. The street providing access to the lot, and the exact location of the lot in relation to the nearest intersecting streets.
 - B. The name of the subdivision, if any, in which the lot is located and lot number.
 - C. The dimensions of the lot and the exact size and location and existing buildings on the lot, if any; and the location and dimensions of the proposed building or buildings, addition, or alteration.
 - D. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Zoning Code.
- (2) The Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- (3) The applicant or authorized agent shall be required to attest to the correctness of the statements and data furnished with this application.

(b) Applications for Certificates and Permits. The permits required for effective implementation of this Zoning Code shall include, but not be limited to, the following.

- (1) Zoning certificates shall be required prior to erecting, constructing, enlarging, converting, moving, adding to, or altering any building or structure. Also, a zoning certificate shall be required prior to changing or establishing a use contained within any building, structure or lot. The process for obtaining a zoning certificate is detailed in Section 1107.02.

- (2) Conditional use permits are required prior to establishment of any conditional use permit identified for the individual zoning districts of Chapter 1127. The process for obtaining a conditional use permit is detailed in Section 1109.03.
- (3) Home occupation permits shall be required prior to the establishment of any home occupation. The process for obtaining a home occupation permit is detailed in Chapter 1143.
- (4) Other permits may be established and required by the Zoning Inspector when necessary for effective administration of this Zoning Code.

(c) Other Applications. So that this Zoning Code can accommodate change and also allow for appeals from decisions made by the Zoning Inspector and the Board of Zoning Appeals, other applications shall be necessary. These shall include, but not be limited to, the following.

- (1) Amendments to this Zoning Code may be initiated by any resident, property owner, or authorized agent within the City. The procedure for amending is Zoning Code is detailed in Chapter 1111. Obtaining an amendment to the Zoning Code does not supersede the requirements of any permit, certificate, and the like.
- (2) Appeals to the Board of Zoning Appeals may be made from decisions or interpretations by the Zoning Inspector. Appeals are required to be filed within 20 working days after the Zoning Inspector has made a determination on the zoning certificate application. The appeal procedure is detailed in Chapter 1109.
- (3) Variances from a literal interpretation of this Zoning Code may be granted by the Board of Zoning Appeals. Variances can only be issued subsequent to a determination by the Zoning Inspector. The variance procedure is detailed in Chapter 1109.

(d) Nonconforming Use Certificate. A nonconforming use certificate shall be issued by the Zoning Inspector for any lawful nonconforming use created by the adoption of this Zoning Code or any amendments thereto. No fees shall be required for the issuance of this certificate.

1107.02 ZONING CERTIFICATE.

(a) Zoning Certificate Required.

- (1) No building or structure shall be erected, constructed, enlarged, converted, moved, added to, or altered; nor shall any building, structure, or land be established or changed in use without a certificate therefor issued by the Zoning Inspector only in conformity with the provisions of this Zoning Code.
- (2) Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in the approved plans and applications, and no other use, arrangement, or construction.

(b) Procedure.

- (1) The Zoning Inspector shall, upon receipt of the completed application and material required by Section 1107.01(a), review the application to insure that all pertinent information has been supplied and that the proposal complies with the requirements of this Zoning Code.
- (2) Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning certificate for 120 days from the date the notice is received by the Director of Transportation. If he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the 120-day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Zoning Code, issue the zoning certificate.
- (3) The Zoning Inspector shall, within 20 days after receipt of the application, approve or deny the application in conformance with the provisions of this Zoning Code. One copy of the full application shall be returned to the applicant after the Zoning Inspector has marked the copy either as approved or denied and attested to same by the Zoning Inspector's signature on the copy. If the application is denied, a reference to the section of this Zoning Code which supports the action must also be marked on the application. One copy of plans, similarly marked, shall be retained by the Zoning Inspector.
- (4) If the application is approved, the Zoning Inspector shall issue a placard to be posted immediately in a conspicuous place on the property in question, attesting to the fact that the use, construction, or alteration is in conformance with the provisions of this Zoning Code.

(c) Zoning Certificate Expiration.

- (1) If the work described in any zoning certificate has not begun within one year from the date of issuance thereof the certificate shall expire. It shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected.
- (2) If the work described in any zoning certificate has not been substantially completed within two and one-half years of the date of issuance thereof, the certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected.
- (3) Further work as described in the canceled certificate shall not proceed until a new certificate has been obtained and issued.

(d) Failure to Obtain a Zoning Certificate. Failure to obtain a zoning certificate shall be a violation of this Zoning Code and be punishable under Section 1107.99.

(e) Use, Arrangement, or Construction Contrary to Certificate. Use, arrangement, or construction contrary to that authorized by the zoning certificate shall be deemed a violation of this Zoning Code and punishable under Section 1107.99.

1107.03 ZONING INSPECTOR.

(a) Appointment. The Zoning Inspector shall be appointed by the Mayor. His duties shall be those prescribed by this Zoning Code.
(Ord. 2000-3. Passed 1-4-00.)

(b) Office of Zoning Inspector. It shall be the duty of the Zoning Inspector to administer and enforce this Zoning Code. (Ord. 98-17. Passed 2-17-98.)

(c) Duties of the Zoning Inspector. For the purposes of administering and enforcing this Zoning Code, the Zoning Inspector shall have the following duties.

- (1) Develop and distribute applications for all permits, certificates, appeals, amendments, and the like, which are necessary for effective administration of this Zoning Code.
- (2) Approve or deny applications for zoning certificates, and the like, upon determination of compliance with this Zoning Code.
- (3) Enter upon any premises within the City in order to conduct inspections of buildings, structures, and use of land to obtain evidence and to determine compliance with this Zoning Code.
- (4) Maintain complete and current records concerning actions taken in conjunction with this Zoning Code, including a listing of nonconforming uses.
- (5) Institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings or proceedings to prevent, enjoin, abate, or remove the unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (6) Upon finding that any of the provisions of this Zoning Code are being violated, the person responsible for the violation shall be notified in writing of the violation, ordered to institute actions to correct the violation and informed of the actions to be taken by the Zoning Inspector.
- (7) Take any other actions or perform any such administrative duties as are authorized by this Zoning Code or which are permissible under the law to ensure compliance.
- (8) Initiate, direct, and review from time to time a study of the provisions of this Zoning Code, and make reports of his recommendations to the Planning Commission no less frequently than once a year.
(1979 Code 150.22)
- (9) Define the Zoning Inspector and/or assistant as the "Code Official" for purposes of enforcing the B.O.C.A. Property Maintenance Code.
(Ord. 2000-35. Passed 4-18-00.)

1107.04 REGISTRATION OF CONTRACTORS.

(a) Requirements of All Contractors. Any contractor working within the City limits of the City of Fostoria, Ohio, must be insured and registered with the City of Fostoria Zoning Department and registered with the City of Fostoria Income Tax Department. Applications for registration must be completed and approved prior to any construction commencing which includes a completed income tax questionnaire.

(b) Failure to Obtain a Contractor Registration. Failure to be a registered contractor performing work within the City of Fostoria, Ohio shall be a violation of this Zoning Code and punishable under Section 1107.99.
(Ord. 2002-06. Passed 1-15-02.)

1107.99 VIOLATION AND PENALTIES.

(a) Violation of the provisions of this Zoning Code or any amendment or supplement adopted by Council or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Zoning Code, shall constitute a minor misdemeanor as defined by the Ohio Revised Code which currently is a fine of up to \$150.00. (Ord. 2004-18. Passed 2-17-04.)

(b) Each day the violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains the violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (1979 Code 150.20)

(c) Fees. The Council shall, by ordinance, establish a schedule of fees for all applications for certificates, permits, appeals, variances, amendments, and other matters pertaining to the administration and enforcement of this Zoning Code. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Council. The fee shall accompany each completed application. No action shall be taken on any application, appeal, and the like, until all applicable fees and charges have been paid in full.
(1979 Code 150.20)

CHAPTER 1109
Appeals; Variances; Conditional Uses

1109.01 Board of Zoning Appeals.
1109.02 Appeals and variances.

1109.03 Conditional use permit.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11

Conditional use and variance defined - see P. & Z. 1109.02

1109.01 BOARD OF ZONING APPEALS.

(a) Creation. There is established a Board of Zoning Appeals which shall consist of five members to be appointed by the Mayor. Those members first appointed shall serve for terms of one, two, three, four, and five years respectively; thereafter, appointments shall be for five-year terms, beginning January 1. Each member shall serve until a successor is appointed and qualified. Each member shall be a resident of the City. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause, by Council, after a public hearing has been held regarding the charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The members shall be given an opportunity to be heard and answer the charges.

(b) Organization and Procedure. The Board shall organize annually to elect a Chairperson and Vice-Chairperson. The Secretary of the Board shall be the Zoning Inspector. It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the City to carry into effect the provisions of this Zoning Code.

- (1) Meetings of the Board shall be held at least monthly unless there is no business to come before the Board, and at other times as the Board may determine. The Chairperson, or in his absence, the Vice-Chairperson, 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 that fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Zoning Inspector and shall be a public record.

- (2) Three members of the Board shall constitute a quorum. The Board shall act by motion, and the vote of three members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor of any applicant any matter of which the Board has original jurisdiction under this Zoning Code, or to grant any variance from the requirements stipulated in this Zoning Code.
- (3) The Board may call upon the various departments of the City for assistance in the performance of its duties, and it shall be the duty of departments to render such assistance to the Board as may be required.

(c) Duties. The Board shall have the authority and responsibility to hear and decide the following.

- (1) Appeals from decisions made by the Zoning Inspector where it is alleged that there is an error in any order, requirement, decision, interpretation, or determination (see Section 1109.02).
- (2) Variances from the terms of this Zoning Code as will not be contrary to public interest where, owing to special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardships and so that the spirit of this Zoning Code shall be observed (see Section 1109.02).
- (3) Permits for home occupations and conditional uses may be authorized where the proposal is in compliance with the criteria identified in Section 1109.03 and Chapter 1143 and, where applicable, as are more specifically identified throughout this Zoning Code, and where such additional conditions and safeguards can be specified as will uphold the intent of this Zoning Code.
- (4) The Board has appellate jurisdiction relative to appeals and variances, and they have original jurisdiction on applications for conditional use and home occupation permits.

(d) Duties of Zoning Inspector, Board of Zoning Appeals, and Council on Matters of Appeals.

- (1) It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that these questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector.
- (2) Any person of the City who has been aggrieved or affected by any decision of the Board may appeal to the City Council by filing a notice of intent to appeal within five working days, and filing an Application for Petition with the Clerk of Council and the Zoning Inspector within 15 working days from the date of the Board's decision.
- (3) Council shall hold a public hearing on the appeal within 30 days after the appeal has been filed with its Clerk. Council, by an affirmative vote of a majority of its members, shall decide the matter.

(e) Fees. As established in Section 1107.99, the fees shall be set by City Council. The current fee schedule is available for examination in the office of the Zoning Inspector.

- (1) The fee is part of and accompany the application.
- (2) Fees are not reimbursable.
(1979 Code 150.23)

1109.02 APPEALS AND VARIANCES.

(a) Appeals. An appeal to the Board of Zoning Appeals concerning interpretation or Administration of this Zoning Code may be submitted by any person aggrieved by any decision of the Zoning Inspector. The appeal shall be submitted within 20 working days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

- (1) An appeal shall stay all proceedings in the furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in the opinion of the Zoning Inspector, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
- (2) The Board may, in conformity with the provisions of this Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirement decision, or determination appealed from, and shall make the order, requirement, decision, or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

(b) Variances. The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. No nonconforming use in the same district and no permitted or nonconforming use in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship, and so that the spirit and purpose of this Zoning Code shall be observed and justice done. A variance from the terms of this Zoning Code shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals.

- (1) No variance in the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals unless the Board finds that all the following facts and conditions exist.
 - A. That special conditions and circumstances exist which are peculiar to the land structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - B. That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights enjoyed by other properties in the same district under the terms of this Zoning Code.
 - C. The special conditions and circumstances did not result from the actions of the applicant.
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same zoning district.

- (2) In exercising its power, the Board may, in conformity with the provisions of statutes and of this Zoning Code, 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 powers of the office from whom the appeal is taken.
 - (3) In authorizing a variance, under no circumstances shall the Board grant an appeal or variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use prohibited by the terms of this Zoning Code in the district. In granting any appeal or variance, the Board may attach thereto such conditions and safeguards with respect to 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 purpose of this Zoning Code; and in the public interest. Violation of these conditions and safeguards, when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Zoning Code and punishable under Section 1107.99.
 - (4) Any variance which is not exercised within one year from the date of issuance is hereby declared to be void and revoked without further hearing by the Board. A new variance must be obtained from the Board.
- (c) Appeal and Variance Determination Procedure.
- (1) Hearing. The Board shall hold a public hearing on an application for an appeal or variance within 35 working days from receipt of the application.
 - A. Notice of the hearing on an application for an appeal or variance shall be given by publishing the notice in a newspaper of general circulation of the City at least ten days before the date of the hearing. Written notice of the hearing, shall be mailed by first class mail, at least ten days before the day of the hearing, to all abutting property owners. The notices shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.
 - B. Upon the day for hearing application, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause further notice as it deems proper to be served upon other property owners as it decides may be substantially interested in the application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, unless the Board so decides.
 - (2) Within 30 days after the public hearing, the Board shall either approve, approve with supplementary conditions, or deny the request for appeal or variance.
 - A. A certified copy of the Board's decision shall be transmitted to all parties in interest. The decision shall be binding upon the Zoning Inspector and observed by the Inspector, and the terms and conditions of the decision shall be incorporated in the certificate to the applicant or appellant, whenever a certificate is authorized by the Board.

- B. A decision of the Board shall not become final until the expiration of five days from the date the decision is made, unless the Board shall find the immediate taking effect of the decision is necessary for the preservation of property or personal rights, and shall so certify on the record. Appeals of the Board's decision shall be as stated in Section 1109.01(d).

(d) Resubmitting Appeal or Request for Variance. Any appeal or variance denied by the Board of Zoning Appeals may not be resubmitted for a period of six months unless the applicant can demonstrate to the Zoning Inspector and the Board of Zoning Appeals either of the following.

- (1) That a new plan or use is proposed.
- (2) That new facts or other pertinent information has been discovered that was not presented previously.

(e) Appeals from Board of Zoning Appeals. Appeals from the Board's decisions shall be made in the manner as specified in Section 1109.01(d).

(f) Fees. As established in Section 1107.99, the fees for appeals and variances shall be set by the City Council. The current fee schedule is available for examination in the offices of the Zoning Inspector.

- (1) The fee is part of and shall accompany the application.
- (2) Fees are not reimbursable. (1979 Code 150.24)

1109.03 CONDITIONAL USE PERMIT.

(a) Authority of Board of Zoning Appeals. The Board of Zoning Appeals shall have the authority to hear and decide in accordance with the provisions of this Zoning Code applications for conditional use permits as identified in Chapter 1127. The Board may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Zoning Code will be observed.

(b) General Standards for Conditionally Permitted Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that the use on the proposed location:

- (1) Is a conditionally permitted use as established in Chapter 1127.
- (2) Will be in accordance with the general objectives or with any specific objective of the comprehensive plan.
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will not be detrimental to property in the immediate vicinity or to the community as a whole.

- (6) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage and schools; or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- (c) Supplementary Conditions and Safeguards.
- (1) In granting any conditional use, the Board may prescribe appropriate conditions and safeguards with respect to location, construction, maintenance, and operation, in addition to those stipulated in this Zoning Code for the particular conditionally permitted use as the Board may deem necessary for the protection of adjacent properties and the public interest.
 - (2) Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1107.99. The Board may also require a guarantee or bond as it may deem to be necessary that the conditions attached are being and will be complied with.
- (d) Action by Board of Zoning Appeals.
- (1) The Board shall hold a public hearing on an application for conditional use permit within 35 working days from receipt of the application.
 - A. Notice of the hearing on an application for a conditional use shall be given by publishing the notice in a newspaper of general circulation of the City at least ten days before the day of the hearing and by serving notice to all abutting property owners. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
 - B. Upon the day for hearing an application, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause further notice as it deems proper to be served upon other property owners as it decides may be substantially interested in the application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, unless the Board so decides.
 - (2) Within 30 days after the public hearing, the Board shall either approve, approve with supplementary conditions, or deny the request for a conditional use.
 - A. A copy of the Board's decision shall be transmitted to all parties in interest. The decision shall be binding upon the Zoning Inspector and observed by the Inspector, and the terms and conditions of the decision shall be incorporated in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

- B. A decision of the Board shall not become final until the expiration of five days from the date the decision is made, unless the Board shall find that the immediate taking effect of the decision is necessary for the preservation of property or personal rights, and shall so certify on the record.

(e) One Use Authorized, Expiration. A conditional use permit shall be deemed to authorize only one particular conditional use and the permit shall automatically expire if for any reason, the conditional use shall cease.

(f) Resubmitting Conditional Use Permits. Any conditional use denied by the Board may not be resubmitted for a period of six months unless the applicant can demonstrate to the Zoning Inspector and the Board any of the following.

- (1) That a new plan or use is proposed.
- (2) That new facts or other pertinent information have been discovered that were not presented previously.

(g) Appeals from Board of Zoning Appeals. Appeals from the Board's decisions shall be made in the manner as specified in Section 1109.01(d).

(h) Fees. As established in Section 1107.99, the fees for conditional use permits shall be set by the City Council. The current fee schedule available for examination in the office of the Zoning Inspector.

- (1) The fee is part of and shall accompany the application.
- (2) Fees are not reimbursable. (1979 Code 150.25)

CHAPTER 1111
Amendments

1111.01 Amendments.

CROSS REFERENCES

Amendment procedures - see Ohio R.C. 713.10
Zoning map amendments - see PRELIM.

1111.01 AMENDMENTS.

(a) Intent. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to the procedure provided by law, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Zoning Code or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

(b) Procedure for Amending the Zoning Regulations or Map.

(1) Application.

- A. Amendments to this Zoning Code may be initiated in one of the following ways:
 1. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by the amendment.
 2. By recommendation by the Planning Commission.
- B. Applications for any amendment to the zoning regulations or zoning district map are available at the office of the Zoning Inspector. When completed, it shall be submitted to that office. The Zoning Inspector shall submit the application to the City Planning Commission.

- C. Upon receipt of an amendment application which, if approved, would affect any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail, to the Director of Transportation. The Commission may proceed as required by law; however, the City Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation.
 - D. If the Director of Transportation notifies the City that the State shall proceed to acquire the land needed, then the City shall refuse to approve the rezoning. If the Director of Transportation notifies the City that acquisition at this time is not in the public interest or upon the expiration of the 120-day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the City Council shall proceed as required by law.
- (2) Planning Commission Action.
- A. Within 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to City Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend modification of the amendment request, or it may recommend that the amendment be denied.
- (3) City Council Action.
- A. After receiving from the Commission the certification of the recommendations on the proposed amendment, and before adoption of the amendment, the Council shall schedule a public hearing. Notice of the public hearing shall be given by Council by at least one publication in a newspaper of general circulation in the City. The notice shall be published at least 30 days before the date of the required hearing. The notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
 - B. If the proposed amendment intends to rezone or redistrict 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 20 days prior to the date of hearing to the owners of all properties within, contiguous to, and directly across the street from the area proposed to be rezoned or redistricted to the address of the owners appearing on the County Auditor's current list or lists that may be specified by City Council. The failure to notify as provided in this section shall not invalidate any action adopted hereunder. The notice shall contain the same information as required of notices published in the newspaper.

