

TITLE ONE - General Provisions

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CHAPTER 1101 Title; Authorization; Purpose

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1101.01 SHORT TITLE.

Titles One through Seven of this Part Eleven - Planning and Zoning Code shall be known as the "Zoning Ordinance of Munroe Falls, Ohio".

(Ord. 3-95. Passed 1-17-95.)

1101.02 AUTHORIZATION.

The Zoning Ordinance is authorized by the Ohio Revised Code.

(Ord. 3-95. Passed 1-17-95.)

1101.03 STATEMENT OF LEGISLATIVE PURPOSE.

It is the purpose of the Zoning Ordinance and the intent of Council in legislating upon this matter to: divide the Municipality

into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential and other uses within such areas, to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts respectively to prevent additions to and alterations for remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; and to prescribe penalties for the violation of the Zoning Ordinance; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the Municipality; and to promote the public health, safety and welfare.

(Ord. 3-95. Passed 1-17-95.)

1101.04 INTERPRETATION.

In their interpretation and application, the provisions of this Zoning Ordinance 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 Ordinance 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.

(Ord. 3-95. Passed 1-17-95.)

1101.05 SEPARABILITY.

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

(Ord. 3-95. Passed 1-17-95.)

1101.06 EFFECTIVE DATE.

This Zoning Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1105

Definitions

1105.01 Use of section references.

1105.02 Special meanings.

1105.03 Definitions of general terms.

CROSS REFERENCES

General code definitions - see ADM. 101.02

1105.01 USE OF SECTION REFERENCES.

Throughout this Zoning Ordinance, reference to section numbers means the numbered sections of this Zoning Ordinance. Reference to section numbers separated by the word “to” (such as Sections 1101.85 to 1101.87) is to be taken as equivalent to the words “to and including.”

(Ord. 3-95. Passed 1-17-95.)

1105.02 SPECIAL MEANINGS.

Words used in the present tense include the future. The masculine, feminine or neutral gender includes either of the others. The singular number includes the plural and the plural the singular. The word “shall” is mandatory; the word “may” is permissive. The word “lot” includes the word “plot”. The word “erected” includes the word “used” and the word “altered”. The phrase “used for” shall include “occupied for”, “intended for”, “designed for” or “arranged for”. The word “build” shall include to “erect,” “convert,” “enlarge,” “reconstruct” or “structurally alter” a building or structure or part thereof.

(Ord. 3-95. Passed 1-17-95.)

1105.03 DEFINITIONS OF GENERAL TERMS.

Words used in this Zoning Ordinance are used in their ordinary English usage. However, for the purpose of this Zoning Ordinance, certain words used herein are defined and whenever used in this Zoning Ordinance shall have the meaning indicated in this section, except where the context clearly indicates a different meaning.

(a) The following are general terms of reference:

- (1) **BOARD:** The Board of Zoning and Building Appeals of Munroe Falls, Ohio. For the purpose of the Zoning Ordinance, the Board of Zoning and Building Appeals shall also be known as the Board of Zoning Appeals. (See Section 1161.04)
- (2) **CITY:** The City of Munroe Falls, Ohio.
- (3) **COMMISSION:** The City Planning Commission of Munroe Falls, Ohio. (See Section 1161.03)
- (4) **COUNCIL:** The City Council of Munroe Falls, Ohio.
- (5) **DATE OF PASSAGE:** The date upon which this Zoning Ordinance was passed by Council.
- (6) **DISTRICT:** A part of the City wherein regulations of this Zoning Ordinance are uniform as classified by the provisions of Chapter 1109.
- (7) **MUNICIPALITY:** The City of Munroe Falls, Ohio.
- (8) **PUBLIC NOTICE:** Advance notice of a hearing or proceeding as prescribed in this Zoning Ordinance which states the subject matter to be heard and the time and place of the hearing or proceeding, printed once in a newspaper of general circulation in the Municipality.
- (9) **ZONING INSPECTOR:** The individual designated to administer the Zoning Ordinance of the City of Munroe Falls, Ohio. Duties of the Zoning Inspector may also be performed by a designated agent. (See Section 1161.02)
- (10) **ZONING MAP:** The “Zoning District Map” of the Municipality of Munroe Falls, Ohio.

(b) Certain general terms are hereby defined as follows:

- (1) **ABUTTING:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
- (2) **ACCESSORY BUILDING:** A subordinate building customarily incidental to, detached from and located upon the same lot occupied by the principal building or use.
- (3) **ACCESSORY USE (OR STRUCTURE):** A use, object, or structure constructed or installed on, above or below grade which is incidental to or customarily in connection with, or subordinate to, the principal building or use and is located on the same lot with such principal building or use.
- (4) **ACTIVE RECREATION AREA:** Area devoted to leisure time activities, which are usually of a more formal nature and performed with others, that require specific equipment or take place at prescribed places, sites or fields.
- (5) **ADDITION:** Any expansion of the floor area of an existing building in the form of more living space, storage space, or office, retail or industrial space.
- (6) **ALLEY:** A public way which affords only a secondary means of access to abutting property.
- (7) **ALTERATION:** Any change that would prolong the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders, or a change or rearrangement in the structural parts or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- (8) **APARTMENT:** See DWELLING, APARTMENT BUILDING.
- (9) **BAR OR TAVERN:** Any establishment in which the principal business is the sale of beverages at retail for consumption on the premises and the sale of beverages comprises 25 percent or more of the gross receipts.
- (10) **BASEMENT:** A portion of a building partly or entirely below the level of the finished grade. When a basement floor is less than two feet below the average finished grade, it shall be considered the first story or ground floor. (See also GRADE, FINISHED.)
- (11) **BOARDER:** A person who is provided meals for compensation on not less than a weekly basis.
- (12) **BOARDING HOUSE:** A building where meals are provided for compensation to four or more persons, other than members of the proprietor's family.
- (13) **BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.
- (14) **BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip, or gambrel roof.
- (15) **BUILDING LINE (FRONT, REAR AND SIDE):** An imaginary linear extension of the building walls parallel to the lot lines defining the limits of the front, rear and side yards.
- (16) **BUILDING, PRINCIPAL:** The building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permitted use involves more than one structure designed or used for the main purpose (such as group dwellings), each such permissible building shall be a principal building.
- (17) **CAR PORT:** A covered automobile parking space not completely enclosed by walls or doors. For the purposes of the Zoning Ordinance, a car port shall be subject to all the regulations prescribed in the Zoning Ordinance for a private garage.
- (18) **CAR WASH:** A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- (19) **CENTRALIZED SEWER SYSTEM:** Where individual lots are connected to a common sewage disposal system except septic tanks whether publicly or privately owned and operated.

(20) **CENTRALIZED WATER SYSTEM:** Where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

(21) **CHILD DAY-CARE:** Care provided for any part of the 24 hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.

(22) **CHILD DAY-CARE CENTER:** A facility, other than a Type B child day-care home, in which child care is provided for six or more infants, pre-school children, or school age children outside of school hours.

(23) **CHILD DAY-CARE HOME - TYPE B:** As defined by Ohio R.C. 5104.01(E), a permanent residence of the administrator in which child care is provided for 1-6 children and in which no more than 3 children are under two years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to the administrator and who are on the premises of the Type B home shall be counted.

(24) **CLUB:** An association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

(25) **CONDITIONAL USE:** A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district only under certain conditions set forth in Chapter 1141 and which requires approval by the City Planning Commission and City Council in accordance with the standards and procedures of Section 1163.04.

(26) **CONDITIONAL USE CERTIFICATE:** A certificate issued by the Planning Commission upon approval by Council to allow a conditional use to be established on a specific parcel within a particular district.

(27) **CONGREGATE LIVING FACILITY:** A residential facility for 9 or more elderly or handicapped persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments and counseling. (See **GROUP HOME FOR HANDICAPPED PERSONS.**)

(28) **DAY:** For the purposes of the submission and review requirements set forth in this Zoning Ordinance, day shall mean calendar day.

(29) **DENSITY:** The number of dwelling units permitted per gross acre of land.

(30) **DISTRICT:** A section of the incorporated territory within the Municipality of Munroe Falls for which the regulations governing the use of buildings and premises or the height and area of buildings or the area of premises are uniform.

(31) **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in."

(32) **DWELLING:** Any building or portion thereof which is designed and used exclusively by one or more human occupants for the purpose of residing for an extended time but not including hotels, motels, boarding houses and lodging houses. A dwelling may be comprised of more than one dwelling unit.

(33) **DWELLING UNIT:** A building or portion thereof designed exclusively for residential occupancy by one family and having toilet facilities and a kitchen.

(34) **DWELLING, APARTMENT BUILDING:** A building or portion thereof designed for occupancy by three or more families living independently of each other in three or more dwelling units where one or more of the dwelling units are above the first or ground floor.

(35) **DWELLING, ATTACHED SINGLE-FAMILY:** Single-family dwelling units which are structurally attached to one another by party walls without openings, but which maintain separate identities, including such elements as separate ground-floor entrances and utilities.

(36) **DWELLING, CLUSTER SINGLE-FAMILY:** A building designed and used exclusively for occupancy by one family, separated from other dwelling units by open space, which is grouped with other dwellings on a site and which is not

located on its own subdivided lot.

(37) **DWELLING, SINGLE-FAMILY:** A building designed and used exclusively for occupancy by one family, separated from other dwelling units by open space.

(38) **DWELLING, TWO-FAMILY:** A building designed and used exclusively by two families living independently of each other, and having separate toilet and kitchen facilities. The dwelling units may be either attached side by side or one above the other.

(39) **DWELLING, MULTI-FAMILY:** A dwelling containing three or more dwelling units.

(40) **ESSENTIAL SERVICE:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety, or general welfare.

(41) **FAMILY:** One or more persons related by blood, adoption or marriage plus no more than 3 unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a boarding house, lodging house, hotel or motel as herein defined.

(42) **FAMILY HOME FOR HANDICAPPED PERSONS:** A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 5 to 8 handicapped persons. (See **HANDICAPPED**.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see **FAMILY**), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

(43) **FENCE:** (EDITOR'S NOTE: Former subsection (b)(43) was repealed by Ordinance 16-2007. See Section 1146.01.)