- C. Within 30 days after the public hearing required by division A. above, the City Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of City Council. That the ordinance may become emergency legislation if three-fourths of the members of City Council vote to dispense with the requirement for three different readings

(c) Annexation. All land annexed to the City subsequent to the adoption of this Zoning Code shall remain subject to the previous county or township zoning district until such time as the official zoning map of the City is amended according to the provisions of this Zoning Code. All land annexed to the City which, prior to annexation, is not subject to county or township zoning shall remain unzoned until the official zoning map is amended according to the provisions of this Zoning Code.

(d) Fees. As established in Section 1107.99, the fees for this procedure shall be set by the City Council. The current fee schedule is available for examination in the office of the Zoning Inspector.

- (1) The fee is part of and shall accompany the application.
- (2) Fees are not reimbursable. (1979 Code 150.27)

TITLE THREE - Zoning Districts and Regulations

- Chap. 1123. Districts Established, Zoning Map
- Chap. 1125. General Regulations.
- Chap. 1127. District Regulations.
- Chap. 1129. Planned Unit Development
- Chap. 1131. Off-Street Parking and Loading.
- Chap. 1133. Signs.
- Chap. 1135. Performance Standards.
- Chap. 1137. Nonconformities.
- Chap. 1139. Mobile Home Park (RMH).
- Chap. 1141. Manufactured Homes.
- Chap. 1143. Home Occupations.

CHAPTER 1123
Districts Established; Zoning Map

- 1123.01 Official Zoning Map.**
- 1123.02 Districts.**
- 1123.03 Principally permitted and conditionally permitted uses.**
- 1123.04 District boundaries.**

CROSS REFERENCES

- Basis of districts - see Ohio R-C. 713.10
- Zoning of annexed areas - see Ohio R.C. 303.25, 519.18

1123.01 OFFICIAL ZONING MAP.

The zoning districts established in Section 1123.02 are bounded and defined by the map entitled "Official Zoning District Map" which together with all explanatory matter thereon are hereby adopted as part of this Zoning Code.

- (a) The Official Zoning District Map shall be located in the office of the Zoning Inspector, and signed by the Mayor, attested by the Clerk of Council, and bear the seal of the City.

- (b) No amendment to this Zoning Code which involves matter portrayed on the Official District Map shall become effective until after the change and entry has been made on the Map.
- (c) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Zoning Code.
- (d) Regardless of the existence of purported copies of the Official District Map which may from time to time be made or published, the Official District Map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures.
- (e) In the event the Official District Map becomes damaged, destroyed, or lost, the City Council may, by resolution, adopt a new Official District Map which shall supersede the prior Official District Map. The new Official District Map may correct drafting or other errors or omissions in the prior Official District Map, but no corrections shall have the effect of amending the original Zoning Code or subsequent amendments thereof. (1979 Code 150.03)

1123.02 DISTRICTS.

The City of Fostoria is divided into the following zoning districts.

- (a) Residential.
 - (1) R-1: Low Density Residential.
 - (2) R-2: Medium Density Residential.
 - (3) R-3: Multiple Residence District.
 - (4) RAM: Manufactured Home Park District.
- (b) Business.
 - (1) B-1: Neighborhood Business District.
 - (2) B-2: General Business District.
 - (3) B-3: Central Business District.
- (c) Industrial.
 - (1) M-1: Restricted Industrial District.
 - (2) M-2: General Industrial District.
- (d) Special.
 - (1) S-1. Special District.
 - (2) PUD: Planned Unit Development. (1979 Code 150.03)

1123.03 PRINCIPALLY PERMITTED AND CONDITIONALLY PERMITTED USES.

(a) A principally permitted use is a use for which the district is reserved. Creation of or transition to such a use in a district for which it is principally permitted requires that a zoning certificate be obtained. Chapter 1125 lists principally permitted uses for each individual district. For information regarding zoning certificates, see Section 1107.02.

(b) A conditionally permitted use is a conforming use within a district, other than a principally permitted use. The Board of Zoning Appeals must determine the compatibility of the proposal with the adjacent uses. The conditionally permitted uses are listed in Chapter 1125. For information regarding conditional use permits, see Section 1109.03. (1979 Code 150.03)

1123.04 DISTRICT BOUNDARIES.

(a) The district boundary lines on the District Map are intended to follow either center lines of streets or alleys or lot lines. Where the districts designated on the Map or bounded approximately by the street, alley, or lot lines, the street, alley, or lot shall be construed to be the boundary of the district, unless the boundary is otherwise indicated on the Map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

(b) Where the boundary of a district follows a railroad line, the boundary shall be deemed to be located midway between the main tracks of the railroad line. (1979 Code 150.03)

**CHAPTER 1125
General Regulations**

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| <p>1125.01 Building or accessory building regulations.</p> <p>1125.02 Height regulations.</p> <p>1125.03 Extension and projections.</p> <p>1125.04 Fencing.</p> <p>1125.05 Private swimming pools/hot tubs.</p> <p>1125.06 Community or club swimming pools.</p> | <p>1125.07 Temporary buildings.</p> <p>1125.08 Condominium development.</p> <p>1125.09 Yard requirements.</p> <p>1125.10 Parking and storage of certain vehicles.</p> <p>1125.11 Required trash areas.</p> <p>1125.12 Visibility at intersections.</p> |
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CROSS REFERENCES

Fences generally - see GEN. OFF. 521.07

Parking commercial vehicles - see TRAF. Ch. 351

1125.01 BUILDING OR ACCESSORY BUILDING REGULATIONS.

No building shall be erected, converted, enlarged, constructed, or structurally altered to exceed the maximum height; accommodate a prohibited use; house a greater number of families; occupy a greater percentage of lot area; have narrower or smaller front, side or rear yards than are specified herein for the district within which the building is located; or in any other manner contrary to the provisions of this Zoning Code.

- (a) No more than one principal building shall be permitted on any one zoning lot with the exception of multi-family dwelling in the appropriate districts and developments within the PUD District.
- (b) An accessory building or garage, unless attached to and made structurally a part of the main building, shall not be located closer than five feet from the main building, and shall be located ten feet from any alley if entry to the building is directly from the alley. No accessory building or garage shall be located in any required yard except as provided.
- (c) No principal building shall be erected on a lot which does not abut on at least one street.

- (d) When more than one building, including both main and accessory buildings, is located on one zoning lot, the buildings shall be considered as one building for the purpose of determining front, side and rear yard requirements, except as provided in this Zoning Code.
- (e) A shed or similar storage area with an area of more than 150 square feet may be located no closer than five feet to any side or rear yard unless the structure is of a temporary nature not having a permanent foundation in which case it may be located two feet from any side or rear lot line. In no case shall any shed or similar storage area be located closer than two feet to any property line. A temporary shed(s) may be placed on a undeveloped lot(s) for the storage of lawn maintenance equipment prior to site development.
(1979 Code 150.04)

1125.02 HEIGHT REGULATIONS.

(a) The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads smoke stacks, conveyors, and flagpoles, except where the height of these structures will constitute a hazard to the soft landing and take-off of aircraft at an established airport.

(b) Public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet, except when the required side and rear yards are increased by one foot for each foot of additional building height above the maximum permitted by this zoning code for the district in which the building is located.
(1979 Code 150.04)

1125.03 EXTENSION AND PROJECTIONS.

(a) Unenclosed and uncovered steps, stoops, terraces, decks, and porches may extend into any minimum front or rear yards not more than five feet. Unenclosed and uncovered steps, stoops, terraces, decks, and porches shall not extend into the minimum side yard more than two feet. Covered or enclosed steps, stoops, terraces, decks, and porches shall meet all yard requirements.

(b) A bay window, bow window, entrance, vestibule or balcony ten feet or less in width may project not more than three feet into any minimum front, side, or rear yard.

(c) Cornices, eaves, and chimneys may project not more than two feet over any required yard.

(d) Ornamental features may project no more than six inches over any required yard.
(1979 Code 150.04)

1125.04 FENCING.

(a) In General. In all districts, fences, walls, and hedges may be constructed in any side, rear, or front yard in accordance with the following regulations.

- (1) No fence or wall shall be constructed, altered, or extended without first obtaining a zoning certificate in accordance with this Zoning Code.
- (2) Fences and walls shall be constructed in accordance with good engineering practice and shall be maintained in good condition.
- (3) Fences and walls shall contain no advertising.
(1979 Code 150.04)
- (4) Fences and walls abutting an alley shall be a minimum of five (5) feet from the property line(s) adjacent to the alley, to prevent vision obstruction.
(Ord. 01-115. Passed 11-7-01.)

(b) Residential Districts. Fences, walls, and hedges constructed in residential areas shall be limited in height to six feet. Except between the street right-of-way line and building setback line, any fence, wall, or hedge shall be limited to three feet in height, except that a chain link or other open fence up to four feet in height may be constructed provided the fence does not obstruct vision as provided in Section 1125.12. Fences and walls may be constructed of combustible materials. Fences, walls, and hedges must be set back a minimum of six inches from any property line, unless a written agreement is signed by the neighboring property owner. The agreement must be filed with the application for a zoning certificate.

(c) Business Districts. Fences, walls, and hedges constructed in business areas shall be limited in height to six feet and shall not extend between the building setback line and the street right-of-way line except where contiguous lands are zoned for residential use, in which case the height shall not exceed four feet in the setback area. Fences shall be constructed of noncombustible materials unless the fence is constructed at a property line adjoining residential districts.

(d) Industrial Districts. Fences, walls, and hedges constructed in industrial areas shall be limited in height to ten feet. The fences may contain barbed wire, provided that barbs shall be located no less than seven feet above the ground or supporting area and shall not project over adjoining property or right-of-way lines. All fences shall be constructed of noncombustible materials unless the fence is constructed at a property line adjoining residential districts.
(1979 Code 150.04)

1125.05 PRIVATE SWIMMING POOLS/HOT TUBS.

(a) Certificate Required. No private swimming pool or hot tub may be constructed or enlarged without obtaining a zoning certificate in accordance with this Zoning Code. No certificate shall be required for a swimming pool or hot tub with a maximum depth of less than 18 inches.

(b) General Requirements. No private swimming pool or hot tub shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.

- (1) The pool or tub is intended and is to be used solely for enjoyment of the occupants of the principal use of the property on which it is located.

- (2) The pool or tub shall be located in the side or rear yard and may not be closer than ten feet to all property lines.
- (3) The swimming pool, hot tub or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition with a self-closing gate and lock. Self-fenced above-ground swimming pools shall not be required to provide a separate fence.

1125.06 COMMUNITY OR CLUB SWIMMING POOLS.

(a) Certificate Required. No community or club swimming pool may be constructed or enlarged without obtaining a zoning certificate in accordance with this Zoning Code.

(b) General Requirements. Community or club swimming pools where permitted shall comply with the following conditions and requirements.

- (1) The pool is intended solely for the enjoyment of members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the areas used by bathers, shall not be closer than 25 feet to any side or rear property line.
- (3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.
(1979 Code 150.04).

1125.07 TEMPORARY BUILDINGS.

(a) Temporary buildings for purposes incidental to construction work shall be permitted in any district during the period that the construction work is in progress, but the temporary buildings shall be removed upon completion of the construction work or after six months of inactivity on the construction process.

(b) Temporary buildings may be permitted in conjunction with a temporary activity such as carnivals, bazaars, and the like which may be conducted for no more than seven days. Each organization may sponsor one such activity per year and the temporary buildings shall be removed within 48 hours after the completion of the activity. (1979 Code 150.04)

1125.08 CONDOMINIUM DEVELOPMENT.

Condominium development, as authorized under Ohio R.C. Chapter 5311, shall be permitted in the R-3 and PUD Districts and shall be subject to the district regulations within which the property is located. Condominiums shall be subject to the review by the Planning Commission of the site plan, the common areas, the by-laws of the unit owners association, and other information which the Commission finds necessary to judge the appropriateness of the proposed condominium development. (1979 Code 150.04)

1125.09 YARD REQUIREMENTS.

(a) General. Every building shall have a front, side, and rear yard unless otherwise specifically stated in this Zoning Code. The areas of such yards shall be as specified for the district within which the building is located. No yard or other open space provided for any building for the purpose of complying with the provisions of this Zoning Code shall be considered as a yard or open space for any other building, and no yard or other open space of a building on a zoning lot shall be considered as a yard or open space for a building on any other zoning lot.

(b) Front Yards,

- (1) When 50% or more of the frontage on one side of the street between two intersecting streets in a residential area is improved with buildings that have front yards of greater or less depth than the required front yard in the district no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed 50% in excess of the front yard otherwise required in the district in which the lot is located.
- (2) Service station pump islands may be located within a required yard, provided they are not less than 15 feet from any street right-of-way line and not less than 25 feet from the boundary of any residential district. Pump island canopies may be located within a required yard provided they are no closer than ten feet to any property line and at least 14 feet in height.
- (3) In the B-3 District, canopy structures shall be permitted to overhang the street right-of-way not more than 60% of the distance between the street right-of-way line and the curb line and must have a minimum vertical height of nine feet above sidewalk grade.

1125.10 PARKING AND STORAGE OF CERTAIN VEHICLES.

Parking or storage of trailers of any kind or type in any district for 48 hours or longer shall be prohibited, except as provided in this Zoning Code and except for utility, boat, and vacation trailers not exceeding 40 feet in length. However, trailers may be stored in an enclosed garage or other accessory building, provided that in all cases no living quarters or any business activities shall be maintained or conducted while the trailer is parked or stored.

1125.11 REQUIRED TRASH AREAS.

All commercial, industrial, and multi-family residential uses shall provide trash or garbage areas enclosed on at least three sides by a solid wall or fence of at least four feet in height and at least two feet from a side or rear lot line.

(1979 Code 150.04)

1125.12 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the street grade and 20 feet in either direction from the intersection of the lot lines at the corner. (1979 Code 150.04)

**CHAPTER 1127
District Regulations**

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| <p>1127.01 General provisions. 1127.02 S-1: Special District. 1127.03 R-1: Low Density Residential District. 1127.04 R-2: Medium Density Residential District. 1127.05 R-3: Multiple Residence District. 1127.06 B-1: Neighborhood Business District.</p> | <p>1127.07 B-2: General Business District. 1127.071 Corridor Business Overlay District. 1127.08 B-3: Central Business District. 1127.09 M-1: Restricted Industrial District. 1127.10 M-2: General Industrial District.</p> |
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CROSS REFERENCES

Districts established - see P. & Z. Chap. 1123

1127.01 GENERAL PROVISIONS.

(a) The following uses or structures are considered incidental to the proper use and function of all activities and are allowed in any district.

- (1) Accessory building or use.
- (2) Essential services.
- (3) Public service facility.

(b) Not included are utility functional administrative offices.

1127.02 S-1: SPECIAL DISTRICT.

(a) Purpose, This district has been established to provide for public and semipublic uses and for other natural resource oriented uses compatible with the surrounding area.

(b) Principally Permitted Uses, The following list exemplifies the uses that are principally permitted in the S-1 District. Information regarding required zoning certificates can be found in Chapter 1107 et seq. Residential uses in this district shall meet the requirements of the R-1 District.

- (1) Agriculture.
- (2) Educational institutions.
- (3) Plant cultivation.
- (4) Public uses.
- (5) Recreational facilities, nonrestricted.
- (6) Semipublic uses.

(c) Conditionally Permitted Uses. The following list exemplifies the uses that may be conditionally permitted in the S-1 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Airport.
- (2) Cemeteries.
- (3) Sand gravel extraction or oil and gas wells, provided that, in addition to the generally applicable requirements, the facilities can meet or exceed the following requirements.
 - A. The performance requirements of Chapter 1135 shall be met.
 - B. Mineral extraction, storage, or processing shall not be conducted closer than 500 feet from any R district; nor closer than 200 feet from any structure used for human occupancy in any other district.
 - C. Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.
 - D. The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
 - E. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table.
 - F. The operator shall file with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than ten feet, the type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
 - G. The operator shall file with the Council a bond, payable to the city and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be mined of the required bond shall be as fixed by ordinance of the Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

(d) Lot Requirements,

- (1) Minimum lot area, to be determined by lot, building, yards and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements,

- (1) Minimum front yard, 40 feet.
- (2) Minimum corner side yard, 40 feet.
- (3) Minimum side yard, 30 feet.
- (4) Minimum rear yard, 30 feet.

- (f) Building requirements.
 - (1) Maximum height, four stories, 45 feet.
 - (2) Maximum percentage of lot to be occupied, 30%.
- (g) Other Requirements.
 - (1) Parking, governed by Chapter 1131.
 - (2) Performance standards, governed by Chapter 1135.
 - (3) Signs, governed by Chapter 1133.
 - (4) Fencing, governed by Section 1125.04.
 - (5) Swimming pools, governed by Section 1125.05 et seq. (1979 Code 150.05)

1127.03 R-1: LOW DENSITY RESIDENTIAL DISTRICT.

(a) Purpose. This district is established for low-density residential uses compatible with existing development in areas so defined. This category establishes the lowest density district in the city.

(b) Principally Permitted Uses. The following list exemplifies the uses that are principally permitted in the R-1 District. Information regarding required zoning certificates can be found in Chapter 1107 et seq.

- (1) Single-family dwellings.

(c) Conditionally Permitted Uses. The following list exemplifies the uses that may be conditionally permitted in the R-1 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Cemeteries.
- (2) Churches.
- (3) Educational institutions.
- (4) Home occupations.
- (5) Plant cultivation.
- (6) Public uses.
- (7) Semipublic uses.

(d) Lot Requirements for Lots Not Served by City Sanitary Sewers.

- (1) Minimum lot area, 20,000 square feet or health regulation, whichever is greater.
- (2) Minimum lot width, 120 feet.

(e) Lot Requirements for Lots Served by City Sanitary Sewers

- (1) Minimum lot area, 8,750 square feet.
- (2) Minimum lot width, 70 feet.
- (3) Corner lot, minimum lot width, 80 feet

(f) Yard Requirements.

- (1) Minimum front yard, 30 feet.
- (2) Minimum corner side yard, 20 feet.
- (3) Minimum side yard, each lot shall have two side yards totaling at least 15 feet in width. The minimum width of either side yard shall be at least five feet.
- (4) Minimum rear yard, 20 feet or 15% of the lot depth, whichever is less.

(g) Building Requirements.

- (1) Maximum height, two and one-half stories, but not over 35 feet, for the main building. For accessory building the limit shall be 15 feet.
- (2) Minimum residential floor area, 1,000 square feet.
- (3) Maximum area of accessory buildings, 15% of the lot area or 1,000 square feet, whichever is less.
- (4) Maximum percentage of lot to be occupied, 35%.

(h) Other Requirements,

- (1) Parking, governed by Chapter 1131.
- (2) Performance standards, governed by Chapter 1135.
- (3) Signs, governed by Chapter 1133.
- (4) Fencing, governed by Section 1125.04.
- (5) Swimming pools, governed by Section 1125.05 et seq.