(44) **FLOOR AREA, GROSS:** The sum of the gross horizontal area of every floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two attached buildings. The floor area of a building shall include:

- A. Elevator shafts and stairwells at each floor;
- B. Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;
- C. Penthouses, roofed porches, breezeways, interior balconies and mezzanines, and attics having headroom of 7 feet 10 inches or more; and
- D. Floor area devoted to accessory uses.

However, any space devoted to off-street parking or loading, or any basement, shall not be included in the gross floor area.

(45) **FRONTAGE, BLOCK:** All the property on one side of a street between two intersecting streets measured along the street right-of-way line or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of the street.

(46) **FRONTAGE, LOT:** The length of any one property line of a lot, when such line abuts a legally accessible street right-of-way.

(47) **FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is

permitted, a funeral chapel shall also be permitted.

(48) **GARAGE, PARKING:** A principal or accessory building or an enclosed space within the principal building in which off-street parking of motor vehicles is provided, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature.

(49) **GARAGE, PRIVATE:** A detached accessory building located on the same lot as the dwelling to which it is accessory, or a portion of the principal building, enclosed on all sides, designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.

(50) **GASOLINE SERVICE STATION:** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles and/or where lubricating oil or grease for operating motor vehicles is offered for sale to the public and where greasing and oiling may take place on the premises.

(51) **GRADE, FINISHED:** The average level of the finished surface of the ground adjacent to the exterior walls of the building.

(52) **GROUP HOME FOR HANDICAPPED PERSONS:** A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for at least 9 handicapped persons. (See **HANDICAPPED.**) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

(53) **HANDICAPPED:** A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

(54) **HOME OCCUPATION:** An occupation for gain which is subordinate and incidental to the use of the premises as a dwelling, carried on by a person in the home in which he resides.

(55) **HOSPITAL:** Any building or other structure containing beds for at least four patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

(56) **HOTEL (OR MOTEL):** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

(57) **HOUSEHOLD PET:** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, and domestic tropical birds.

(58) **JUNKYARD:** The use of more than 100 square feet of area of any lots, whether inside or outside a building where waste, discarded or salvaged material are bought, sold, exchanged, baled, packed, disassembled, stored, or handled for a period in excess of seven days.

(59) **JUNK MOTOR VEHICLE:** Any motor vehicle that is three years old or older; extensively damaged, the damage including, but not limited to, missing wheels, tires, motors, or transmission; apparently inoperable; has a fair market value of two hundred dollars (\$200.00) or less; and that is left uncovered in the open on private property for more than 72 hours.

(60) **KENNEL:** A building or premises where three or more dogs four months of age or older are kept.

(61) **KITCHEN:** Any room and/or other space used or intended or designed to be used for cooking or for preparation of food.

(62) **LAUNDRY, SELF-SERVE AND DRY CLEANING COUNTER OUTLETS:** A business that provides home-type washing, drying, and/or ironing machines for use by customers on the premises, or serves as a drop-off for dry-cleaning or laundry, but where no dry-cleaning processing is done on the premises.

(63) **LOADING SPACE:** A space provided outside the public right-of-way and on the same lot with a building or

contiguous to a group of buildings for the temporary parking of a commercial vehicle loading or unloading merchandise and materials.

(64) **LODGER:** A person who is provided with sleeping quarters, for compensation.

(65) **LODGING HOUSE:** A building where lodging only is provided for compensation to four or more persons other than members of the proprietor's family.

(66) **LOT:** For the purpose of this Zoning Ordinance, a lot is 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 term "zoning lot" is used synonymously with "lot" in this Zoning Ordinance. Such lot shall have frontage on an improved public street but not include any portion thereof, or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

(67) **LOT AREA:** The area contained within the lot lines, except that no area within street right-of-way lines shall be considered in determining lot area.

(68) **LOT, CORNER:** A lot at the point of intersection of and abutting two or more streets which intersect at an angle of 135° or less.

(69) **LOT DEPTH:** The mean horizontal distance measured between the right-of-way line of the street and the rear lot line.

(70) **LOT, INTERIOR:** A lot with only one frontage on a street.

(71) **LOT LINES:** The lines defining the limits of a lot. Lot line is synonymous with "property line."

A. **FRONT LOT LINE:** The line separating the lot from the street right-of-way on which the lot fronts. On a corner lot, the front lot lines shall be each lot line abutting a street .

B. **REAR LOT LINE:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, there shall be one rear lot line, as determined by the Zoning Inspector.

C. **SIDE LOT LINE:** Any lot line other than a front or rear lot line.

(72) **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder, or a parcel of land, the deed to which was of record on or prior to the actual date of this Zoning Ordinance.

(73) **LOT, THROUGH:** 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.

(74) **LOT WIDTH:** The horizontal distance measured between the side lot lines at the intersection of the mean lot depth and the front setback line.

(75) **MEDICAL CLINIC:** A building used for the diagnosis and treatment of human patients that does not include overnight care facilities.

(76) **MAXIMUM BUILDING SETBACK:** The maximum permitted horizontal distance between a front lot line and a principal building as established by this Zoning Ordinance.

(77) **MINIMUM BUILDING SETBACK LINE:** See **SETBACK LINE**.

(78) **NIGHTCLUB (see also BAR):** Any commercial establishment where a dance floor and/or entertainment is provided.

(79) **NONCONFORMITY:** A lot, use of land, building, use of buildings, or use of buildings and land in combination which lawfully existed at the time of enactment of this Zoning Ordinance or its amendments, but which fails by reason of such enactment or amendment to conform to the regulations of the district in which it is situated.

A. **NONCONFORMING USE:** The use of any building or land which lawfully existed on the effective date of this Zoning Ordinance, or any amendment or supplement thereto, but which fails by reason of such enactment or amendment to conform to the use regulations for the district in which it is located.

B. **NONCONFORMING SITE CONDITION:** Any lot, building or structure which lawfully existed on the effective date of this Zoning Ordinance, or any amendment thereto, but which fails by reason of such enactment or amendment to conform to the lot area, width or yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

(80) **NURSING OR CONVALESCENT HOME:** An extended or intermediate care facility which provides skilled nursing and dietary care for four or more persons who are ill or incapacitated or who, by reason of age or mental or physical infirmities are not capable of properly caring for themselves or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.

(81) **OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours.

(82) **OVERHANG:** The part of a roof or wall which extends beyond the facade of the lower wall. (See also PROJECTIONS.)

(83) **PARKING LOT:** An area not within a building where vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

(84) **PARKING SPACE, OFF-STREET:** An open or enclosed area adequate for parking an automobile with room for opening doors on both sides, with access to a public street. Arrangement of the parking space shall be such as to allow ingress and egress of an automobile without the necessity of moving any other automobile, and shall be located totally outside of any public right-of-way.

(85) **PERMITTED USE:** A use permitted as a matter of right upon issuance of a zoning certificate, unless a zoning certificate is not required as set forth in the Zoning Ordinance.

(86) **PLANNED UNIT RESIDENTIAL DEVELOPMENT:** An area of a minimum contiguous size, as specified in this Zoning Code, to be planned and developed as a single entity and containing one or more residential clusters and common open space.

(87) **PROJECTION:** Any architectural feature or wall which extends beyond the foundation. (See also OVERHANG.)

(88) **PUBLIC UTILITY:** Any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under municipal or county regulation, to the public, electricity, gas, steam, telephone, telegraphy, transportation of water or any other similar public utilities.

(89) **REPAIR GARAGE:** A building or portion of a building in which structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, is conducted, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.

(90) **RESEARCH AND TESTING LABORATORY:** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(91) **RESTAURANT - COUNTER SERVICE:** A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, purchased from a limited menu, for consumption either within the restaurant building or for carry-out, and where patrons are primarily served their food, frozen desserts, or

beverages by a restaurant employee at a service counter.

(92) **RESTAURANT - TABLE-SERVICE:** A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food to patrons seated at tables for consumption within the building.

(93) **RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. "Right-of-way line" also means "street line."

(94) **SATELLITE DISH RECEIVING ANTENNAS:** (Also referred to as "EARTH STATIONS" or "GROUND STATIONS".) A television signal receiving device, antenna, dish antenna, or dish-type antenna, the purpose of which is to receive television communication or signals from satellites in earth orbit and other extraterrestrial sources.

A. **DISH:** That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

B. **RECEIVER:** A television set and/or radio receiver.

(95) **SENIOR CITIZEN APARTMENTS:** A building or group of buildings containing dwelling units for households whose heads, or spouses, or sole members are at least 62 years of age or are handicapped as defined in Title II, Sec. 201 of the Housing and Community Development Act of 1974.

(96) **SETBACK:** The required minimum horizontal distance between a lot line and a structure as established by this Zoning Ordinance.

(97) **SETBACK LINE** (See also **REQUIRED YARD**): A line established by this Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of the required yard in which no building or structure may be located above ground, except as may be provided in this Zoning Ordinance. The term "setback line" shall also include "required setback line."

(98) **SHELTER, FALLOUT:** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies. Fallout shelters are accessory uses.

(99) **SIGN:** See Section 1145.02.

(100) **STABLE, PRIVATE:** A detached accessory building in which horses owned by the occupant of the premises are kept, and in which no horses are kept for hire or sale.

(101) **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, the space between such floor and the ceiling next above it. A basement shall not be considered a story when computing the number of stories of a building.

(102) **STREET, PUBLIC:** A public thoroughfare, with the exception of alleys, including the entire area within the right-of-way which has been dedicated or deeded to the public for public use and accepted by the City, and which affords traffic circulation and the principal means of public access to abutting property.

(103) **STREET, PRIVATE:** A thoroughfare which affords the principal means of access to abutting property but which has not been dedicated or deeded to the public.

(104) **STREET RIGHT-OF-WAY LINE:** A line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the boundary line of land reserved for street purposes.

(105) **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including signs, billboards, fences, sheds, decks, pools, patios, and gazebos.