1127.04 R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT.

(a) Purpose. This district has been established to permit higher density single-family dwellings, and two-family dwellings. This district shall be serviced by City sanitary sewers and City water supply systems.

(b) Principally Permitted Uses. The following list exemplifies the uses that are principally permitted in the R-2 District. Information regarding required zoning certificates can be found in Chapters 1107 et seq.

- (1) Single-family dwellings.
- (2) Two-family dwellings.

(c) Conditionally Permitted Uses. The following list exemplifies the uses that may be conditionally permitted in the R-2 District. Information regarding the required conditional use permit can be found in Chapters 1107 et seq.

- (1) Cemeteries.
- (2) Churches.
- (3) Educational institutions.
- (4) Home occupations.
- (5) Plant cultivation.
- (6) Professional activities.
- (7) Public uses.
- (8) Semipublic uses.

(d) Lot Requirements,

- (1) Minimum lot area, 8,750 square feet for single-family dwellings and 10,250 square feet for two-family dwellings.
- (2) Minimum lot width 70 feet for single-family dwellings and 90 feet for two-family dwellings.
- (3) Corner lot, minimum lot width, 80 feet for single-family dwellings and 100 feet for two-family dwellings.

- (e) Yard Requirements,
 - (1) Minimum front yard, 30 feet.
 - (2) Minimum corner side yard, 20 feet.
 - (3) Minimum side yard, each lot shall have two side yards totaling at least ten feet in width for single-family and 12 feet for two-family. The minimum width of either side yard shall be at least five feet.
 - (4) Minimum rear yard, 20 feet, or 15% of the lot depth, whichever is less.

- (f) Building Requirements,
 - (1) Maximum height. two and one-half stories, but not over 35 feet for the main building. For accessory buildings, the limit shall be 15 ft.
 - (2) Minimum residential floor area per family, 1,000 square feet for single-family and 800 square feet for two-family.
 - (3) Maximum area of accessory buildings, 15% of lot area or 1,000 square feet whichever is less.
 - (4) Maximum percentage of lot to be occupied, 35% for single-family dwellings and 45% for two-family dwellings.

- (g) Other Requirements,
 - (1) Parking, governed by Chapter 1131.
 - (2) Performance standards, governed by Chapter 1135.
 - (3) Signs, governed by Chapter 1133.
 - (4) Fencing, governed by Section 1125.04.
 - (5) Swimming pools, governed by Sections 1125.05 et seq. (1979 Code 150.04)

1127.05 R-3: MULTIPLE RESIDENCE DISTRICT.

- (a) Purpose. This district has been established to facilitate single-family, two-family, and the proper location of apartments, row houses, and other housing types of comparable density.

- (b) Principally Permitted Uses, The following list exemplifies the uses that are principally permitted in the R-3 District. Information regarding required zoning certificates can be found in Chapters 1107 et seq.
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Condominiums, see Section 1125.08.

- (c) Conditionally Permitted Uses, The following list exemplifies the uses that are conditionally permitted in the R-3 District. Information regarding the required conditional use permit can be found in Chapters 1107 et seq.
 - (1) Boarding house and rooming house.
 - (2) Cemeteries.
 - (3) Churches.
 - (4) Clinics.

- (5) Clubs and lodges.
 - (6) Educational institutions.
 - (7) Home occupations.
 - (8) Mortuaries.
 - (9) Nursery schools, child care clinics, and day care centers.
 - (10) Nursing homes, rest homes, convalescent homes, and homes for the aged.
 - (11) Personal services.
 - (12) Plant cultivation.
 - (13) Professional activities.
 - (14) Public uses.
 - (15) Semipublic uses.
- (d) Lot Requirements,
- (1) Minimum lot area, for three through eight dwelling units, there shall be 3,000 square feet per unit. For nine and up, there shall be 2,500 square feet per dwelling unit. Single and two family dwelling units shall follow 1127.03 and 1127.04 respectively.
 - (2) Minimum lot width, 60 feet for access drive(s), 140 feet for front footage. Single and two family dwelling units shall follow 1127.03 and 1127.04 respectively.
- (e) Yard Requirements,
- (1) Minimum front yard, 30 feet.
 - (2) All other yard set backs shall be 30 feet. Except that single and two family dwelling units shall meet requirements of 1127.03 and 1127.04 respectively.
 - (3) Distance between buildings -- Where two or more multiple-family dwellings are located on a single lot or parcel, the minimum distance between main buildings shall be 25 feet. (Also see 1127.06 (g)(2).).
- (f) Building Requirements.
- (1) Maximum height. For the main building there is no height limitation except that any building over 35 feet, each of the requirements specified in this Subsection hereof shall be increased by one foot for each three feet by which the height of the building exceeds 35 feet. For accessory buildings the maximum height shall be 15 feet.
 - (2) Minimum residential floor area per family. The minimum floor area for dwelling units in this district shall conform to the following standards: Multiple-family dwellings shall conform to the following standards: 400 square feet for a no-bedroom unit; 500 square feet for a one-bedroom unit; and 700 square feet for a two- or more bedroom unit.
 - (3) Maximum percentage of lot to be occupied, 45%.
- (g) Other Requirements,
- (1) Parking, governed by Chapter 1131.
 - (2) Performance standards, governed by Chapter 1135, OBBC & NFPA Standards.
 - (3) Signs, governed by Chapter 1133.
 - (4) Fencing, governed by Section 1125.04.
 - (5) Swimming pools, governed by Sections 1125.05 et seq.

1127.06 B-1: NEIGHBORHOOD BUSINESS DISTRICT.

(a) Purpose. This district has been established to permit the location of retail and service establishments in close proximity to residential districts where appropriate and compatible.

(b) Principally Permitted Uses. The following list exemplifies the uses that are principally permitted within the B-1 District. Information regarding the required zoning certificates can be found in Chapter 1107 et seq.

- (1) Banks and financial institutions.
- (2) Business services.
- (3) Churches.
- (4) Clinics.
- (5) Clubs and lodges.
- (6) Commercial, business, or technical schools.
- (7) Convenience businesses.
- (8) Drive-through commercial uses.
- (9) Educational institutions.
- (11) Laundromats.
- (12) Nurseries and plant materials.
- (13) Parking facilities, public garages, and commercial storage.
- (14) Personal services.
- (15) Professional activities.
- (16) Semipublic uses.
- (17) Other commercial uses of a similar nature to those listed.

(c) Conditionally Permitted Uses. The following list exemplifies the uses that may be conditionally permitted in the B-1 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Mortuaries.
- (2) Kennels.
- (3) Adult entertainment facility. (Ord. 98-90. Passed 9-15-98.)

(d) Lot Requirements.

- (1) Minimum lot area, to be determined by lot, building, yards, and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements,

- (1) Minimum front yard, 30 feet.
- (2) Minimum corner side yard, 30 feet.
- (3) Minimum side yard, none required except for side yards adjoining residential districts which shall require ten feet. This requirement shall be increased by one-half foot for each foot the structure exceeds 25 feet in height.
- (4) Minimum rear yard 20 feet.

- (f) **Building Requirements.**
 - (1) Maximum height, two and one-half stories, but not to exceed 35 feet for the main building. For accessory buildings, the limit shall be 15 feet.
 - (2) Maximum floor area ratio, .75 for the building in which the activity is housed.

- (g) **Other Requirements.**
 - (1) Parking, governed by Chapter 1131.
 - (2) Performance standards, governed by Chapter 1135, OBBC & NFPA Standards.
 - (3) Signs, governed by Chapter 1133.
 - (4) Fencing, governed by Section 1125.04. (1979 Code 150.05)

1127.07 B-2: GENERAL BUSINESS DISTRICT.

(a) **Purpose.** This district has been established to accommodate commercial uses requiring locations on major thoroughfares.

(b) **Principally Permitted Uses.** The following list exemplifies the uses that are principally permitted in the B-2 District. Information regarding required zoning certificates can be found in Chapter 1107 et seq.

- (1) Automobile car washes.
- (2) Automobile sales.
- (3) Automotive repair garages.
- (4) Banks and financial institutions.
- (5) Business, wholesale.
- (6) Churches.
- (7) Clinics.
- (8) Clubs and lodges.
- (9) Commercial, business, or technical schools.
- (10) Commercial entertainment facilities.
- (11) Drive-in or drive-through commercial uses.
- (12) Educational institutions.
- (13) General businesses.
- (14) Hotels or motels.
- (15) Kennels.
- (16) Laundromats.
- (17) Nurseries or plant materials.
- (18) Parking facilities, public garages, and commercial storage.
- (19) Printing and publishing activities.
- (20) Professional activities, personal services, and business services.
- (21) Public, semipublic, and institutional uses.
- (22) Restaurants.
- (23) Restricted recreational activities.
- (24) Veterinary animal hospitals or clinics, provided that any outside runs are more than 200 feet from the nearest residential district.
- (25) Other commercial uses of a similar nature to those listed.

(c) Conditionally Permitted Uses, The following list exemplifies the uses that are conditionally permitted in the B-2 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Mortuaries.
- (2) Nursing homes, day care centers, nursery schools, rest homes, or homes for the aged.
- (3) Service stations subject to Section 1125.09(b)(2).
- (4) Supply yards.
- (5) Warehousing.
- (6) Adult entertainment facility.
(Ord. 98-90. Passed 9-15-98.)

(d) Lot Requirements,

- (1) Minimum lot area, to be determined by lot building, yards, and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements,

- (1) Minimum front yard, 30 feet.
- (2) Minimum corner side yard, 30 feet.
- (3) Minimum side yard, none required except for side yards adjoining residential districts which shall require ten feet. This requirement shall be increased by one-half foot for each foot the structure exceeds 25 feet in height.

(f) Building Requirements,

- (1) Maximum height, three stories but not to exceed 45 feet for the main building. Accessory buildings shall not exceed 15 feet.
- (2) Maximum floor area ratio, 1.0 for the building in which the activity is housed.

(g) Other Requirements,

- (1) Parking, governed by Chapter 1131.
- (2) Performance standards, governed by Chapter 1135, OBBC & NFPA Standards.
- (3) Signs, governed by Chapter 1133.
- (4) Swimming pools, governed by Section 1125.05 et seq. (1979 Code 150.05)

1127.071 CORRIDOR BUSINESS OVERLAY DISTRICT

The Corridor Business Overlay District, which may be referred to as the CB-OD, is hereby created as an overlay district to be applied to the following lands:

West Lytle Street (South side) from S. Main St. west to S. County Line St and south to the first east/west alley.

East Lytle Street (North & South sides) from S. Main St. east to State St. and north and south to the first east/west alley.

County Line Street (East side) from South St. north to Beech St.

County Line Street (West side) from W. Tiffin St. north to Perrysburg Rd. (SR199).

Within the City of Fostoria, Counties of Hancock, Seneca and Wood and as depicted on the Land Use Plan map as adopted on November 24, 1998. The CB-OD boundary shall be shown on the Zoning District Map as an overlay, so that the underlying zoning districts will be legible.

- (a) Purpose and Intent. The Corridor Business Overlay District is of special and substantial public interest because of its location in an area containing intense business and commercial development. This development generates heavy volumes of vehicle traffic moving in and out of the business sites. It is in the public interest to assure that persons traveling in the defined district are not exposed to undue hazards that arise from the design of the roadway or the land uses that abut it. Recognizing that turning movements contribute significantly to the frequency of traffic accidents, the City of Fostoria has a policy of carefully regulating the number and location of access points to business and commercial development sites along high volume highways.

With the potential redevelopment into more intense land use forms than the existing single and two-family residential pattern the CB-OD is intended to provide the standards and requirements that will help assure that such redevelopment occurs in an orderly fashion, sensitive to the traffic patterns within the district, and protective of the value and utility of abutting property. Where language or standards of the CB-OD are in conflict with the language or standards of the underlying District, the CB-OD shall control.

- (b) Uses Permitted. In the CB-OD no building or land shall be used and no building shall be erected except for one or more of the following specified uses:
- (1) Retail businesses and service establishments whose principal activity is the sale of merchandise or provision of services in an enclosed building.
 - (2) Restaurants or other places serving food or beverages.
 - (3) Office buildings for executive, administrative, professional, accounting, medical, real estate, clerical and sales practices.
 - (4) Banks, credit unions, savings and loan associations and similar uses.
 - (5) Private clubs, fraternal organizations and lodge halls.
 - (6) Theaters, assembly halls, concert halls and similar places of assembly when conducted entirely within enclosed buildings.
 - (7) Other uses which the City Planning Commission determines to be similar in nature to any of the above permitted uses.
 - (8) Accessory structures and uses customarily incident to any of the above permitted uses.

- (c) Review Procedure.

- (1) Prior to issuance of any permit to erect a new structure, or to change the present use of land to a new use, a review of site plans, building plans and elevation shall be conducted by the City Planning Commission. All information required under the City's Site Plan Review process shall be indicated on plans submitted for review.

The Planning Commission may grant:

- (A) approval of plans, in which case a Zoning Certificate to construct may be issued,
- (B) conditional approval subject to specific modifications, or
- (C) denial, the reasons for which shall be set forth in the Commission Minutes.

- (2) Reviews conducted under this Section shall be based on:
 - (A) Consideration of the intent, standards and principles of the CB-OD.
 - (B) Consideration of the standards of the underlying District.
 - (C) The objectives and principles of the CB-OD.
 - (D) The relationship of the proposed new use and/or development to surrounding or otherwise affected property in terms of traffic management on and off site, the preservation of horizontal sight distances, separation of vehicular and pedestrian traffic, signs, lighting and landscaping, and appropriate buffering between incompatible land uses.
 - (E) Advisory comments received from the respective City Departments and public utilities serving the property.
 - (F) Such other matters as are deemed appropriate to the circumstances of the case.
- (d) Development Standards. In the CB-OD the following development standards shall be considered to be the minimum requirements, whether or not they are the same as in the underlying District:
 - (1) Highway (County Line and Lytle Streets) Setback
 - (A) For lots having a depth in excess of three hundred (300) feet, no principal or accessory building shall be located nearer than eighty (80) feet to the right-of-way line of the Highway. Off-street parking spaces and maneuvering lanes shall not be located nearer than ten (10) feet to the Highway right-of-way line.
 - (B) For lots having a depth of three hundred (330) feet or less, the front setback shall be not less than forty (40) feet. Parking spaces and maneuvering lanes shall be not less than five (5) feet from the right-of-way line.
 - (C) No display of merchandise for sale shall be permitted in the front yard setback.
 - (2) Side Yard Setback: No principal or accessory structure shall be erected nearer than thirty (30) feet to the curb line of a service drive that is part of the Redevelopment Area.
 - (A) Off-street parking spaces and maneuvering shall be at least twenty (20) feet from the curb line of such service drive.
 - (B) Principal structures shall be placed at least ten (10) feet from any side lot line within the CB-OD.
 - (3) Rear Yard Setbacks: Principal and accessory structures shall be located at least thirty (30) feet from the curb line of any service drive. Parking spaces and maneuvering lanes shall be at least ten (10) feet from the curb line of any service drive.
 - (4) Access to the sites shall be from the side streets or rear alleys whenever possible. Highway ingress/egress shall be permitted provided that the drive is located no closer than 150' from the intersecting centerline of existing cross streets.

- (5) Height Limitations: Structures, including sign, in the CB-OD shall not exceed thirty (30) feet in height, provided however, the City Planning Commission shall determine the extent to which screening shall be provided by the new use. This screen shall be of sufficient density to obscure the view of the new use on a year-round basis, and shall be of such design and be comprised of such plant materials as the Commission deems satisfactory for that purpose. New uses in the CB-OD shall be responsible for maintaining screening separating the CB-OD from the residential properties.
- (6) Exterior Lighting: Exterior lighting in the CB-OD shall be designed so that light is directed onto the property and shielded from adjacent property or any road right-of-way.

1127.08 B-3: CENTRAL BUSINESS DISTRICT.

(a) Purpose. This district has been established to accommodate those commercial, financial, personal, professional, public, and semipublic activities which benefit from the central location and relatively more intensive use of the land area.

(b) Principally Permitted Uses. The following list exemplifies the uses that are principally permitted in the B-3 District. Information regarding required zoning certificates can be found in Chapter 1107 et seq.

- (1) Automobile sales.
- (2) Automotive repair garages.
- (3) Banks and financial institutions.
- (4) Boarding houses and rooming houses.
- (5) Business, wholesale.
- (6) Churches.
- (7) Clinics.
- (8) Clubs and lodges.
- (9) Commercial, business, or technical schools.
- (10) Commercial entertainment facilities.
- (11) Drive-through commercial uses.
- (12) Educational institutions.
- (13) General businesses.
- (14) Hotels and motels.
- (15) Laundromats.
- (16) Multiple-family structures and condominiums, provided that any structure also containing nonresidential uses provide a separate passageway from the building entrance and parking areas to dwelling units subject to the requirements of R-3 District for minimum residential floor areas and off-street parking.
- (17) Parking facilities, public garages, and commercial storage.
- (18) Printing and publishing activities.
- (19) Professional activities, personal services, and business services.
- (20) Public, semipublic, and institutional uses.
- (21) Restaurants.
- (22) Restricted recreational facilities.
- (23) Social activities.
- (24) Warehouses.

(c) Conditionally Permitted Uses. The following list exemplifies the uses that are conditionally permitted in the B-3 District. Information regarding conditional use permit can be found in Chapter 1107 et seq.

- (1) Mortuaries.
- (2) Service stations subject to Section 1125.09(b)(2).
- (3) Adult entertainment facility. (Ord. 98-90. Passed 9-15-98.)

(d) Lot Requirements.

- (1) Minimum lot area to be determined by lot, building, yard, and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements.

- (1) Minimum front yard, none; however, no door shall be constructed to obstruct pedestrian traffic or project beyond the property line when opened.
- (2) Minimum side yard, none required except for side yards adjoining residential districts which shall require ten feet.
- (3) Minimum rear yard, 15 feet.

(f) Building Requirements.

- (1) Maximum height none.
- (2) Minimum floor area ratio for the building in which the activity is housed, 3.0.

(g) Other Requirements

- (1) Parking, governed by Chapter 1131.
- (2) Performance standards, governed by Chapter 1135, OBBC, NFPA & Design Review Standards.
- (3) Signs, governed by Chapter 1133.
- (4) Fencing, governed by Section 1125.04.
- (5) Swimming pools, governed by Section 1125.05 et seq.
- (6) Canopy structures, governed by Section 1125.09(b)(3).

1127.09 M-1: RESTRICTED INDUSTRIAL DISTRICT.

(a) Purpose. This district has been established to accommodate any manufacturing or industrial processing which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element.

(b) Principally Permitted Uses. The following list exemplifies the uses principally permitted in the M-1 District. Information regarding the required zoning certificate can be found in Chapter 1107 et. seq.

- (1) Agriculture.
- (2) Automotive repair garages.
- (3) Businesses, wholesale.
- (4) Carting or hauling.
- (5) Contractors' yards and offices.
- (6) Grain and feed dealers.