(106) **TEMPORARY USE:** A use established for a predetermined period of time with the intent to discontinue such use upon the expiration of the time period.

(107) USE: The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

(108) VARIANCE: A dispensation permitted on an individual parcel of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which would otherwise be denied by the terms of the Zoning Ordinance.

(109) VETERINARY OFFICE OR ANIMAL CLINIC: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to medical care incidental to the clinic use.

(110) YARD: An open space on the same lot with a principal building that lies between the principal building and the nearest lot line, unoccupied and unobstructed by any portion of the structure from the ground upward, except for accessory uses, structures or buildings expressly permitted in this Zoning Ordinance.

(111) YARD, FRONT: A space extending along the full length of lot lines abutting a street or streets between the lot line(s) and the building line; any yard abutting a street is a front yard.

(112) YARD, REAR: A space extending along the full length of the rear of the lot between the rear lot line and the principal building line, between the side lot lines of an interior lot, or between a side lot line and a front yard of a corner lot, as the owner so designates.

(113) YARD, REQUIRED (See also SETBACK LINE): The open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Ordinance.

(114) YARD, SIDE: The space between the side lot line and the building, extending from a front yard to a rear yard.

(115) YARD, WIDTH OR DEPTH: The horizontal distance from a lot line to the principal building measured perpendicular to the building.

(116) ZONING LOT: See LOT.

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1109

Districts Established

1109.01 Establishment of districts.

1109.02 Type of districts.

1109.03 Zoning Districts Map.

1109.04 Interpretation of District Boundaries.

CROSS REFERENCES

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

Council may amend districting or zoning - see Ohio R.C. 713.10

Basis of districts - see Ohio R.C. 713.10

1109.01 ESTABLISHMENT OF DISTRICTS.

For the purpose of promoting the public health, safety, morals, convenience, and the general welfare of the community, the Municipality is hereby divided into districts, as enumerated in Section 1109.02, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the purposes of the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1109.02 TYPE OF DISTRICTS.

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- C-1 General Commercial District
- I-1 Industrial District
- T-C Town Center District
- P Park District

(Ord. 3-95. Passed 1-17-95.)

1109.03 ZONING DISTRICTS MAP.

Those districts established in Section 1109.02 are bounded and defined as shown on a map entitled “Zoning Districts Map of Munroe Falls, Ohio”. Such map with all the notations, references and other pertinent material shown thereon, is hereby incorporated by reference and declared to be a part of the Zoning Ordinance, thereby having the same force and effect as if fully described in writing.

(Ord. 3-95. Passed 1-17-95.)

1109.04 INTERPRETATION OF DISTRICT BOUNDARIES.

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

(a) Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

(b) Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.

(c) Where Boundaries Approximately Follow Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(d) Vacation of Public Ways. Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

(e) Resolving Disputes. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

(Ord. 3-95. Passed 1-17-95.)

TITLE THREE - District Regulations

Chap. 1121. R-1 Residential District. (formerly R-4)

Chap. 1123. R-2 Residential District. (formerly R-1)

Chap. 1125. R-3 Residential District. (formerly R-2)

Chap. 1127. R-4 Residential District. (formerly R-3)

Chap. 1131. C-1 General Commercial District.

Chap. 1133. I-1 Industrial District.

Chap. 1137. T-C Town Center District.

Chap. 1139. P Park District.

CHAPTER 1121 R-1 Residential District

1121.01 Purpose.

1121.02 Permitted uses.

1121.03 Conditionally permitted uses.

1121.04 Area and height regulations.

1121.05 Accessory use regulations.

1121.06 Home occupations.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1121.01 PURPOSE.

The R-1 Residential District is established to accommodate low density single family residential dwellings. The density to be encouraged (one family per acre) will perpetuate development similar to that which is already existing in the area so defined. All public utilities and facilities shall be planned and designed to serve adequately the above population density only.

(Ord. 3-95. Passed 1-17-95.)

1121.02 PERMITTED USES.

The categories of uses permitted by right in the R-1 Residential District are the following:

- (a) Single-family residential dwellings.
- (b) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- (c) Home occupation.
- (d) Child day-care home - Type B.
- (e) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95.)

1121.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Public and private schools.
- (b) Churches and other buildings for the purpose of religious worship.
- (c) Public utilities rights-of-way and pertinent structures.
- (d) Governmentally owned and/or operated parks, playgrounds and golf courses, except miniature golf courses.
- (e) Temporary buildings and uses for purposes incidental to construction work.
- (f) Recreational uses, other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs.
- (g) Governmentally owned and/or operated office buildings and/or administrative facilities.
- (h) Institutions for higher education.
- (i) Planned Unit Residential Developments.
- (j) Family home for the handicapped.

(Ord. 28-01. Passed 9-18-01.)

1121.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the R-1 District shall be constructed and located on a lot in compliance with the following area, yard and height regulations.

(a) Minimum Lot Area: Two acres without centralized water and sewer, or as regulated by the authorized public health authority; one acre with centralized water and sewer.

(b) Minimum Lot Width at Minimum Building Setback Line: 100 feet.

(c) Minimum Lot Width at Street Right-of-Way: 100 feet.