- (7) Grain elevators.
- (8) Maintenance and storage facilities.
- (9) Manufacturing or industrial processes which by the nature of the materials, equipment, and process used are clean, quiet, and free of objectionable or hazardous elements. Manufacturing activities shall include the following activities.
 - A. Clothing.
 - B. Drugs.
 - C. Electronic components or equipment.
 - D. Food processing.
 - E. Jewelry.
 - F. Musical instruments.
 - G. Research and testing facilities.
 - H. Small household appliances.
 - I. Sporting goods.
- (10) Monument works and sales.
- (11) Nurseries and plant materials.
- (12) Plant cultivation.
- (13) Printing and publishing plants.
- (14) Railroad yards and terminal facilities.
- (15) Supply yards.
- (16) Trucking facilities.
- (17) Veterinary animal hospital or clinic, provided that any outside runs are more than 200 feet from a residential district.
- (18) Warehouses and wholesale warehouses.

(c) Conditionally Permitted Uses. The following list exemplifies the uses conditionally permitted in the M-1 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Airports.
- (2) Oil and gas wells.
- (3) Sand and gravel excavations.

(d) Lot Requirements.

- (1) Minimum lot area, to be determined by lot, building, yards, and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements.

- (1) Minimum front yard or corner side yard, 40 feet.
- (2) Minimum side yard, 40 feet.
- (3) Minimum rear yard, 40 feet.

(f) Building Requirements.

- (1) Maximum height. Three stories not to exceed 45 feet for the main building. Accessory buildings shall not exceed 20 feet.
- (2) Maximum percentage of lot to be occupied, 45%.

- (g) Other Requirements.
 - (1) Parking, governed by Chapter 1131.
 - (2) Performance standards, governed by Chapter 1135, OBBC & NFPA Standards.
 - (3) Signs, governed by Chapter 1133.
 - (4) Fencing, governed by Section 1125.04.

1127.10 M-2: GENERAL INDUSTRIAL DISTRICT.

(a) Purpose. This district has been established to accommodate manufacturing or industrial processes, which through compliance with all performance requirements, are not objectionable by reason of physical characteristics.

(b) Principally Permitted Uses. The following list exemplifies the uses principally permitted in the M-2 District. Information regarding the required zoning certificate can be found in Chapter 1107 et seq.

- (1) Any use permitted in the M-1 District.

(c) Conditionally Permitted Uses. The following list exemplifies the uses conditionally permitted in the M-2 District. Information regarding the required conditional use permit can be found in Chapter 1107 et seq.

- (1) Airports.
- (2) Automotive or metal salvage operations (junk yards), including refining reprocessing of automobile scrap or junk.
- (3) Petroleum refineries and storage.
- (4) Any use not specifically specified in the principally permitted uses of the M-1 District.

(d) Lot Requirements,

- (1) Minimum lot area, to be determined by lot, building, yard, and other requirements.
- (2) Minimum lot width, none.

(e) Yard Requirements,

- (1) Minimum front yard or corner side yard, 40 feet.
- (2) Minimum side yard, 40 feet.
- (3) Minimum rear yard, 40 feet.

(f) Building Requirements,

- (1) Maximum height, none.
- (2) Maximum percentage of lot covered by main building, none.

(g) Other Requirements.

- (1) Parking, governed by Chapter 1131.
- (2) Performance standards, governed by Chapter 1135, OBBC & NFPA Standards.
- (3) Signs, governed by Chapter 1133.
- (4) Fencing, governed by Section 1125.04. (1979 Code 150.05)

**CHAPTER 1129
Planned Unit Development**

| | | | |
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| 1129.01 | Intent. | 1129.13 | Final development plan. |
| 1129.02 | Conflict. | 1129.14 | Final development plan application; contents. |
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| 1129.06 | Commercial uses. | 1129.18 | Action by City Council. |
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| 1129.10 | Public hearing by the Planning Commission. | | |
| 1129.11 | Notice to property owners. | | |
| 1129.12 | Approval in principle. | | |

CROSS REFERENCES

PUD defined - see P. & Z. 1105.02
Established - see P. & Z. Chap. 1123

1129.01 INTENT.

The intent of the planned unit development (PUD) regulations is to permit greater flexibility and consequently, more creative and imaginative design for the development of residential areas than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces. (1979 Code 150.06)

1129.02 CONFLICT.

Whenever there is a conflict or difference between the provisions of this section and those of the other sections of this Zoning Code, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this Zoning Code. (1979 Code 150.06)

1129.03 PERMITTED USES.

Any use permitted in the R-3 District of this Zoning Code shall be permitted in a PUD. Nonresidential uses shall be permitted upon approval of the Planning Commission. (1979 Code 150.06)

1129.04 OWNERSHIP REQUIREMENTS.

An application for approval of a PUD may be filed by a person having an interest in the property to be included in the planned unit. The PUD application shall be filed in the name or names of the recorded owner or owners of the property included in the development. However, the applications may be filed by a holder or holders of an equitable interest in the property. The applicant must show evidence of full ownership interest in the land (legal title or the execution of a binding sales agreement) before final approval of his plan. When a joint application is made for a PUD, the project must be in single ownership by the time the final development plan is approved. (1979 Code 150.06)

1129.05 GENERAL REQUIREMENTS.

(a) Minimum Project Area. Minimum area for a PUD District shall be three contiguous acres. When the PUD proposes a mixture of residential uses with commercial or industrial uses, the Planning Commission may limit the development of not more than 12% of the tract to commercial uses and not more than 10% of the tract to industrial uses.

(b) Relation to Streets. The PUD District shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to the districts without creating traffic along minor streets in residential neighborhoods outside the District.

(c) Utilities. The PUD District shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utilities systems and installations that neither extension nor enlargement of the systems will be required by the City. However, the developer may install utility lines at his expense upon approval of the appropriate agencies.

(d) Common Open Space. A minimum of 20% of the land developed in any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Every property developed under the PUD should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouse units in any contiguous group.

(e) Disposition of Open Space. The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and retained a common open space for parks, recreation, and related uses. All land dedicated to the City must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights of way for watercourses and other similar channels are not acceptable for common open space dedication to the City unless the land or right of way is usable as a trail or similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

(f) Minimum Lot Sizes.

- (1) Lot area per dwelling unit may be reduced by not more than 40% of the minimum lot area required in Chapter 1127. A diversification of lot sizes is encouraged.
- (2) Lot width may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

(g) Height Requirements. For each foot of building height over the maximum height regulations specified in Chapter 1127, the distance between these buildings and the side and rear property line of the PUD project area shall be increased by a one-foot addition to the side and rear yard required in the districts. (1979 Code 150.06)

1129.06 COMMERCIAL USES.

(a) When PUDs include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

(b) The plan of the project shall provide for the integrated and harmonious design of building, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

(c) All areas designed for further expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission. (1979 Code 150.06)

1129.07 INDUSTRIAL USES.

(a) PUDs may include industrial uses if it can be shown that the development results in a more desirable use of land.

(b) Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodland as buffers to screen lighting, parking area, loading areas or docks, or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of the utility services as required.

(c) Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential use. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times. (1979 Code 150.06)

1129.08 PRE-APPLICATION MEETING.

The developer shall meet with the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with the regulations of the City. (1979 Code 150.06)

1129.09 PRELIMINARY DEVELOPMENT PLAN APPLICATION; CONTENTS.

An application for preliminary planned unit development shall be filed with the Zoning Inspector by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate.

- (a) Name, address, and phone number of the applicant.
- (b) Name, address, and phone number of the registered surveyor, registered engineer or urban planner assisting in the preparation of the preliminary development plan.
- (c) Legal description of the property.
- (d) A vicinity map at a scale approved by the Planning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services.
- (e) A preliminary development plan at a scale approved by the Commission showing topography at two-foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights of way, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.
- (f) Proposed schedule for the development of the site.
- (g) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five years. The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the City's statement of the intent of a PUD of this Zoning Code. (1979 Code 150.06)

1129.10 PUBLIC HEARING BY THE PLANNING COMMISSION.

Within 30 days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing. Before holding the public hearing, notice of the hearing shall be given in a newspaper of general circulation of the City, at least 20 days before the date of the hearing. The notice shall set forth the time and place of the public hearing and a general description of the PUD. (1979 Code 150.06)

1129.11 NOTICE TO PROPERTY OWNERS.

Written notice of the hearing shall be sent to all property owners contiguous to or directly across the street from the area proposed to be included in the PUD at least 20 days before the hearing. The failure to deliver the notice, as provided in Section 1129.10, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in the newspaper. (1979 Code 150.06)

1129.12 APPROVAL IN PRINCIPLE.

The Planning Commission shall within 30 days after the public hearing review the preliminary development plan to determine if it is consistent with the intent and purpose of this Zoning Code; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration or parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source. (1979 Code 150.06)

1129.13 FINAL DEVELOPMENT PLAN.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include a licensed architect, registered civil engineer, registered land surveyor, and registered landscape architect. (1979 Code 150.06)

1129.14 FINAL DEVELOPMENT PLAN APPLICATION; CONTENTS.

An application for approval of the final development plan shall be filed with the Zoning Inspector by at least one owner or lessee of property for which the PUD is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within five years from the date of issuance of the approval. At a minimum the application shall contain the following information.

- (a) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site including major wooded areas, structures, streets, easements, utility lines, and land uses.
- (b) All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity; and land use considered suitable for adjacent properties.
- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and landscape; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from the standard zoning districts or other ordinances governing development.

- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparations and development.
- (e) A site plan, showing buildings, various functional use areas, circulation, and their relationship.
- (f) Preliminary building plans, including floor plans and exterior elevations.
- (g) Landscaping plans.
- (h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained. (1979 Code 150.06)

1129.15 PUBLIC HEARING BY THE PLANNING COMMISSION.

Within 30 days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Section 1129.10. (1979 Code 150.06)

1129.16 RECOMMENDATION BY THE PLANNING COMMISSION.

The Planning Commission shall within 60 days after receipt of the final development plan recommend to the City Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendation to the City Council. (1979 Code 150.06)

1129.17 CRITERIA FOR RECOMMENDATIONS.

(a) Before making its recommendation as required in this section, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- (1) The proposed development can be initiated within five years of the date of approval.
- (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that the objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.
- (4) Any proposed commercial development can be justified at the locations proposed.
- (5) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the PUD and the adopted policy of the Planning Commission and the City Council.

- (6) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- (7) The PUD is in general conformance with the comprehensive plan of the city.
- (8) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

(b) The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source. (1979 Code 150.06)

1129.18 ACTION BY CITY COUNCIL.

Within 60 days after receipt of the final recommendation of the Planning Commission, the City Council shall by ordinance either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the City Council shall direct the Zoning Inspector to issue a zoning certificate only in accordance with the approved final development plan and the supplementary conditions attached thereto. (1979 Code 150.06)

1129.19 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In approving any Planned Unit Development District, the City Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of the conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Zoning Code and punishable under this Zoning Code. (1979 Code 150.06)

1129.20 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.

(a) The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

(b) No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the PUD was granted. (1979 Code 150.06)

CHAPTER 1131
Off-Street Parking and Loading

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| <p>1131.01 General requirements.</p> <p>1131.02 Landscaping for off-street parking lots.</p> <p>1131.03 Parking space requirements.</p> <p>1131.04 General interpretations.</p> | <p>1131.05 Joint usage of parking areas.</p> <p>1131.06 General requirements; loading.</p> |
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CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

1131.01 GENERAL REQUIREMENTS.

(a) No building or structure shall be erected, altered, or changed in use unless permanently maintained off-street parking and loading facilities have been provided in accordance with the provisions of this Zoning Code.

(b) Whenever a building or structure constructed after the effective date of this Zoning Code is changed or enlarged in floor area, number of employees, number of dwelling units or otherwise creates a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.
(1979 Code 150.07)

(c) Parking Areas. Plans and designs for parking areas in conjunction with other buildings and structures shall be submitted as part of the application for zoning certificate, conditional use permit, and the like, and approval of the application shall be contingent upon approval of the parking area. The creation or expansion of a parking area, as a separate action, shall require a separate certificate, permit, and the like. All new nonresidential parking areas must have striping in accordance with Exhibit A attached to Ordinance 01-60.

- (1) Parking space dimension. An off-street parking space shall have minimum rectangular dimension of not less than ten feet in width and twenty feet in length for 90° parking, eight feet in width and twenty-three feet in length for parallel parking, nine feet in width and twenty feet in length for 60° parking, and nine feet in width and twenty feet in length for 45° parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. All parking spaces shall be clearly marked. The required number of off-street parking spaces is established in said section.
- (2) Paving. The required number of off-street parking and loading spaces together with driveways, aisles and other circulation areas, shall be surfaced with asphalt or concrete pavement or its approved equal so as to provide a durable and dust-free surface.
- (3) Drainage. All parking and loading spaces shall provide for proper drainage of surface water to prevent the drainage of the water onto abutting properties. Drainage plans shall be submitted for review to the City Engineer.

- (4) Maintenance. The owner of property used for parking or loading areas shall maintain the area in good condition without holes and free of all dust, trash, and other debris.
- (5) Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking area shall be so arranged as to reflect the light away from the adjoining properties.
(Ord. 01-60. Passed 6-19-01.)

(d) Maintenance. The owner of property used for parking or loading areas shall maintain the area in good condition without holes and free of all dust, trash, and other debris.

(e) Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking area shall be so arranged as to reflect the light away from the adjoining properties.

(f) Location of Parking Spaces. Parking spaces for all detached residential uses shall be located on the same lot as the use which it is intended to serve. Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

(g) Screening or Landscaping. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed fence, wall, or planting screen. The fence, wall, or planting screen shall not be less than four feet nor more than six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of a fence, wall, or planting screen will not serve the intended purpose, then no fence, wall, or planting screen shall be required. Landscaping of an area shall be considered acceptable upon written approval from adjoining property owners, and a copy filed with the application for a zoning certificate.

(h) Minimum Distance and Setbacks.

- (1) No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptable designed screen.
- (2) No off-street parking area in any residential district shall be located within the required front yard, except within a driveway located in the district. The driveway shall be no closer than two feet to any property line. No off-street parking area in any commercial or industrial district shall be located closer than five feet to any established street or alley right-of-way line.
- (3) Whenever a parking area extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

(i) Access. Access driveways for parking areas and loading spaces shall be located in such a way that any vehicle entering or leaving the area shall be clearly visible for a distance as specified in Section 1125.12 to any pedestrian or motorist approaching the access or driveway from a public or private street. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access drives shall maintain the following minimum requirements. (1979 Code 150.07)

- (1) For one-way traffic, 45° parking 15 feet, 60° parking 18 feet.
- (2) For two-way traffic, a minimum width of twenty-four feet.
(Ord. 01-60. Passed 6-19-01.)
- (3) Parking areas having more than one access driveway shall have directional signs for one-way traffic. (1979 Code 150.07)
- (4) Access driveways and aisleways used as fire access shall be twenty-six feet wide. (Ord. 01-60. Passed 6-19-01.)

1131.02 LANDSCAPING FOR OFF-STREET PARKING LOTS.

(a) This section applies to new construction only.

(b) The objectives of this section are to improve the appearance of off- street vehicular parking lots as well as to moderate the micro-climate of parking lots and provide some acoustical control to reduce noise. Landscaping of parking lots will tend to reduce local wind velocity and make parking lots more tolerable in winter as well.

(c) All unenclosed, surfaced parking lots of a minimum of ten off-street parking spaces, shall provide one shade tree for every ten spaces, or fraction thereof in an arrangement to shade the maximum number of spaces possible. Such tree shall be any kind of large spreading tree, except those deciduous trees prohibited by D-166 (12-7-82) of the Code of Ordinances, with a minimum caliper of one and three-quarters inches at the time of planting. The shade trees shall be planted so that the vehicles face the trees, and the shade trees may be on the perimeter of the parking area(s). However, this subsection shall not be interpreted to prohibit backing into parking spaces.

(d) For commercial uses, an island shall be provided, and the required trees planted therein, between facing strips of parking spaces as follows:

- (1) 0-19 spaces: No island required.
- (2) 20-99 spaces: An island with a minimum width of ten feet.
- (3) 100+ spaces: An island with a minimum width of ten feet for every two rows, or portion thereof, of facing parking spaces.

If, due to site size or geometrics in parking lots of twenty spaces or more, the parking spaces are not in facing rows, one shade tree shall be planted for every five parking spaces, and the shade trees shall be planted on the perimeter of the parking lot so that the vehicles face the shade trees.

(e) The required island area shall be curbed to a minimum height of six inches and be protected from adjacent parking. The required island(s) shall not impair visibility within the parking lot. All planted and landscaped areas shall be properly maintained and shall provide for identification during snow removal operations. Shade trees are to be live. Artificial shade trees are not acceptable. Any required shade tree which dies must be replaced by the next planting season. (Ord. 98-102. Passed 11-4-98.)

1131.03 PARKING SPACE REQUIREMENTS.

For the purpose of this Zoning Code, the following parking space requirements shall apply.

- (a) Automobile repair, one parking space for each 300 square feet of floor area and one parking space for each employee.
- (b) Automobile sales and service, one parking space for each auto service stall in the service room and one additional parking space for each employee. Outside sales area shall be surfaced in accordance with Section 1131.02(b).
- (c) Bank or financial institution, one for each 200 square feet of floor area plus one parking space for each two employees.
- (d) Barber shop or beauty shop, two parking spaces for each chair, plus one for each full-time and part-time employee.
- (e) Boarding house, rooming house, dormitory, and the like, one for each permanent accommodation.
- (f) Bowling alley, four for each alley lane plus one additional space for each 200 square feet of area used for restaurant, cocktail lounge, or similar use.
- (g) Church or other place of worship, one parking space for each five seats in the principal auditorium.
- (h) College or university, one for each three students.
- (i) Commercial establishment devoted to retail sales, trade merchandising or similar use (except as otherwise specified herein), one for each 200 square feet of floor area and one additional parking space for every two employees.
- (j) Community center, library, or museum, one parking space for each 500 square feet of floor space.
- (k) Drive-through business. In addition to the parking spaces required in this section, all drive-through business operations wherein patrons customarily stop and wait in line in motor vehicles for service or products, such as car washes, drive-in banks, and other similar businesses, shall have at least a total of 150 feet of waiting-in-line or standby vehicle space arranged on the premises so as to accommodate a line of such length in order that public streets shall not become overburdened and therefore create traffic hazards and nuisances.
- (l) Furniture store, appliance store, hardware store, or showroom for decorators, plumbers, electricians, or similar trades, one parking space for each 800 square feet of floor area, plus one space for each employee.
- (m) Gasoline service station, two parking spaces for each service bay, plus one space for each employee.
- (n) Hospital, one parking space for each two beds.
- (o) Hotel or motel, one parking space per each sleeping accommodation plus one for every two employees.
- (p) Industrial or manufacturing establishment, one parking space for each employee on major shift, one space for every vehicle used in connection with the business, and enough parking to accommodate visitors and vendors.
- (q) Kindergarten, child care center, and the like, two parking spaces for each classroom, but not less than six for the building.
- (r) Laundromat, one parking space for two washing machines.
- (s) Medical practitioner, including physician, surgeon, dentist, osteopath, optometrist, or chiropractor, four parking spaces for each practitioner, plus one for each employee.
- (t) Mortuary or funeral parlor, one space for each 100 square feet of parlor area.
- (u) Multiple-family dwelling, two parking spaces for each unit except that each efficiency unit will require one and one-half parking spaces.