(d) Yard Requirements: Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this Chapter.

(1) Minimum Front Yard Depth: 75 feet, unless otherwise established on the Municipal Setback Map. The Municipal Setback Map shall have priority.

(2) Maximum Building Setback: Thirty percent (30%) greater than the minimum front yard depth, except on cul-de-sacs, unless otherwise established by Municipal Setback Map.

(3) Minimum Rear Yard Depth: 100 feet.

(4) Minimum Side Yard Width: 15 feet.

(e) Minimum Floor Area: Each single-family dwelling unit shall be erected and maintained in accordance with the following standards for minimum total floor area and minimum foundation floor area.

(1) Minimum Total Floor Area:

A. One-Story Structure: 1,400 square feet.

B. Structures Having More Than One Story: 2,000 square feet.

(2) Minimum Foundation Floor Area: 1,200 square feet for a structure having more than one story.

(3) For the purpose of this section, floor area shall not include porches, steps, breezeways, garages and other attached structures not intended for human occupancy.

(f) Height Regulations. No structure shall exceed a height of 35 feet or two and one-half stories.

(g) Off-Street Parking Requirements. Off-street parking spaces shall be provided in compliance with Section 1121.05 and Chapter 1143.

(Ord. 3-95. Passed 1-17-95.)

1121.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in the R-1 District shall conform to the location, coverage and height standards contained in this Section.

(a) Location of Accessory Buildings. All accessory buildings shall be located in compliance with the following standards, except as otherwise permitted in this Zoning Ordinance.

(1) A detached accessory building shall not be located in a front or side yard except that a detached garage shall be permitted in a side yard.

(2) An accessory building having a floor area greater than 192 square feet shall comply with the yard requirements for principal buildings as set forth in Section 1121.04(d) above.

(3) An accessory building having a floor area of 192 square feet or less shall be located a minimum of five feet from the side and rear lot line.

(b) **Maximum Number and Floor Area of Accessory Buildings.** A maximum of two detached accessory buildings shall be permitted on a lot in compliance with the following:

(1) There shall be no more than one private garage, detached or attached. Such garage shall not exceed 820 square feet in floor area.

(2) An accessory building, except for a garage, shall not exceed 192 square feet in floor area except as may be permitted as a conditional use in compliance with Section 1141.03 and 1141.05(i).

(3) In no case shall the sum of the floor area of all detached and attached accessory buildings exceed six percent of the gross area of the lot.

(c) **Garage Regulations.** For each dwelling unit, two off-street enclosed parking spaces shall be provided in a private garage that is either attached to and integrated with the dwelling unit, or detached and accessory to the dwelling unit. Garages shall be designed and constructed in compliance with the following:

(1) The private garage shall be used solely for the storage of motor vehicles and necessary household items. A private garage shall not be used for any home occupation or for storage of commercial vehicles or trucks of more than 11,500 pounds Gross Vehicle Weight.

(2) The floor area of a private garage shall comply with Subsection (b)(1) above and be used for storage of not more than three motor vehicles.

(3) The height of a detached private garage shall not exceed the height of the principal building or 18 feet, whichever is lower, and in no event shall a detached garage have a second story. For detached and attached garages, the maximum door opening height shall not exceed nine feet.

(4) A garage shall have a minimum outside dimension of 24 feet by 20 feet, excluding any overhang.

(d) **Maximum Rear Yard Coverage of Accessory Structures.** The sum of the area of accessory structures, detached accessory buildings and paved areas, including driveways, that are located in the rear yard shall not exceed 35 percent of the area of the rear yard. However, in no case shall an accessory building exceed the maximum area permitted in Subsection (b) above.

(e) **Maximum Height of Accessory Buildings and Structures.** Accessory buildings and structures shall not exceed 14 feet or the height of the primary residence, whichever is less, except as otherwise permitted in this Zoning Ordinance.

(f) **Swimming Pool Regulations.** A private in-ground or above-ground swimming, wading, or other pool containing over one and one-half feet of water depth shall be considered a structure for the purpose of this Zoning Ordinance and shall comply with the following regulations.

(1) A pool and associated structure such as a deck erected on a lot with a principal building shall be located in the rear yard a minimum of 15 feet from the side and rear lot line.

(2) Every swimming pool shall be completely enclosed by a wall or fence of sturdy construction. Such wall or fence shall have a height of at least four feet six inches above the water's edge and be placed a distance of at least four feet six inches from the water's edge except that a fence or wall that is at least six feet in height above grade shall not be required to meet the four feet six inch separation from the water's edge. All fence or wall openings or points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children.

(3) The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the applicable Municipal codes.

(4) A zoning certificate shall be obtained prior to the construction of a swimming pool.

(g) Fences. (EDITOR'S NOTE: Former subsection (g) hereof was repealed by Ordinance 12-2007. See Chapter 1146 for correct regulations.)

(h) Driveways and Sidewalks. Driveways and sidewalks in the front yard shall be limited to the size and width necessary to provide safe and reasonable access.

(Ord. 3-95. Passed 1-17-95; Ord. 03-2010. Passed 7-6-10; Ord. 21-2012. Passed 9-18-12.)

1121.06 HOME OCCUPATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(a) Criteria and Limitations. Home occupations shall be subject to the following criteria and limitations.

(1) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.

(2) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit.

(3) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.

(4) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to 20% of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

(5) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.

(6) The proposed use shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke or electromagnetic interference outside the dwelling.

(7) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

(8) There shall be no stock in trade or commodities sold except those which are produced on the premises.

(9) The proposed use shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.

(10) The proposed use shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.

(11) No on-street parking shall be permitted in conjunction with the home occupation. Customer parking shall be limited to the driveway area only.

(b) Violations. Failure to comply with the regulations of this section shall be a violation of this Zoning Code and shall be subject to the enforcement and penalty procedures set forth in Chapter 1167.

CHAPTER 1123

R-2 Residential District

- 1123.01 Purpose.
- 1123.02 Permitted uses.
- 1123.03 Conditionally permitted uses.
- 1123.05 Accessory use regulations.
- 1123.06 Home occupations.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1123.01 PURPOSE.

The R-2 Residential District is established to accommodate moderate density single family residential dwellings. The density to be encouraged (2 families per acre) will perpetuate development similar to that which already exists in the areas so defined. All public utilities and facilities will be planned and designed to serve adequately the above population density only.

(Ord. 3-95. Passed 1-17-95.)

1123.02 PERMITTED USES.

The categories of uses permitted by right in the R-2 Residential District are the following:

- (a) Single-family residential dwellings.
- (b) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- (c) Home occupation.
- (d) Child day-care home - Type B.
- (e) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95.)

1123.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Public and private schools.
- (b) Churches and other buildings for the purpose of religious worship.
- (c) Public utilities rights-of-way and pertinent structures.
- (d) Governmentally owned and/or operated parks, playgrounds and golf courses, except miniature golf courses.
- (e) Temporary buildings and uses for purposes incidental to construction work.
- (f) Recreational uses, other than those governmentally owned and/or operated, such as swimming pools, golf courses, tennis clubs.
- (g) Governmentally owned and/or operated office buildings and/or administrative facilities.
- (h) Institutions for higher education.
- (i) Planned Unit Residential Developments.
- (j) Family home for the handicapped.

(Ord. 28-01. Passed 9-18-01.)

1123.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the R-2 District shall be constructed and located on a lot in compliance with the following area, yard and height regulations.

- (a) Minimum Lot Area: One-half acre without centralized water and sewer, or as regulated by the authorized public health authority; 18,000 square feet with centralized water and sewer.
- (b) Minimum Lot Width at Minimum Building Setback Line: 100 feet.
- (c) Minimum Lot Width at Street Right-of-Way Line: 70 feet.
- (d) Yard Requirements: Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this Chapter.
 - (1) Minimum Front Yard Depth: 50 feet, unless otherwise established on the Municipal Setback Map. The Municipal Setback Map shall have priority.
 - (2) Maximum Building Setback: Thirty percent (30%) greater than the minimum front yard depth, except on cul-de-sacs, unless otherwise established by Municipal Setback Map.
 - (3) Minimum Rear Yard Depth: 25 feet.
 - (4) Minimum Side Yard Width: 10 feet.
- (e) Minimum Floor Area: Each single-family dwelling unit shall be erected and maintained in accordance with the following standards for minimum foundation area and minimum floor area.

(1) Minimum Total Floor Area:

A. One-Story Structure: 1,400 square feet.

B. Structures Having More Than One Story: 2,000 square feet.

(2) Minimum Foundation Floor Area: 1,200 square feet for a structure having more than one story.

(3) For the purpose of this section, floor area shall not include porches, steps, breezeways, garages and other attached structures not intended for human occupancy.

(f) Height Regulations. No structure shall exceed a height of 35 feet or two and one-half stories.

(g) Off-Street Parking Requirements. Off-street parking spaces shall be provided in compliance with Section 1123.05 and Chapter 1143.

(Ord. 3-95. Passed 1-17-95.)

1123.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in the R-2 District shall conform to the location, coverage and height standards contained in this Section.

(a) Location of Accessory Buildings. All accessory buildings shall be located in compliance with the following standards, except as otherwise permitted in this Zoning Ordinance.

(1) A detached accessory building shall not be located in a front or side yard except that a detached garage shall be permitted in a side yard.

(2) An accessory building having a floor area greater than 192 square feet shall comply with the yard requirements for principal buildings as set forth in Section 1123.04(d) above.

(3) An accessory building having a floor area of 192 square feet or less shall be located a minimum of five feet from the side and rear lot line.

(b) Maximum Number and Floor Area of Accessory Buildings. A maximum of two detached accessory buildings shall be permitted on a lot in compliance with the following:

(1) There shall be no more than one private garage, detached or attached. Such garage shall not exceed 820 square feet in floor area.

(2) An accessory building, except for a garage, shall not exceed 192 square feet in floor area except as may be permitted as a conditional use in compliance with Section 1141.03 and 1141.05(i).

(3) In no case shall the sum of the floor area of all detached and attached accessory buildings exceed six percent (6%) of the gross area of the lot.