- (v) Multiple-family dwelling (Senior Citizen). When the multi-family dwelling is exclusively used for senior citizen (over 62), the parking may be reduced to .5 spaces per unit.
- (w) Nursing home, sanitarium, convalescent home, one parking space for each 600 square feet of total floor area of the building.
- (x) Office building, professional building, one parking space for each 300 square feet of floor area.
- (y) One-family dwelling, two parking spaces for each dwelling unit.
- (z) Private club or lodge, one parking space for each five seats (capacity) in the main assembly room.
- (aa) Recreational establishment other than a theater, auditorium, or stadium, one parking space for each 80 square feet of floor area.
- (bb) Restaurant (where the major consumption of food or beverage takes place inside the main building), one parking space for each 30 square feet devoted to patron use.
- (cc) Restaurant (where the major consumption of food or beverage takes place other than inside the building, e.g. drive-in, carry-out), one parking space for each 15 square feet devoted to patron use (minimum of five spaces).
- (dd) School, elementary and junior high, one and one-half parking space for each classroom, plus one parking space for each six seats in a principal auditorium.
- (ee) School, senior high, one and one-half parking spaces for each classroom, plus one parking space for each ten students.
- (ff) Skating rink, dance floor, one for each 150 square feet of floor area used for the activity.
- (gg) Swimming pool, one for each five persons of pool's capacity.
- (hh) Theater, auditorium, or stadium, one parking space for each four seats.
- (ii) Two-family dwelling, two parking spaces for each dwelling unit.
- (jj) Off-street parking requirements within the Central Business District, no requirements except as provided in this Zoning Code. (1979 Code 150.07)

1131.04 GENERAL INTERPRETATIONS.

(a) Where the parking requirements for a use are not specifically defined herein, or a use is not mentioned, the parking requirements for such use shall be based upon the requirements for the most comparable use specified herein.

(b) For the purpose of this Zoning Code, the number of employees shall be the maximum number of persons to be employed taking into consideration day, night, and seasonal variations.

(c) For the purpose of computing the number of parking spaces required, floor area shall mean the sum of the horizontal area of every floor of a specified use, excluding stairs, washrooms, elevator shafts, maintenance rooms, storage spaces, display windows, fitting rooms, and similar uses. All dimensions shall be measured between interior faces of walls for determining off-street parking requirements.

(d) When computing the required number of parking spaces, all fractional spaces shall be rounded to the next highest number.

(e) When any land or building is used for two or more purposes, the number of parking spaces required shall be 80% of the sum of the requirements for the various individual uses, computed separately in accordance with this Zoning Code.
(1979 Code 150.07)

1131.05 JOINT USAGE OF PARKING AREAS.

(a) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operations do not overlap.

(b) Where the spaces are collectively or jointly provided and used, a written agreement assuring their retention for the purposes, shall be properly drawn and executed by the parties concerned and shall be filed with the application for a zoning certificate, conditional use permit, and the like. The agreement is subject to approval by the Zoning Inspector. Any determination of the number of spaces to be shared shall consider the number of spaces available, days of operation, and peak hours. (1979 Code 150.07)

1131.06 GENERAL REQUIREMENTS; LOADING.

Plans and designs for loading areas shall be submitted as part of the application for zoning certificate, conditional use permit, and the like, and approval of the application shall be contingent upon approval of the loading area plan and design.

(a) Plan and Design Standards. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods.

(1) One loading space for each 10,000 square feet of gross floor area up to 20,000 square feet shall be provided. One additional loading space shall be provided for every additional 20,000 square feet of gross floor area of the building or structure.

(2) Each required loading space shall measure no less than ten feet by 30 feet and shall have a 15-foot height clearance.

(3) Access to truck loading and unloading space shall be provided in such a manner that it will not interfere with public convenience and will permit the safe and orderly movement of vehicles.

(b) Loading Space. Loading spaces are required under this division and shall not be considered as supplying off-street parking space required by this Zoning Code. Loading space shall be provided as area in addition to off-street parking spaces. (1979 Code 150.07)

CHAPTER 1133
Signs

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| <p>1133.01 Purpose.</p> <p>1133.02 Definitions.</p> <p>1133.03 Approval required.</p> <p>1133.04 General requirements.</p> <p>1133.05 Requirements for specific districts.</p> | <p>1133.06 Off-premise advertising sign.</p> <p>1133.07 Nonconforming signs.</p> <p>1133.08 Violations.</p> |
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CROSS REFERENCES

Unauthorized traffic signs - see TRAF. 313.07

1133.01 PURPOSE.

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, and provide a more enjoyable and pleasing community. It is further intended to reduce sign or advertising distractions and obstructions.

1133.02 DEFINITIONS.

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

- (a) "CHANGEABLE COPY PANEL OR ATTRACTION BOARD." A panel or board on which the characters can be removed, rearranged, and reattached to the surface, regardless of the method of attachment.
- (b) "DIRECTIONAL SIGN." A sign which warns or directs the viewer of action to be taken on private property such as, but need not be limited to: "Enter", "Exit", "Pick-up Window", or "Park -Here" signs. The signs may display the name of the business for which the directions are given and shall be so arranged as to not create a traffic hazard
- (c) "FREE-STANDING SIGN." A sign which is supported by one or more columns or poles, uprights, or braces in or upon the ground and not attached to any building
- (d) "GROUND SIGN." A type of free-standing sign which is constructed directly on the ground, such as identification, bulletin, and announcement signs.

- (e) "HEIGHT OF SIGN." The height of a sign shall be measured from the ground elevation below the center of the sign to the bottom of the sign or supporting frame.
- (f) "IDENTIFICATION SIGN." A sign that identifies the name of the building, business, owner, or street address.
- (g) "ILLUMINATED SIGN." A sign in which a source of light is used in order to make readable the message.
- (h) "OFF-PREMISE ADVERTISING SIGN." A sign which contains a message unrelated to the business or profession conducted, and unrelated to any commodity, service, or entertainment sold or offered upon the premises where the sign is located. The sign shall not be considered an accessory use.
- (i) "ON-PREMISE ADVERTISING SIGN." A sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm, or corporation occupying the premises.
- (j) "PORTABLE SIGN." A type of free-standing sign designed so it is not permanently anchored or secured to either a structure or the ground other than by temporary means, such as, but need not be limited to: A-frame, T-shaped or inverted T-shaped sign structures and truck, trailer, or vehicle mounted signs.
- (k) "PROJECTING SIGN." Any sign which projects from the exterior of a building.
- (l) "MESSAGE CENTER SIGN." A sign which announces public activities or special events to take place, or give information to citizens. The sign may be a changeable copy panel or attraction board.
- (m) "REAL ESTATE SIGN." A sign which advertises a property or structure for sale or rent.
- (n) "ROOF SIGN" A sign erected above the roof of a building and which is wholly or partially supported by the building.
- (o) "TEMPORARY SIGN." A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special events, political candidates or public issues to be voted upon at an official election.
- (p) "TIME AND TEMPERATURE SIGN." A sign which announces the time and temperature to citizens. The sign may be a changeable copy panel or attraction board.
- (q) "WALL SIGN." A sign which is in any manner affixed to any exterior wall of a building and which projects not more than 12 inches from the building wall.
(1979 Code 150.08)

1133.03 APPROVAL REQUIRED.

(a) Prior to erecting, moving, adding to, changing in any manner, or structurally altering any sign (unless otherwise noted), approval shall be obtained through the appropriate approval process from those listed in Section 1107.02. No sign shall be permitted which overhangs or is located on public property except as provided herein.

(b) Exceptions.

- (1) For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

- (2) Nonilluminated, residential identification signs of not greater than two square feet.
- (3) Directional signs not more than four square feet in area. There shall be no more than two signs at each entrance.
- (4) Nonilluminated real estate signs, advertising the sale, rental, or lease of property on which they are located not over 12 square feet in area. The sign may be located within the City right of way in areas where the sign cannot be seen if placed on private property.
- (5) One sign of a painter, roofer, or other contractor erected during the period when the contractor is performing work on a property, provided that the area of the sign shall not exceed 32 square feet, and is nonilluminated. The sign shall be removed within five days after the work has been completed.
- (6) Signs indicating private garage or yard sales or private sales of a similar temporary nature, providing the signs are less than six square feet and are removed after the activity is over.
- (7) Signs associated with a campaign, election, or other civic affair, providing the signs are no larger than ten square feet. The signs shall be removed within five days after the affair.
(1979 Code 150.08)

1133.04 GENERAL REQUIREMENTS.

- (a) Free-Standing Signs. No part of any free-standing sign shall be located closer than the street right-of-way or public property.
- (b) Projecting signs.
 - (1) No part of a projecting sign shall project closer than the street right-of-way line or public property, except as provided in this Zoning Code.
 - (2) A projecting sign shall not exceed more than six feet above the roof line of the building on which it is attached.
- (c) Roof Signs. No part of a roof sign shall project beyond the walls of the building above which it is located.
- (d) Ground Signs. No ground sign shall be located in a side or rear yard.
- (e) Wall Flat Signs. Wall flat signs shall not project more than 12 inches from the building wall upon which the sign is located. (1979 Code 150.08)
- (f) Portable, Temporary Signs.
 - (1) Portable signs shall not be permitted on or over any street right of way or public street. Portable signs less than thirty-two (32) square feet shall be permitted in any commercial or industrial zoned area.
 - (2) Portable signs shall not be permitted on or over any street right of way or public street except as follows: Portable signs less than thirty-two (32) square feet shall be permitted in any commercial or industrial zoned area. Portable signs less than twenty-four (24) square feet shall be permitted in any residential area for non-residential use for a period of seven (7) days per year to use in connection with non-profit activities. Any portable sign posted for a longer period than specified shall meet the requirements for permanent signs. (Ord. 2002-138. Passed 12-17-02.)

- (3) Temporary signs may be suspended across public streets or other public places providing they exceed the minimum height requirements for highways.

(g) Directional signs. Directional signs shall be permitted in any commercial or industrial district. The sign shall not exceed 12 square feet in area, and shall be so located as not to create a hazard for vehicular traffic. Two directional signs shall be permitted at each entrance to a business or use.

(h) Other Designs or Safety Requirements,

- (1) All signs shall be constructed of durable materials and kept in good repair.
- (2) In computing the area of a double-faced sign, only one side shall be considered in calculating the sign area. However, if the interior angle formed by the two faces of a double-faced sign is 135° or greater, then both sides of such sign shall be considered.
- (3) In computing the area of a multi-face sign, one-half of the total area of the sign shall be considered as the area of the sign.
- (4) The area of a changeable copy panel or attraction board which advertises secondary goods or services shall not exceed 50% of the area of the sign that it is maintained in conjunction with, and shall meet the location and height requirements of the sign.

(i) Prohibited Signs, The following signs shall not be permitted, erected, or maintained in any district.

- (1) Signs which incorporate in any manner any flashing or moving lights, except message center signs and time and temperature signs, unless otherwise approved by the Board.
- (2) Any sign which constitutes a traffic hazard or a detriment to traffic safety.
- (3) Any sign or sign structure which is unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonments, the sign shall be removed by the owner of the property on which the sign is located.
- (4) Any sign greater than 300 square feet in size except for off premises advertising signs.
- (5) Any sign attached to or painted on any telephone or power pole, tree, hedge, or fence.
- (6) Off-premises signs in any residential district.
- (7) Roof signs in any residential district.
- (8) Any sign unlawfully erected or installed.
- (9) Any sign which advertises a business or product no longer existing or sold on the premises shall be removed by the property owner within 90 days from the date the business or product no longer exists or is sold.
- (10) Private signs located on public property, except as provided herein.
(Ord. 1979 Code 150.08)

1133.05 REQUIREMENTS FOR SPECIFIC DISTRICTS.

The following requirements are not applicable to the signs identified in Section 1133.03(b).

- (a) Residential Districts. The following types of signs shall be permitted in the residential districts.
- (1) Residential signs as permitted in Section 1133.03(b)(2).
 - (2) Wall signs for permitted home occupations in Chapter 1143.
 - (3) For permitted multi-family dwelling, one ground sign indicating the name or address of the building and rental information, the sign shall be set back at least one-half of the depth of the required front yard and the top of the sign shall not be more than six feet above grade. The sign shall not exceed 32 square feet in area.
 - (4) For permitted nonresidential uses, one ground sign provided that the area of the sign shall not exceed 32 square feet, set back at least one-half of the depth of the required front yard and the top of the sign shall not be more than six feet above grade.
- (b) B-1 District. The following types of signs shall be permitted in the B-1 District. See Section 1133.04 for general requirements. All businesses in this district shall be limited to 150 square feet total sign area per frontage.
- (1) Free-standing sign.
 - A. Limited to an area of 60 square feet.
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
 - (2) Projecting sign.
 - A. Limited to an area of 60 square feet.
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
 - (3) Roof sign. Limited to an area of 60 square feet.
 - (4) Wall sign.
 - A. Limited to an area of 60 square feet.
 - B. A minimum vertical height as to not create a hazard for pedestrian traffic if the sign projects out from the building.
 - (5) Ground sign. The area of the sign shall not exceed 32 square feet, set back at least one-half of the depth of the required front yard and the top of the sign shall not be more than six feet above grade.
 - (6) Portable sign, temporary sign. see Section 1133.04(f).
- (c) B-2 District. The following types of signs shall be permitted in the B-2 District. See Section 1133.04 for general requirements. All businesses in this district shall be limited to 250 square feet total sign area per frontage.
- (1) Free-standing sign.
 - A. Limited to an area of 100 square feet
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
 - (2) Secondary free-standing sign.
 - A. A minimum vertical height of nine feet above finished grade.
 - B. The sign shall be secondary and incidental to the sign in Subsection (b) hereof.

- (3) Projecting sign.
 - A. A minimum vertical height of nine feet above finished grade.
 - B. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
- (4) Wall sign.
 - A. Limited to an area not to exceed 35% of structure face square footage.
 - B. A minimum vertical height as to not create a hazard for pedestrian traffic.
- (5) Ground sign. The area of the sign shall not exceed 32 square feet, set back at least one-half of the depth of the required front yard and the top of the sign shall not be more than six feet above grade.
- (6) Portable sign, temporary sign, see Section 1133.04(f).
- (d) B-3 District. The following types of signs shall be permitted in the B-3 District. See Section 1133.04 for general requirements.
 - (1) Free-standing.
 - A. Limited to an area of 60 square feet.
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
 - (2) Projecting sign.
 - A. Limited to an area of 60 square feet. Such sign may overhang the street right-of-way line not exceeding 75% of the distance between the street right-of-way line and the street curb line.
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).
 - (3) Roof sign. Limited to an area of 60 square feet.
 - (4) Wall sign.
 - A. Limited to an area of 60 square feet.
 - B. A minimum vertical height of eight feet above finished grade if the sign projects out from the building.
 - (5) Canopy sign.
 - A. Limited to under the canopy.
 - B. A minimum vertical height as to not create a hazard to pedestrian traffic.
 - (6) Portable sign, temporary sign, see Section 1133.04(f).
- (e) Industrial Districts. The following types of signs shall be permitted in any M District. See Section 1133.04 for general requirements.
 - (1) Free-standing sign.
 - A. Limited to an area of 200 square feet.
 - B. A minimum vertical height of nine feet above finished grade.
 - C. Changeable copy panel or attraction board, see Section 1133.04(h)(4).

- (2) Ground sign. The area of the sign shall not exceed 100 square feet, set back at least one-half of the depth of the required front yard.
- (3) Portable sign, temporary sign, see Section 1133.04(f).
- (4) Wall sign.
 - A. Limited to an area of 100 square feet.
 - B. A minimum vertical height of eight feet above finished grade if the sign projects out from the building. (1979 Code 150.08)

1133.06 OFF-PREMISES ADVERTISING SIGN.

The following regulations shall be applicable to off-premises advertising signs.

- (a) Off-premises signs shall be permitted in B-1, B-2, B-3, M-1, and M-2 Districts. Two off-premises signs may be permitted at a single location.
- (b) Free-standing, off-premises signs shall be permitted in the B-1 District, provided the sign has a front yard setback of not less than 25 feet and is placed no closer than 25 feet to any adjacent residential district and shall not exceed 300 square feet per face.
- (c) Free-standing, off-premises signs shall be permitted in the B-3 District, provided the sign has a front yard set back of not less than five feet and is placed no closer than 25 feet to any adjacent residential district and shall not exceed 600 square feet per sign face.
- (d) Free-standing, off-premises signs shall be permitted in the B-2, M-1, and M-2 Districts, provided the signs have a front yard setback of not less than ten feet and have a minimum vertical height of seven feet above finished grade. The signs shall not be placed closer than 30 feet to any adjacent residential district and shall not exceed, 600 square feet per sign face.
- (e) The maximum height of any free-standing, off-premises sign shall not exceed 35 feet in the districts in which they are permitted.
- (f) No off-premises sign shall be closer than 150 feet from any other off- premises sign on the same side of the street and facing the same direction.
- (g) Existing off-premises signs that do not conform to this Zoning Code maybe repaired or maintained at the same location, provided the sign is made to conform as much as possible. Approval for the total replacement of a nonconforming off-premises sign must be obtained from the Board of Zoning Appeals. (1979 Code 150.08)

1133.07 NONCONFORMING SIGNS.

(a) The provisions of Chapter 1137 shall apply to all existing signs rendered nonconforming by this section, provided, however, that no sign may be enlarged, reconstructed, altered to identify a different business or use, or structurally altered, unless conforming to the provisions of this section or any other applicable section herein. The replacement, installation, enlargement, reconstruction, or alteration of any sign shall not be permitted unless it conforms to the provision of this section.

(b) Minor repair, cleaning, or change of copy, for the same business or use shall be permitted regardless of the conforming or nonconforming status of the sign. (1979 Code 150.08)

1133.08 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the owner/lessee thereof to alter the sign so as to comply with this Zoning Code. Failure to comply with any of the provisions of this section shall be deemed a violation and shall be punishable under Section 1107.99. (1979 Code 150.08)

CHAPTER 1135
Performance Standards

1135.01 General regulations.

1135.02 Enforcement provisions.

CROSS REFERENCES

Noxious or offensive odors - See GEN. OFF. 521.09

1135.01 GENERAL REGULATIONS.

General Regulations. No land or building shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises. Any use permitted by this Zoning Code may be undertaken and maintained if acceptable limits are employed.

- (a) Any activity involving the use of storage of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the building of any such material. The requirements imposed by the Fire Marshal of the City as a result of Ohio R.C. Chapter 3781 shall be adhered to.
- (b) No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- (c) Noise which is objectionable, as determined by the Zoning Inspector, due to volume, frequency, or beat shall be muffled or otherwise controlled.
 - (1) "Objectionable" shall be defined as extending beyond the limit of noise considering the location of the use, adjacent land uses, zoning classification, and available technology for controlling the noise.
 - (2) Apparatus used exclusively for public purposes are exempt from this requirement.
- (d) No vibration shall be permitted which is discernible without instrument on any adjoining lot or property.
- (e) No air contaminant shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause excessive soiling.
 - (1) "Air Contaminant" shall be defined as particulate matter dust, fumes, gas mist, smoke, vapor, odorous substances, or any combination thereof.

- (2) Programs and equipment required by the Director of the Ohio Environmental Protection Agency, in furtherance of Ohio R.C. Chapter 3704, shall be adhered to.
- (f) No direct or reflected glare shall be permitted which is visible from any property outside an M District or from any public street, road, or highway.
- (g) No erosion, either by wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (h) Water pollution shall be subject to the requirements and regulations established by the Director of the OEPA.
- (i) Approved state plans where applicable. (1979 Code 150.09)

1135.02 ENFORCEMENT PROVISIONS.

(a) The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

(b) Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American National Standards Institute, New York, N. Y.; the Manufacturing Chemists' Association, Inc., Washington, D.C.; and the United States Bureau of Mines.
(1979 Code 150.09)

**CHAPTER 1137
Nonconformities**

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| 1137.01 Intent. 1137.02 Avoidance of undue hardships. 1137.03 Nonconforming lots of record. 1137.04 Nonconforming structures. 1137.05 Nonconforming uses of land. 1137.06 Nonconforming uses of structures or of structures and land in combination. | 1137.07 Change in nonconforming uses. 1137.08 Repairs and maintenance. 1137.09 Certificate of nonconforming use. |
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CROSS REFERENCES

Nonconforming uses - see Ohio R.C. 713.15
 Nonconformities defined - see P. & Z. 1105.02
 Nonconforming use certificate - see P. & Z. 1107.01
 Nonconforming signs - see P. & Z. 1133.07

1137.01 INTENT

It is recognized that at the time of the adopting of this Zoning Code or any of its subsequent amendments, there shall exist lots, uses of land, structures, and uses of structures and land in combination which do not conform to this Zoning Code. While such conditions are permitted to continue, the purpose of this Zoning Code is to alleviate and eventually eliminate the undesirable consequences resulting from nonconforming lots, uses of land, structures, and uses of structures and land in combination which are detrimental to the purpose of this Zoning Code. (1979 Code 150.10)

1137.02 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Zoning Code deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, the demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. (1979 Code 150.10)

1137.03 NONCONFORMING LOTS OF RECORD.

Any lot of record existing at the effective date of adoption of this Zoning Code or any of its subsequent amendments which does not conform to the lot requirements of the district in which it is located is to be considered a nonconforming lot of record.

(a) Single Nonconforming Lots of Record.

(1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code notwithstanding limitations imposed by this Zoning Code. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width or both, that are applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located.

(2) Variances of yard requirements of this Zoning Code other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 1109.02.

(b) Nonconforming Lots of Record in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of this Zoning Code and no portion of it shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code. (1979 Code 150.10)

1137.04 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise unlawful subject to the following provisions.

(a) No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(b) Should the nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

(c) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (1979 Code 1510.10)

1137.05 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Zoning Code lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful, provided:

- (a) No nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- (b) No nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the uses at the effective date of adoption or amendment of this Zoning Code.
- (c) If any nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of the land shall conform to the regulations specified by this Zoning Code for the district in which the land is located.
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with a nonconforming use of land.
(1979 Code 150.10)

1137.06 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination exists at the effective date of adoption or amendment of the Zoning Code that would not be allowed in the district under the terms of this Zoning Code the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any part of the building which was arranged or designed for the use at the time of adoption or amendment of this Zoning Code, but no nonconforming use shall be extended to occupy any land outside the building.
- (c) Any structure, or structure and land in combination, in or on which a nonconforming use is changed to a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.
- (d) When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (e) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) A nonconforming residential use in a business district shall be permitted to continue as if they were in a residential district. The use must comply with the requirements of an R-1 Residential District. However, the use shall not be expanded into a combination business and residential use. Before the building is altered to be used for a business, the State Building Code, Fire Code, and all other applicable codes must be met. (1979 Code 150.10)

1137.07 CHANGE IN NONCONFORMING USES.

If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equal or more appropriate to the district than the existing nonconforming use. In permitting the change, the Board may require certain conditions and safeguards.

1137.08 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official.
(1979 Code 150.10)

1137.09 CERTIFICATE OF NONCONFORMING USE.

Upon the effective date of this Zoning Code, the Zoning Inspector shall issue a certificate of nonconforming use to all owners of property, the use of which does not conform to the district regulations in which the property is located. Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in the district, but shall without further action be considered a conforming use.
(1979 Code 150.10)

CHAPTER 1139
Mobile Home Park (RMH)

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| 1139.01 | Intent. | 1139.05 | Mobile home park requirements. |
| 1139.02 | Definitions. | 1139.06 | Mobile home subdivision. |
| 1139.03 | Approval procedure. | 1139.07 | Recreational campground. |
| 1139.04 | General regulations. | | |

CROSS REFERENCES

Mobile home parks - see O.A.C. Chap. 3701-27

1139.01 INTENT.

It is the intent of this section to regulate the location of, and to encourage, stabilize, and protect the development of mobile home parks. Notwithstanding any other provision or restriction provided in this Zoning Code, the following procedures, standards, and restrictions shall apply to all mobile home developments to be developed hereafter. (1979 Code 150.11)

1139.02 DEFINITIONS.

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

- (a) "MOBILE HOME PARK." A parcel of land under single ownership on which two or more mobile homes are occupied as residences, and meeting the requirements of this section.
- (b) "MOBILE HOME SUBDIVISION." A subdivision designed and intended primarily for the sale of lots for residential occupancy by mobile homes. (1979 Code 150.11)

1139.03 APPROVAL PROCEDURE.

Mobile home parks and mobile home subdivisions shall be located only in a Mobile Home Park District (RMH) and shall be developed according to the general regulations stated and referenced in this section. Recreational campgrounds shall be permitted in the S-1 District and in the RMH District, and should be developed according to the general regulations stated and referenced in this section. The procedure to amend the Zoning Map shall be the procedure for amendments specified in Chapter 1111. (1979 Code 150.11)

1139.04 GENERAL REGULATIONS.

The Planning Commission and City Council shall review the particular fact and circumstances of each proposed mobile home park, mobile home subdivision, and recreational campground, in terms of the following standards and shall find adequate evidence showing that the mobile home park development:

- (a) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the character of the vicinity of the proposed mobile home park and will not change the essential character of the area.
- (b) Will not be detrimental to existing or future residential uses.
- (c) Will be served adequately by public facilities and services or that the persons responsible for the establishment of the proposed park shall be able to provide adequate services.
- (d) Will have vehicular approaches to the property to which shall be so designed as not to create an interference with traffic on surrounding public streets.
(1979 Code 150.11)

1139.05 MOBILE HOME PARK REQUIREMENTS.

(a) The minimum site shall contain five acres unless the development is an extension of an existing park. The mobile home park shall meet the requirements of 3701-27 of the Ohio Administrative Code, adopted by the Public Health Council under the authority of Ohio R.C. 3733.02.

(b) Individual mobile homes located within the mobile home park shall have a minimum floor area of 600 square feet. (1979 Code 150.11)

1139.06 MOBILE HOME SUBDIVISION.

The size of a mobile home subdivision shall be as provided for a mobile home park. The procedure and design of a mobile home subdivision shall be the same as those provided for in the Subdivision Regulations. (1979 Code 150.11)

1139.07 RECREATIONAL CAMPGROUND.

The size of and the procedure for a recreational campground shall be as provided herein for a mobile home park, and the design, installation, and maintenance shall be as required by the State Board of Health. (1979 Code 150.11)

**CHAPTER 1141
Manufactured Homes**

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| <p>1141.01 Intent.</p> <p>1141.02 Definitions.</p> <p>1141.03 Classification of manufactured or mobile homes.</p> <p>1141.04 Applicability; permitted placement.</p> | <p>1141.05 Replacement of nonconforming homes.</p> <p>1141.06 Exterior appearance standards.</p> |
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CROSS REFERENCES

Manufactured home parks - see Ohio R.C. Chap. 3733

1141.01 INTENT.

It is the intent of this section to encourage the provision of alternative modest income housing in residential areas by permitting the use of Class A manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted. This section shall apply only to manufactured or mobile homes located outside the mobile home parks or communities.

1141.02 DEFINITIONS.

(a) "ANCHORING SYSTEM." An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.

(b) "DESIGN, RESIDENTIAL." A manufactured home which has the same siding materials and pitched shingled roofs as used on conventional homes.

(c) "DESIGN, STANDARD." A bowed metal roof and aluminum siding, the traditional "mobile home" look.

(d) "FOUNDATION SIDING OR SKIRTING." A type of wainscoting constructed of fire and weather resistant material such as aluminum, treated pressed wood, or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

(e) "MANUFACTURED OR MOBILE HOME." A residential dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a seal certifying that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act" and defined herein as a manufactured home, and meeting the requirements of a manufactured home as defined in Ohio R.C. 4501.01.

(f) "PERMANENT PERIMETER ENCLOSURE." A foundation which forms a complete enclosure under exterior walls.

(g) "PERMANENT FOUNDATION." Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

(h) "RECREATIONAL VEHICLE (RV)." A vehicular portable structure built on a chassis and not exceeding a gross weight of 4,500 pounds when factory-equipped for the road or an overall length of 40 feet and designed to be used as a temporary dwelling, travel, recreational, and vacation uses.

(i) "SECTION." A unit of a manufactured home at least ten body feet in width and 30 body feet in length.

(j) "SUPPORT SYSTEM." A pad or a combination of footing, piers, caps, plates, and shims, which when properly installed, support the manufactured or mobile home.
(1979 Code 150.12)

1141.03 CLASSIFICATION OF MANUFACTURED OR MOBILE HOMES.

Class A. A manufactured home certified as meeting the mobile home construction and safety standards of the Department of Housing and Urban Development, residential designed home placed on a permanent foundation. (1979 Code 150.12; Ord. 98-89. Passed 9-1-98.)

1141.04 APPLICABILITY; PERMITTED PLACEMENT.

The establishment, location, and use of a Class A manufactured home as a permanent residence approved individually, by specific materials, or by design, shall be permitted in any district permitting a dwelling unit, subject to the requirements applying to residential uses in the district and provided the dwelling shall meet the exterior appearance standards, as hereinafter set forth in Section 1141.06. A zoning certificate shall be required for all applications for such use. Approval procedure is set forth in Section 1107.02. Applications for approval shall be submitted to the Zoning Inspector on such forms as he may require to make his determination.
(1979 Code 150.12)

1141.05 REPLACEMENT OF NONCONFORMING HOMES.

Upon removal of a mobile home from a residential lot within the City, the following conditions shall apply to any replacement: it may be replaced only with a manufactured (Class A) or custom built home with a permanent foundation.
(Ord. 98-89. Passed 9-8-98.)

1141.06 EXTERIOR APPEARANCE STANDARDS.

Class A manufactured homes shall:

- (a) Meet all requirements for lot, yard, building, and other requirements for the district in which it is located.
- (b) Be placed on a permanent foundation.
- (c) Utilize a permanent perimeter enclosure in accordance with the approved installation standards and this section.
- (d) Be anchored to the ground in accordance with the manufacturer's specifications.
- (e) Have all wheels, axles, and hitch mechanisms removed.
- (f) Have utilities connected, in accordance with the City requirements and manufacturer's specifications.
- (g) Have siding material which looks like a type used on site-constructed residences.
- (h) Have a pitch roof of not less than two-and-one-half inches of rise for each one foot of horizontal run and have roofing material of a type used on site-constructed residences.
- (i) Have a minimum width of the main body as assembled on the site not less than 20 feet, measured across the narrowest portion.
- (j) The home shall appear to face the public street. (1979 Code 150.12)

**CHAPTER 1143
Home Occupation**

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| <p>1143.01 Purpose.</p> <p>1143.02 General standards.</p> <p>1143.03 Supplementary conditions and safeguards.</p> <p>1143.04 Action by Board of Zoning Appeals.</p> <p>1143.05 Expiration of home occupation permit.</p> | <p>1143.06 Home occupation renewal.</p> <p>1143.07 Resubmitting home occupation permit.</p> <p>1143.08 Appeals from Board of Zoning Appeals.</p> <p>1143.09 Fees.</p> |
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CROSS REFERENCES

Home occupation defined - see P. & Z. 1105.020

1143.01 PURPOSE.

The purpose of the home occupation provision is to allow for home occupations which are compatible with the neighborhoods in which they are located. (1979 Code 150.26)

1143.02 GENERAL STANDARDS.

The Board of Zoning Appeals shall not permit the establishment of a home occupation unless and until the following facts or conditions exist.

- (a) No more than one person other than the members of the family residing on the premises may be engaged in the home occupation. In no case shall there be more than three persons engaged in the home occupation.
- (b) The ratio of time/space is equal to or less than .25. (Business hours per week divided by 168 hours plus the area of the occupation divided by the total area of the dwelling divided 2.)
- (c) In no way shall the appearance of the structure be altered or the occupation within in the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.

- (d) An accessory building may be used for a home occupation, but the area used in the accessory building shall be used in determining the time/space ratio.
- (e) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what occurs in the applicable zoning district. All off-street parking requirements shall meet the requirements of Chapter 1131.
- (f) There shall be no use of public utilities or community facilities to an extent beyond the normal use of the property for residential purposes.
- (g) There shall be one sign, not exceeding four square feet in area nonilluminated, and mounted flat against the wall of the principal or accessory building or a free-standing, nonilluminated identification sign not greater than two square feet in area.
- (h) No space outside the principal or accessory building shall be used for storage or for any home occupational purpose.
- (i) All home occupation permits must get additional approval from the particular agency that may regulate the occupation, and a copy of the approval must be attached to the home occupation permit. (1979 Code 150.26)

1143.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting a home occupation permit, the Board may prescribe appropriate conditions and safeguards with respect to location, construction, maintenance, and operation, in addition to those stipulated in this Zoning Code for the particular home occupation permit as the Board may deem necessary for the protection of adjacent properties and the public interest. Violations of such conditions and safeguards, when made a part of the terms under which the home occupation is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1107.99. The Board may also require such evidence and a guarantee or bond as it may deem to be necessary that the conditions attached are being and will be complied with. (1979 Code 150.26)

1143.04 ACTION BY BOARD OF ZONING APPEALS.

- (a) Hearing The Board shall hold a public hearing on an application for home occupation permit within 35 working days from receipt of the application.
 - (1) Notice of the hearing on an application for a home occupation shall be given by publishing the notice, in a newspaper of general circulation of the City at least ten days before the day of the hearing. Written notice of the hearing, shall be mailed by first class mail, at least ten days before the date of the hearing, to all abutting property owners. The notice shall set forth the time and place of the public hearing, and the nature of the proposed home occupation.
 - (2) Upon the day for hearing an application, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause further notice as it deems proper to be served upon other property owners as it decides may be substantially interested in the application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, unless the Board so decides.

(b) Within 30 days after the public hearing, the Board shall either approve, approve with supplementary conditions, or deny the request for a home occupation.

- (1) A certified copy of the Board's decision shall be transmitted to all parties in interest. The decision shall be binding upon the Zoning Inspector and observed by the Inspector and the terms and conditions of the decision shall be incorporated in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- (2) A decision of the Board shall not become final until the expiration of five days from the date the decision is made, unless the Board shall find that the immediate taking effect of the decision is necessary for the preservation of property or personal rights, and shall so certify on the record.
(1979 Code 150.26)

1143.05 EXPIRATION OF HOME OCCUPATION PERMIT.

A home occupation permit shall be deemed to authorize only one particular home occupation and the permit shall automatically expire, if for any reason, the home occupation has not been renewed as required in Section 1143.06.

(1979 Code 150.26)

1143.06 HOME OCCUPATION RENEWAL

Home occupations have an initial time limit not exceeding one year. A renewal fee shall be submitted for each year after the initial year for all home occupations. A renewal application shall be made on forms provided by the Zoning Inspector. The application shall be reviewed and an inspection made of the property by the Zoning Inspector to verify continued compliance with the necessary criteria and conditions established with the initial approval. If in the review by the Zoning Inspector the applicant has not complied with the necessary conditions, the matter shall be referred to the Board for consideration. The Board may without further hearing revoke any home occupation permit for noncompliance with the conditions set forth in the approved original permit. Any permit revoked by the Board may not be resubmitted for a period of one year.

(1979 Code 150.26)

1143.07 RESUBMITTING HOME OCCUPATION PERMITS.

Any home occupation denied by the Board may not be resubmitted for a period of six months unless the applicant can demonstrate to the Zoning Inspector and the Board either of the following.

- (a) That a new plan or use is proposed.
- (b) That new facts or other pertinent information have been discovered that were not presented previously. (1979 Code 150.26)

1143.08 APPEALS FROM BOARD OF ZONING APPEALS.

Appeals from the Board's decisions shall be made in the manner as specified in Section 1109.01(d). (1979 Code 150.26)

1143.09 FEES.

As established in Section 1107.99, the fees for home occupation permits shall be set by the City Council. The current fee schedule is available for examination in the office of the Zoning Inspector.

- (a) The fee is part of and shall accompany the application.
- (b) Fees are not reimbursable. (1979 Code 150.26)

TITLE FIVE - Subdivision Regulations

- Chap. 1160. General Provisions, Definitions and Penalty.
 Chap. 1161. Procedures.
 Chap. 1162. Subdivision Design Standards.
 Chap. 1163. Required Improvements.
 Chap. 1164. Storm Water Facilities.

CHAPTER 1160
General Provisions, Definitions and Penalty

- | | |
|--------------------------------------------|--------------------------------|
| 1160.01 Purpose. | 1160.04 Administration. |
| 1160.02 Scope. | 1160.05 Definitions. |
| 1160.03 Application of regulations. | 1160.06 Amendments. |

CROSS REFERENCES

- Statutory definitions - see Ohio R.C. 711.001
 Violation of rules and regulations - see Ohio R.C. 711.102

1160.01 PURPOSE.

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum regulations adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide permanently for a wholesome community environment, adequate Municipal services and safe streets.

(Ord. 98-5. Passed 1-6-98.)

1160.02 SCOPE.

These Subdivision Regulations shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of these Regulations. Nor is it intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Regulations, or with private restrictions or covenants running with the land to which the City is a party. Where these Regulations impose a greater restriction on land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Regulations shall prevail.

(Ord. 98-5. Passed 1-6-98.)

1160.03 APPLICATION OF REGULATIONS.

The Subdivision Regulations contained herein shall apply within the corporate limits of the City and in the unincorporated area lying within three miles of such corporate limits, subject to limitations specified in Ohio R.C. 711.09. Subdivisions in the unincorporated area lying within three miles of such corporate limits may also be subject to the County or Township Subdivision Regulations and require their approval.

(Ord. 98-5. Passed 1-6-98.)

1160.04 ADMINISTRATION.

The provisions of these Subdivision Regulations shall be administered and enforced by the City Planning Commission and the City Engineer. Such rules and procedures as are necessary to carry out the provisions of these Regulations may be adopted by the Commission and the City Engineer.

(Ord. 98-5. Passed 1-6-98.)

1160.05 DEFINITIONS.

As used in these Subdivision Regulations, unless otherwise provided:

- (a) "Block" means a parcel of land bounded on all sides by a street or streets.
- (b) "City" means the City of Fostoria, Ohio.
- (c) "City Council" means the Council of the City.
- (d) "City Engineer" means the Engineer of the City.
- (e) "City Planning Commission" means the planning commission of the City.
- (f) "County" means the County of Seneca, Hancock or Wood, State of Ohio.
 - (1) "County Engineer" means the Engineer of the County.
 - (2) "Regional Planning Commission" means the planning commission of Seneca, Hancock or Wood County.
- (g) "Cul-de-sac" - see "street".
- (h) "Developer" means an individual, group of individuals, organization or any other legal entity undertaking or contracting for construction of improvements on subdivided land.
- (i) "Easement" means a grant by a property owner to an individual, group of individuals, organization or any other legal entity, to the use of a certain parcel of land for a specified purpose. "Utilities easement" means an easement granted for installation and/or maintenance of public utilities.
- (j) "Improvements" means streets, curbs, gutters, sidewalks, sanitary and storm sewers, water services and such other facilities as may be required for subdivision and development of land under the requirements specified by these Regulations.
- (k) "Law Director" means the Law Director of the City.
- (1) "Lot" means a piece, parcel or tract of land separated from other parcels by lot lines, and having frontage on a public street.
 - (1) "Lot area" means the computed land area contained within the lot lines, usually expressed in square feet or in acres and fractions thereof.
 - (2) "Corner lot" means a lot at the juncture of, and fronting upon two or more intersecting streets or upon two parts of the same street, such streets or parts of the same forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner.

- (3) "Lot depth" means the mean horizontal distance between the front and rear lot lines.
- (4) "Interior lot" means any lot other than a corner lot.
- (5) "Lot lines" means the property lines bounding a lot.
 - A. "Front lot line" means the lines separating a lot from the street on which it abuts.
 - B. "Rear lot line" means the lot line opposite to and most distant from the front lot line.
 - C. "Side lot line" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.
- (6) "Lot split" means the division of a single parcel of land into at least two but not more than five lots, either at the same time or over a period of time.
- (7) "Lot width" means the mean horizontal distance between the side lot lines measured at right angles to the depth.
- (m) "Map" means a scaled drawing or reproduction thereof of a parcel of land or subdivision of land.
 - (1) "Preliminary plat map" means a tentative proposal for the subdivision of land under these Regulations, submitted in map form to the City Planning Commission for its consideration according to the procedures specified herein.
 - (2) "Final plat map", means a final proposal for the subdivision of land, presented in map form to the City Planning Commission for approval and which, if approved, will become the official recorded plat of that subdivision.
 - (3) "Vicinity map" means a small map identifying the location of a proposed subdivision of land with reference to known points in the area around it.
- (n) "Owner" means an individual, group of individuals, organization or any other legal entity having sufficient proprietary interest in land sought to be subdivided to commence and maintain proceedings to subdivide the same under requirements specified by these Subdivision Regulations.
- (o) "Right of way" means the area between property lines utilized or reserved for use as a public street, alley or pedestrian way.
- (p) "Street" means a public right of way for vehicular traffic, including but not limited to such terms as highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, court and circle.
 - (1) "Major or arterial street" means a street of considerable continuity used for the movement of traffic between large and/or widely separated areas (as indicated by the City's or County's Master Thoroughfare Plan).
 - (2) "Secondary or collector street" means a street of intermediate continuity used for the movement of traffic between arterial streets and local streets (as indicated by the City's or County's Master Thoroughfare Plan).
 - (3) "Minor or local street" means a street used primarily for access to abutting properties.
 - (4) "Cul-de-sac" means a minor street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

- (5) "Dead-end street" means a street having one end open to vehicular traffic and the other end temporarily terminated by a vehicular turnaround.
- (6) "Alley" means a vehicular right of way providing a secondary means of access to the rear or side of abutting properties.
- (q) "Subdivider" means an individual, group of individuals, organization or any other legal entity commencing proceedings to subdivide land under requirements specified by these Subdivision Regulations.
- (r) "Subdivision" means the division of any parcel of land as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots.
 - (1) Any of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt.
 - (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (s) "Vertical visibility" means the minimum unobstructed distance between the top of an object four inches high placed on the center line of a street and another point on the center line of the same street located four and one-half feet above the surface thereof.
(Ord. 98-5. Passed 1-6-98.)

1160.06 AMENDMENTS.

These Subdivision Regulations may be enlarged or amended by Council by ordinance. Prior to adoption of such an ordinance, Council shall hold a public hearing, advertisement of which shall be made at least once in a newspaper of general circulation at least twenty days prior to the hearing.
(Ord. 98-5. Passed 1-6-98.)

**CHAPTER 1161
Procedures**

| | | | |
|----------------|------------------------------------------------------|----------------|----------------------------|
| 1161.01 | General requirements. | 1161.05 | Amended final plat. |
| 1161.02 | Subdivisions involving five lots or less. | 1161.06 | Variance. |
| 1161.03 | Preliminary plats. | 1161.07 | Appeal. |
| 1161.04 | Final plat. | 1161.99 | Penalty. |

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat recording - see Ohio R.C. 711.06

Plat approval by planning authority - see Ohio R.C. 711.09

1161.01 GENERAL REQUIREMENTS.

(a) Approval. No plat of any subdivision shall be recorded with the County or have any validity until approved in the manner herein prescribed.

(b) Prohibitions. No person, firm, corporation or other legal entity proposing to make or having made a subdivision within the territorial limits of these Subdivision Regulations shall make any contract for the sale of, or shall offer to sell such subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading, which may affect the arrangement of streets, until he or it has obtained from the City Planning Commission and Council tentative approval of the proposed subdivision.

(c) Permits. No permits required for any work in connection with any subdivision shall be issued until the plat has been approved and recorded as herein prescribed, with house numbers assigned by the City which are to be placed on each unit in a conspicuous location acceptable to the United States Post Office.

(d) Improvements. The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the City Planning Commission and Council in the manner prescribed herein.

(e) Inspection Costs. The subdivider shall reimburse the City for the costs to the City involved in inspection and checking by City personnel, or personnel hired by the City, of water and sewer facilities installations and street construction, prior to acceptance of the improvements by the City.

(f) Fees for Filing Subdivision Plat. The filing fee for a subdivision plat shall be as established by Council.
(Ord. 98-5. Passed 1-6-98.)

1161.02 SUBDIVISIONS INVOLVING FIVE LOTS OR LESS.

When a proposed subdivision of land involves no more than five lots each of which is five acres or less in area and does not require the opening, widening or extension of any street or the creation of an easement of access, it shall be submitted to the City Planning Commission for approval without a plat, providing, however, that a cumulative total of no more than five lots shall be permitted on one parcel of land without a plat.

(Ord. 01-60. Passed 6-19-01.)

(a) Requirements for Submission.

(1) Drawing and legal description. A drawing based upon a survey showing the location of the property and giving dimensions and other such information as may be necessary, and a legal description in writing, must be submitted with the request.

(2) Conveyance of right of way. When the existing street right of way width is inadequate, a conveyance of a right of way by deed shall be made by the owner to satisfy the deficiency. Such dedication shall be made to the City when within the corporate limits, or to the County when within the three mile area. The grantor shall not be required to install street improvements as a condition of conveyance.

(b) Procedure for Approval. Upon receipt of the drawing, legal description and right of way conveyance, if required, the City Planning Commission shall determine to its satisfaction that the proposed lot split is not contrary to any applicable platting, subdividing or zoning regulations, and if no conflict exists, shall approve the lot split.

(Ord. 98-5. Passed 1-6-98.)

1161.03 PRELIMINARY PLATS.

(a) Consultation. It is recommended that the subdivider or his engineer consult with the City Engineer while the plan is still in sketch form and before the preliminary plat is prepared, to acquaint himself with City ordinances, planned projects, performance bond and contract requirements.

(b) Contents. A preliminary plat shall consist of the following items:

| | <u>(Number of Copies Required)</u> | |
|----------------------------------------------------|--------------------------------------|---------------------------|
| | <u>In City</u> | <u>In Three Mile Area</u> |
| Application | 1 | 1 |
| Preliminary Map | 4 | 6 |
| Protective Covenants | 1 | 1 |
| Vicinity Map | 1 | 2 |
| Names and Addresses of Adjacent Property Owners | 1 | 1 |

(c) Preliminary Plat Map Specifications. The preliminary plat map shall be drawn to a scale of not more than 200 feet to the inch and shall contain the following data and information:

- (1) The name of the subdivision and the location thereof by section, town, range and township;
- (2) The boundaries of the proposed plat with the names of adjacent property owners or subdivisions;
- (3) The locations, right-of-way widths and names of all existing or platted streets, railroads or other utilities or right-of-way easements within 200 feet of the proposed plat;
- (4) The zoning districts, building setback lines with dimensions and easements with dimensions;
- (5) The existing contours, with intervals of not more than five feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent. Elevations are to be shown relative to sea level datum.
- (6) The location, right-of-way and names of all proposed streets; the location and dimensions of all sidewalks and easements; the layout, dimensions, front yard setbacks and numbers of all proposed lots;
- (7) The land reserved or dedicated for public use, or reserved for common use of property owners;
- (8) The location of existing sewers, water mains, culverts and other utilities, above or below ground, in the tract and within 200 feet thereof, together with pipe sizes and grades; and
- (9) The location of proposed sewers, drainage courses and water mains in the tract and within 200 feet thereof.
- (10) The proposed staging of the development.
- (11) The proposed use of all parcels, including the number of dwelling units and type of business or industry.

(d) Submission. The subdivider shall submit the required number of copies of the preliminary plat to the City Engineer no later than fifteen working days prior to the next meeting of the City Planning Commission.

(e) Notice of Public Hearing. A public hearing on the proposed plat shall be held by the City Planning Commission and shall be scheduled to occur at the same time and place as the meeting at which the proposed plat is to be considered by the Commission. Notice of the hearing shall be published in a newspaper of general circulation in the City at least five days prior to the meeting. Owners of land immediately adjacent to the lands shown on the proposed plat shall be given notice by certified mail at least five days prior to the meeting.

(f) Preparation of Report. The City Engineer shall prepare a report evaluating conformance with design standards and these Subdivision Regulations of the proposed plat and making any recommendations for alteration deemed necessary.

(g) Action by Commission. At its meeting, the City Planning Commission shall hear the report of the City Engineer upon the proposed plat and shall hold a public hearing. Following the hearing, the Commission may take action as follows:

- (1) Approval. The Commission may approve the preliminary plat and authorize the subdivider to proceed with preparation of the final plat.
- (2) Approval in principle. The Commission may give "approval in principle" when, in the judgment of the Commission, such "approval in principle" shall not bind the Commission to subsequent favorable action in the preliminary plat, but shall serve as an indication of specific problems to be solved by the subdivider before favorable action can be taken.
- (3) Table. The Commission may table the proposed plat for further consideration, subject to the time limitation specified in subsection (h) hereof.
- (4) Denial. The Commission may deny the proposed plat for failure to comply with the regulations and standards specified herein.

(h) Time Limitations. A preliminary plat not acted upon by the City Planning Commission within sixty calendar days after the date of submission shall be considered approved as submitted. Approval of the preliminary plat shall be valid for a duration of not more than one year.

(Ord. 98-5. Passed 1-6-98.)

1161.04 FINAL PLAT.

- (a) Contents. A final plat shall consist of the following items:

| | Number of Copies Required | |
|-----------------------|---------------------------|------------------------|
| | <u>In City In</u> | <u>Three Mile Area</u> |
| Application | 1 | 1 |
| Construction Drawings | 3 | 6 |
| Cost Estimate | 2 | 3 |
| Final Map | 3 | 6 |

- (b) Final Plat Map Specifications.

- (1) The final plat map shall be drawn to a scale of not more than 100 feet to the inch on a reproducible Mylar, and also a disc(s) using AutoCAD drawing program when available, and shall consist of the following data and information:
 - A. The name of the subdivision and the location thereof by section, town, range, township, County and State; the north point; the acreage.
 - B. The name of the owner or owners of record, the subdivider and the registered surveyor who prepared the plat; the location and ownership of adjoining property.
 - C. Certification by a surveyor or engineer registered in the State that the plan represents a survey made by him and that all monuments shown thereon actually exist and that their locations, size and materials are correctly shown.
 - D. A statement dedicating land offered for public use, or property to be reserved for the common use of property owners along with identification and measurement thereof;

- E. Protective covenants and restrictions;
 - F. A statement of approval by the City Planning Commission and a statement of acceptance by the City Engineer, and if the plat is within the three-mile area, a statement of acceptance by the County Commissioners of the appropriate county;
 - G. A statement of acknowledgment by the owner or owners of his or their adoption of the plat, and dedication of streets and other public areas;
 - H. A certificate of a notary public and evidence of title from an attorney at law;
 - I. If a zoning change is involved, certification by Council and the City Planning Commission that such change has been approved;
 - J. The boundary lines of the area being subdivided with accurate dimensions and bearings. The exterior boundary, when computed from field measurements on the ground, shall close to an error of not more than one in ten thousand (1:10,000) before balance the survey;
 - K. The plat boundaries shall be tied to existing monuments, street lines, section corners or other survey lines, by bearings and distances, and shall be accurately described or located on the plat;
 - L. A known reference point and any corporation, section, township or county lines crossing or immediately adjacent thereto;
 - M. The location of all proposed or existing monuments and bench marks within the plat or immediately adjacent thereto;
 - N. All lot lines with the necessary distance and bearing, all linear dimensions and angular measurements and a numbering system identifying each lot;
 - O. The building setback lines with dimensions; and
 - P. The measurement and identification of areas reserved for schools, parks or common use.
- (2) The platting detail shall be as follows:
- A. All bearings and angles shall be to the nearest second and all distances to one hundredth of a foot.
 - B. The street, easement and other right-of-way, both within and adjacent to the plat, and their names, bearings and widths, including widths along the line of any obliquely intersecting street, lot or tract boundary line, shall be given.
 - C. Street intersection corners shall have the radius, arc length, central angle and tangent given.
 - D. Curve data shall be given for each lot or parcel, including radius, arc length, central angle and chord.

(c) Construction Drawing Contents. The construction drawings shall be drawn to a scale of not more than thirty feet to the inch (1" = 30') and shall contain the following information:

- (1) All improvements, including streets, sidewalks, curbs, gutters, sewers, culverts and water and gas mains, with typical cross-sections, profiles and any other necessary details, as built;
- (2) A map showing the division of drainage run-off areas, a complete set of calculations determining the size of pipe or ditch channels and other necessary storm drainage/retention information;
- (3) The street planting plan in conformity with City laws and regulations;
- (4) An estimate of the cost of improvements not yet completed at the time of the final plat application;
- (5) Certification by an engineer registered in the State;
- (6) Evidence that such drawings have been duly approved by the State Environmental Protection Agency and/or any other governing agencies when approval of such agencies is required by law.

(d) Submission. The subdivider shall submit the required number of copies of the final plat to the City Engineer no later than fifteen working days prior to the next meeting of the City Planning Commission.

(e) Action by Commission. At its meeting, the Commission shall review the final plat for conformity with the preliminary plat and all other requirements specified by these Subdivision Regulations, and if the plat is found to meet such requirements, shall approve the plat and recommend its approval by Council.

(f) Action by Council. Within thirty days after the receipt of the final plat and a recommendation from the City Planning Commission, Council shall approve or disapprove the plat. The subdivider shall accompany such submission with evidence that all improvements have been completed and that all inspection reimbursements have been paid to the satisfaction of the City Engineer, or shall post a bond or other financial instrument, as approved by the Law Director, for 110 percent of the cost of such improvements and inspections pending the completion thereof or until a petition for improvement by assessment has been properly submitted under Ohio R.C. Chapter 727, provided, however, that final approval of any plat proposed to be improved by assessment shall not be granted until the owner has provided the City with a bond or letter of credit continuing through the period of assessments in the amount of 100 percent of the estimated costs of the improvement.

(g) Recording. The City Engineer shall notify the subdivider, the City Planning Commission and Council, by mail, within five working days after the date of Council action. The subdivider is then required to record the plat with the County Recorder within ninety days. If such recording is not made within ninety days, the approval will become void and reapplication must be made.

(h) Copies Filed. After recording, the subdivider shall file with the City a reproducible tracing on Mylar or an equally durable substitute, of the final plat.

(i) "As-Built Drawings". In the event the improvements have not been completed prior to submission of the final plat, the subdivider shall submit three copies of "as-built" construction plans, certified by an engineer registered in the State, as outlined in subsection (c) hereof, together with any changes, prior to acceptance of any such improvement.

(j) Time Limitation. If the final plat is not approved within thirty days from the time of receipt of the same by Council, the provisions of Ohio R.C. 711.09 shall apply. (Ord. 98-5. Passed 1-6-98.)

1161.05 AMENDED FINAL PLAT.

When a final plat has been approved by the City and recorded, as provided in Section 1161.04, an amended final subdivision plat may be submitted to the City for approval under the following terms and conditions:

- (a) The filing fee for an amended final subdivision plat shall be as established by Council and Section 1161.01 (f) shall not apply to such amended plat.
- (b) The subdivider shall not be required to comply with Section 1161.03.
- (c) The amended final subdivision plat shall comply with Section 1161.04, and the subdivider shall follow that section in submitting the amended final subdivision plat to the City Planning Commission and Council and in recording the plat, except for any reference to a preliminary plat. (Ord. 98-5. Passed 1-6-98.)

1161.06 VARIANCE.

The following regulations shall govern the granting of variances:

- (a) Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the Comprehensive Land Use Plan or the zoning regulation, if such exists.
- (b) In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objective of the standards or requirements so varied or modified. (Ord. 98-5. Passed 1-6-98.)

1161.07 APPEAL.

Any person who believes he has been aggrieved by these regulations or the action of the Planning Commission, has the rights of appeal as set forth in Ohio R.C. Chapter 711 or any other applicable section of the Ohio Revised Code. (Ord. 98-5. Passed 1-6-98.)

1161.99 PENALTY.

(a) Whoever violates any rule or regulation adopted by the City Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the City or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Such sum may be recovered with costs in a civil action in the Municipal Court of the City. Each day that a violation is permitted to exist shall constitute a separate violation.

(b) Whenever the owner or agent of the owner of any land within the jurisdiction of this chapter, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, that person shall forfeit and pay the sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars(\$500.00) for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.
(Ord. 98-5. Passed 1-6-98.)

CHAPTER 1162
Subdivision Design Standards

1162.01 Streets.
1162.02 Blocks.

1162.03 Lots.
1162.04 Easements.

CROSS REFERENCES
Zoning lot size - see P. & Z. Ch. 1127

1162.01 STREETS.

(a) Layout Pattern. Street layout shall conform to the general pattern shown on the Major Thoroughfare Plan and with the provisions of these Subdivision Regulations, and shall be designed with due regard to topography, drainage and other physical considerations.

(b) Continuity. The street pattern shall make provisions for the continuance of streets into adjacent vacant property and for connection to existing rights of way in adjacent developed property.

(c) Names. Names of new streets shall not duplicate existing street names except where coterminous or where the new right of way is in alignment with an existing one. Further, names of new streets shall not closely approximate or be similar to any existing street names. All new streets shall be named in accordance with the following schedule.

| <u>General Direction of Street</u> | <u>Name Ends With</u> |
|------------------------------------|-----------------------|
| North and South | Street |
| East and West | Avenue |
| Diagonal | Road |
| Curving | Drive |
| Cul-de-sac, North and South | Place |
| Cul-de-sac, East and West | Court |
| Circular or part thereof | Circle |
| Alley, East and West | Lane |
| Alley, North and South | Way |

(d) Widths, Grades, Curve Radii. Streets shall be designed in accordance with the following standards:

| Type of Street | Minimum Right-of-Way | Minimum Pavement (B/B Curb) | Maximum Grade (%) | Maximum Curve (Degree) | Minimum Radius | Minimum Vertical Visibility |
|--------------------------|----------------------|-----------------------------|-------------------|------------------------|----------------|-----------------------------|
| Arterial (Major) Divided | 120 | 24 plus 24 | 4 | 5 | 1150 | 500 |
| Undivided | 80 | 48 | 4 | 5 | 1150 | 500 |
| Collector (Secondary) | 60 | 37 | 8 | 20 | 400 | 200 |
| Local (minor) | 60 | 28 | 10 | — | 200 | 100 |

(e) Intersections.

- (1) Streets shall intersect at right angles wherever possible and practicable.
- (2) Curb lines at intersections shall be rounded to a minimum radius of thirty feet and property lines at intersections to a minimum radius of twenty feet.
- (3) Street grades shall not exceed three percent within 100 feet of an intersection.
- (4) The approach to an intersection shall be perpendicular to the intersected street for a distance of not less than 100 feet from the center line of the intersected street.
- (5) Jogs if less than 125 feet from center line to center line shall not be permitted.

(f) Dead Ends and Cul-de-Sacs.

- (1) Dead-end streets shall not be permitted unless provided with a paved cul-de-sac having a right-of-way radius of not less than sixty feet and a pavement radius of not less than fifty feet.
- (2) The maximum length of a cul-de-sac shall be 600 feet measured from the center of the turnaround to the center line of the intersecting street.
- (3) Where a street ends at a subdivision line for future extension, it shall be provided with a temporary turnaround until such extension is completed.

(g) Half or Partial Streets. The dedication of half or partial streets shall not be permitted except when a half or partial street exists adjacent to the tract to be subdivided in which case the other portion of such half or partial street shall be dedicated.

(h) Alleys.

- (1) Alleys shall not be permitted in Single and Two-Family Districts unless necessitated by unusual considerations.
- (2) Alleys shall be provided in Multi-Family, Business and Industrial Districts, unless satisfactory alternate arrangements are made for access to off street parking, loading and service areas.

- (3) The minimum width of an alley shall be twenty feet.
- (4) Dead-end alleys shall not be permitted.
(Ord. 98-5. Passed 1-6-98.)

1162.02 BLOCKS.

The length, width and shape of a block shall be determined with due regard to the need for access, areas of buildable sites and limitations of topography, but in no case shall a block exceed 1500 feet in length.
(Ord. 98-5. Passed 1-6-98.)

1162.03 LOTS.

(a) Frontage. All lots shall abut by their full frontage on a public street. Lots abutting major or secondary streets will have reverse frontage lots.

(b) Minimum Size. Except as modified by applicable zoning regulations, all lots shall meet or exceed the following minimum sizes:

- (1) Area. Each lot served by both water and sanitary sewer facilities shall have a minimum area of 8750 square feet. If either or both water and sanitary facilities are not available to the lot, it shall have such minimum area as determined by the County Health District.
- (2) Width. Each interior lot shall have an average minimum width of seventy feet at the building line. Each corner lot shall have a minimum width of eighty feet as measured across the least width of the lot at the building line. No lot shall have a width of less than twenty feet at any point.
- (3) Depth. Each lot shall have an average minimum depth of 125 feet. Lots backing on a major street shall have a minimum depth of 150 feet. A ten foot easement shall be required at the rear line of such lots, and vehicular access shall not be permitted across such easement.

(c) Shape.

- (1) All lots shall be as nearly rectangular as practicable. Irregular or odd-shaped lots will be permitted only when unavoidable and then only when sufficiently large to permit reasonable construction and occupancy of permitted structures.
- (2) The average depth of a lot shall be not greater than three times its average width.
- (3) Triangular lots shall not be permitted.

(d) Lot Lines.

- (1) Side lot lines shall be approximately perpendicular to the street line or radial to a curved street line.
- (2) Curved side or rear lot lines shall not be permitted.

(e) Setbacks. Except as modified by applicable zoning regulations, the minimum building setback line on residential lots shall be thirty feet measured from the street right of way.

(f) Corner Lots. Corner lots shall be designed with due regard to setbacks and side yard limitations to allow reasonable construction and occupancy of permitted structures.

(g) Double Frontage. Double frontage lots other than corner lots or lots backing on a major street shall not be permitted.
(Ord. 98-5. Passed 1-6-98.)

1162.04 EASEMENTS.

(a) Easements for utilities shall be ten feet in width along the front lot lines.

(b) Easements for utilities or other purposes where necessary along side and rear lot lines shall normally be twenty feet in width, with ten on each side of the lot line. Greater widths may be required if necessitated by unusual circumstances or excessive depths.
(Ord. 98-5. Passed 1-6-98.)

**CHAPTER 1163
Required Improvements**

| | |
|-------------------------------------------------------------|---------------------------------------|
| 1163.01 Conformity required; plat approval; bonding. | 1163.04 Water supply. |
| 1163.02 Streets. | 1163.05 Sanitary sewer system. |
| 1163.03 Sidewalks. | 1163.06 Storm sewer system. |
| | 1163.07 Other improvement. |

CROSS REFERENCES

Construction of improvements - see Ohio R.C. 711.101

1163.01 CONFORMITY REQUIRED; PLAT APPROVAL; BONDING.

All improvements required by these Subdivision Regulations shall be constructed and completed under the supervision of and to the specifications required by the agency or agencies having jurisdiction over them. Final approval of any plat shall be withheld until all required improvements are completed to the satisfaction of the agency or agencies involved, or until a bond or other financial instrument approved by the Law Director has been posted in favor of the City or County, depending on the jurisdiction in the amount of 110 percent of the estimated cost of the improvements and the necessary inspections, or until a petition for improvement by assessment has been properly submitted under Ohio R.C. Chapter 727, provided, however, that final approval of any plat proposed to be improved by assessment shall not be granted until the owner has provided the City with a bond or letter of credit continuing through the period of the assessments in the amount of 100 percent of the estimated cost of the improvements.

(Ord. 98-5. Passed 1-6-98.)

1163.02 STREETS.

(a) New streets shall be paved to a minimum width as specified in Section 1162.01 (d), provided that in the case of an arterial, or major street, the requirements may be modified as follows:

- (1) The subdivider shall not be required to pave any such arterial street to a width of more than twenty-four feet each side of the center line, or the equivalent in the case of a divided pavement; or
- (2) The subdivider may enter into a contract with the City to pay into the City Treasury an amount equal to the cost of the pavement as required by subsection (a)(1) hereof, which amount shall then be used by the City in construction of the arterial street.

(b) When land is being subdivided along an existing street, the City may require that the pavement be widened. Such widening need not exceed twenty feet each side of the center line.

(c) Grades and curves shall not exceed the requirements specified in Section 1162.01 (d).

(d) Curbs and gutters shall be required in all subdivisions on both sides of each street within the subdivision.

(e) Materials and specifications for design and construction of streets, pavements, curb and gutter as required by this section shall be in conformity with current specifications on file in the office of the City Engineer.
(Ord. 98-5. Passed 1-6-98.)

1163.03 SIDEWALKS.

(a) Sidewalks shall be required on both sides of the street right of way in all subdivisions. Sidewalks shall be four feet wide with the line nearest the abutting property one foot from the abutting property line.

(b) Materials and specifications for the design and construction of sidewalks as required by this section shall be in conformity with current specifications on file in the office of the City Engineer
(Ord. 98-5. Passed 1-6-98.)

1163.04 WATER SUPPLY.

(a) A water supply serving all lots in any subdivision shall be required.

(b) Water mains shall be a minimum of 8 inches, adjusted accordingly for compliance with NFPA 1141 Standard 3-7.

(c) Where a public water supply is available as determined by the City, every lot in the subdivision shall be provided with a connection thereto.

(d) Where a public water supply is not available as determined by the City, the subdivider shall be required to construct wells or another private system subject to approval by the City or County agency having jurisdiction.

(e) Fire hydrants shall be installed in all subdivisions at all street intersections and at intervals of 300 feet, depending on the area being served.

(f) Materials and specifications for the design and construction of water mains and lot services as required by this section shall be in conformity with current specifications on file in the office of the City Engineer.
(Ord. 98-5. Passed 1-6-98.)

1163.05 SANITARY SEWER SYSTEM.

(a) A sanitary sewage disposal system serving all lots in any subdivision shall be required.

(b) Where a public sanitary sewer system is available, as determined by the City, every lot within the subdivision shall be provided with a connection thereto.

(c) Where a public sanitary sewer is not accessible, as determined by the City, the subdivider shall be required to provide an acceptable disposal system subject to the approval of the City, the County or any other agency having jurisdiction.

(d) Materials and specifications for the design and construction of the sanitary sewer and lot laterals as required by this section shall be in conformity with current specifications on file in the office of the City Engineer.

(e) Sanitary sewers shall be a minimum of eight inches and all sanitary laterals shall be a minimum of six inches.
(Ord. 98-5. Passed 1-6-98.)

1163.06 STORM SEWER SYSTEM.

(a) A system for disposal of storm drainage shall be required in all subdivisions.

(b) Where connection to existing public storm drainage facilities is available, as determined by the City, the storm drainage system of the subdivision shall be connected thereto, and every lot within the subdivision shall be provided with a connection thereto.

(c) Where connection to a public storm drainage system is not possible, as determined by the City, the subdivider shall be required to make such alternate provisions for storm drainage disposal as are approved by the City or County agency having jurisdiction.

(d) Storm sewers shall be a minimum of twelve inches and storm laterals shall be a minimum of eight inches.

(e) Each lot in any subdivision shall be so graded as to permit the flow of storm drainage from the entire lot to a public system for disposal.

(f) Materials and specifications for the design and construction of storm sewers, lot laterals and drainage facilities as required by this section shall be in conformity with current specifications on file in the office of the City Engineer.

(g) Any subdivision greater than one net acre shall also comply with the provisions of Chapter 1164, Storm Water Facilities.
(Ord. 98-5. Passed 1-6-98.)

1163.07 OTHER IMPROVEMENT.

(a) Requirements for Underground Wiring. The subdivider shall make arrangements for all lines for public utility services distributed by facilities such as wire or cable to be placed underground entirely throughout a newly subdivided area, except for major or secondary thoroughfare rights-of-way, and such conduits or cables shall be placed within private easements provided to such public utility service companies by the developer; provided, however, that overhead lines may be permitted within the limits of said newly subdivided area upon approval of the City Planning Commission and City Council at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. In the event that a public utility company foresees practical difficulties in complying with the requirements of this section, such company may petition the City Planning Commission and City Council for a variance. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the State. All drainage and underground public utility installations which traverse privately owned property shall be protected by easements granted by the subdivider.

(b) Street name signs shall be provided at all street intersections and shall be of a type approved by the City and shall be placed according to current specifications on file in the office of the City Engineer. Traffic regulations signs, as may be required, will be located as required by City Council.

(c) Street lighting of a type approved by the City shall be provided in all subdivisions.

(d) A street planting plan shall be submitted to the City for review by the City Tree Commission.

Upon receipt of the Tree Commission's recommendations, the City Planning Commission shall review the plan as part of the subdivision approval process. All trees planted shall be in accordance with the provisions of any applicable laws or regulations.

(e) Monuments consisting of steel pins one inch in diameter and not less than thirty inches in length shall be placed at all angle points, points of curves in streets and at intermediate points as required by the City, and at all lot corners.

(f) Permanent monuments consisting of a one-inch steel rod thirty inches in length with a surveyor's identification cap shall be placed at all block corners and at the intersections of all subdivision boundary lines.

(g) The subdivider shall enter into an agreement with the City containing a restriction upon the plat whereby the City's Zoning Inspector will not be permitted to issue a zoning certificate for any structure upon any lot within such subdivision until the improvements have been made with the City for the completion of such improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision.

(Ord. 98-5. Passed 1-6-98.)

CHAPTER 1164
Storm Water Facilities

| | |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1164.01 Definitions.</p> <p>1164.02 Design and construction generally.</p> | <p>1164.03 Drainage calculations.</p> <p>1164.04 System sizing.</p> <p>1164.05 Storm water retention/detention.</p> |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

CROSS REFERENCES

Sewer regulations generally - see S.U. & P.S. Ch. 937

1164.01 DEFINITIONS.

- (a) "Acre" means 43,560 square feet.
- (b) "Detention" means storage of drainage for a short period of time and then release of the same at a controlled rate. The storage area may remain dry during nondrainage periods.
- (c) "Flow (Q)" means the volume of liquids traveling through a vessel, such as a pipe, open ditch or orifice, per unit time, such as seconds.
- (d) "1 Ft. ³" means 7.48 gallons.
- (e) "n year" means, in theory, an intensity of rain that should occur in (n) years (inches/hour).
- (f) "Orifice" means a device that controls the inlet and outlet of flow.
- (g) "Q_n" means, in theory, a flow that should occur one in (n) years.
- (h) "Retention" means storage areas that maintain a planned permanent level of water for a considerable length of time for aesthetic, agriculture, consumptive, public safety or other uses, released at a controlled rate.
(Ord. 98-5. Passed 1-6-98.)

1164.02 DESIGN AND CONSTRUCTION GENERALLY.

The design and construction of storm water facilities in the City is under the jurisdiction of the Safety-Service Director and the City Engineer.

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 in a ditch, stream, storm sewer or approved retention basin, which has sufficient capacity to accommodate the runoff in a reasonable manner as determined by the City Engineer.

Drainage easements shall be a minimum width of twenty feet when located outside of the road or street right-of-way. This easement shall be shown on the final plat and/or the construction drawings and labeled "Storm Sewer Easement".

(Ord. 98-5. Passed 1-6-98.)

1164.03 DRAINAGE CALCULATIONS.

(a) Verification of Proposed Hydraulic Design. A professional engineer, licensed to practice in Ohio, shall submit detailed storm calculations and drainage maps of sufficient scale and contour interval to verify the proposed hydraulic design. A map indicating specific drainage basins shall be submitted.

(b) Surface Run-off. Surface run-off quantity shall be determined by one of the following methods:

- (1) 100 acres or less - Rational Method ($Q = CIA$).

Where: Q = the peak run-off rate (cfs), and

C = the run-off coefficient (assumed to be dimension-less).

Note: The run-off coefficient can be assumed to be dimension-less because 1.0 acre-inch/hour is equivalent to 1.008 cubic feet per second (Ft^3/sec or cfs).

I = the average rainfall intensity (in/hr) lasting for a critical period of time.

A = the size of the drainage area in acres.

A. Intensity of precipitation for any given storm duration (concentration time off). Ohio Department of Transportation (ODOT) curves show the average precipitation intensity of storms of two, five, ten, twenty-five, fifty and 100-year frequencies. These values may be used for drainage calculations using the Rational Method for tributary areas of 100 acres or less.

B. Inlet time. At the head of the system the inlet may vary from five to twenty minutes, depending upon the size of the area and factors affecting rapid run-off.

C. Run-off coefficient. Compute a weighted value of the drainage areas, using generally accepted engineering criteria.

- (2) More than 100 acres - Urban Hydrology for Small Watersheds, Technical Release No. 55, U.S. Department of Agriculture, Soil Conservation Service.

(Ord. 98-5. Passed 1-6-98.)

1164.04 SYSTEM SIZING.

Proper engineering calculations shall be used to determine pipe, culvert, ditch, orifice and inlet control devices sizing.

- (a) Mannings equation may be used to size pipes, culverts and ditches, as follows:

$$Q = (1.49/n) AR S^{1/2}$$

Where: Q = discharge (cfs)
 n = Manning's roughness coefficient
 A = Cross-sectional area (SF)
 R = the hydraulic radius

Note: R = wetted perimeter/cross-sectional area
 S = Slope of the channel or pipe (ft/ft)

- (b) The size of storm lines shall be determined on the basis of the hydraulic gradient to provide adequate capacity of the computed run-off, using n=0.015 for vitrified clay and concrete pipe, bituminous paved corrugated metal pipe plan 0.024, paved invert 0.020, asphalt spun 0.013, and brick sewers and n = 0.013 for monolithic concrete sewers.
- (c) All storm sewers shall be designed with a hydraulic slope sufficient to provide a mean velocity when flowing full, of not less than three feet per second. Where the velocity exceeds twelve feet per second, special provisions shall be made to protect against erosion and displacement.
- (d) All storm sewers shall be properly sized, but in no case shall the size of the lines be less than twelve inches in diameter.
- (1) All storm sewers shall be sized to flow approximately full for a five year storm. The size shall be determined by working downstream from the inlet of the first sewer run.
- (2) The hydraulic gradient for a ten year storm shall be kept below the catch basin grates in all cases. This will eliminate storm water being detained on the pavement surface during this period.
- (e) The design frequency to be used for an individual structure and/or system 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. Minimum depth for storm sewers shall be planned to provide clearance for all utilities and to permit inlet leads to be laid on not less than one percent (1%) slope.
- (g) 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.
- (h) All drainage structures and appurtenances shall comply with applicable City specifications and/or the most current edition of ODOT's Construction and Materials Specifications and Standard Construction Drawings. Any discrepancy between the two shall be decided by the City.
 (Ord. 98-5. Passed 1-6-98.)

1164.05 STORM WATER RETENTION/DETENTION.

(a) Maximum Discharge Levels. All sections of this chapter are hereby qualified to prevent damages caused by accelerated storm water runoff, increased peak rates of runoff and volumes of runoff from developing areas. Storm water runoff shall be controlled, such that in no event shall the post development storm discharge exceed the pre-development discharge quantity at any point along the boundary of the development.

(b) Calculations.

- (1) The volume, in cubic feet, of a retention/detention pond, shall be calculated as follows:
- A. The peak rate of runoff from a Critical Storm (as determined below) and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a two year storm (in cfs) (Q_2) over the same area under pre-development conditions.
 - B. Storms of less frequent occurrence than the Critical Storm, up to the one hundred (100) year storm, have peak runoff rates no greater than the peak runoff rate from an equivalent year storm under pre-development conditions.
- (2) The Critical Storm for a specific development area is determined as follows:
- A. Determine by appropriate hydrologic methods the total volume of runoff from a two year storm occurring over the development area before and after development.
 - B. From the volumes determined in subsection (b)(2)A. hereof, determine the percentage increase in volume of runoff due to development. Using this percentage, select the Critical Storm from the following table:

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

- (3) Retention/detention storage volumes shall be calculated by Soil Conservation Service (SCS) TR-55 or other approved methods.
- (4) Retention/detention storage outlet pipes shall be designed for discharge based on the runoffs as calculated in subsection (b) hereof.
- (5) 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.
- (6) No on-site drainage shall outlet downstream of the main retention/detention facility without providing supplemental retention/detention as per the above criteria, or an equivalent reduction in the retention/detention outlet.
- (7) An overflow outlet shall be incorporated in the design of detention/retention basins to protect the surrounding structures in the event of an overflow.
- (8) Maximum slope of the basin shall be a 3:1 grade.
(Ord. 98-5. Passed 1-6-98.)