(c) Garage Regulations. For each dwelling unit, two off-street enclosed parking spaces shall be provided in a private garage that is either attached to and integrated with the dwelling unit, or detached and accessory to the dwelling unit. Garages shall be designed and constructed in compliance with the following:

(1) The private garage shall be used solely for the storage of motor vehicles and necessary household items. A private garage shall not be used for any home occupation or for storage of commercial vehicles or trucks of more than 11,500 pounds gross vehicle weight.

(2) The floor area of a private garage shall comply with subsection (b)(1) above and be used for storage of not more than three motor vehicles.

(3) The height of a detached private garage shall not exceed the height of the principal building or 18 feet, whichever is

lower, and in no event shall a detached garage have a second story. For detached and attached garages, the maximum door opening height shall not exceed nine feet.

(4) A garage shall have a minimum outside dimension of 24 feet by 20 feet, excluding any overhang.

(d) Maximum Rear Yard Coverage of Accessory Structures. The sum of the area of accessory structures, detached accessory buildings, and paved areas, including driveways, that are located in the rear yard shall not exceed fifty percent (50%) of area of the rear yard. However, in no case shall an accessory building exceed the maximum area permitted in Subsection (b) above.

(e) Maximum Height of Accessory Buildings and Structures. Accessory buildings and structures shall not exceed 14 feet or the height of the primary residence, whichever is less, except as otherwise permitted in this Zoning Ordinance.

(f) Swimming Pool Regulations. A private in-ground or above-ground swimming, wading, or other pool containing over one and one-half feet of water depth shall be considered a structure for the purpose of this Zoning Ordinance and shall comply with the following regulations.

(1) A pool and associated structure such as a deck erected on a lot with a principal building shall be located in the rear yard a minimum of 15 feet from the side and rear lot line.

(2) Every swimming pool shall be completely enclosed by a wall or fence of sturdy construction. Such wall or fence shall have a height of at least four feet six inches above the water's edge and be placed a distance of at least four feet six inches from the water's edge except that a fence or wall that is at least six feet in height above grade shall not be required to meet the four feet six inch separation from the water's edge. All fence or wall openings or points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children.

(3) The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the applicable Municipal codes.

(4) A zoning certificate shall be obtained prior to the construction of a swimming pool.

(g) Fences. (EDITOR'S NOTE: Former subsection (g) hereof was repealed by Ordinance 12-2007. See Chapter 1146 for current regulations.)

(h) Driveways and Sidewalks. Driveways and sidewalks in the front yard shall be limited to the size and width necessary to provide safe and reasonable access.

(Ord. 3-95. Passed 1-17-95; Ord. 03-2010. Passed 7-6-10; Ord. 22-2012. Passed 9-18-12.)

1123.06 HOME OCCUPATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(a) Criteria and Limitations. Home occupations shall be subject to the following criteria and limitations.

(1) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.

(2) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit.

(3) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be

permitted.

(4) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to 20% of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

(5) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.

(6) The proposed use shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke or electromagnetic interference outside the dwelling.

(7) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

(8) There shall be no stock in trade or commodities sold except those which are produced on the premises.

(9) The proposed use shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.

(10) The proposed use shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.

(11) No on-street parking shall be permitted in conjunction with the home occupation. Customer parking shall be limited to the driveway area only.

(b) Violations. Failure to comply with the regulations of this section shall be a violation of this Zoning Code and shall be subject to the enforcement and penalty procedures set forth in Chapter 1167.

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1125

R-3 Residential District

- 1125.01 Purpose.
- 1125.02 Permitted uses.
- 1125.03 Conditionally permitted uses.
- 1125.04 Area and height regulations.
- 1125.05 Accessory use regulations.
- 1125.06 Home occupations.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1125.01 PURPOSE.

The R-3 Residential District is established to accommodate a medium density of residential development in sections of the community which are already partially developed. The density, regulated by three families per acre, encourages development similar to that already existing. The object of encouraging more intensive development in areas closer to the center of the community is predicated upon more economical extension of public utilities and facilities to serve the community's residents and to encourage a more economic interchange of people and goods by providing greater population concentrations near the central activity areas of the Municipality. All public utilities and facilities shall be planned and designed to serve this population density only.

(Ord. 3-95. Passed 1-17-95)

1125.02 PERMITTED USES.

The categories of uses permitted by right in the R-3 Residential District are the following:

- (a) Single-family residential dwellings.
- (b) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- (c) Home occupation.
- (d) Child day-care home - Type B.
- (e) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95)

1125.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Public and private schools.
- (b) Churches and other buildings for the purpose of religious worship.
- (c) Public utilities rights-of-way and pertinent structures.
- (d) Governmentally owned and/or operated parks, playgrounds and golf courses, except miniature golf courses.
- (e) Temporary buildings and uses for purposes incidental to construction work.
- (f) Recreational uses, other than those governmentally owned and/or operated, such as swimming pools, golf courses, tennis clubs.
- (g) Governmentally owned and/or operated office buildings and/or administrative facilities.

- (h) Institutions for higher education.
- (i) Planned Unit Residential Developments.
- (j) Family home for the handicapped.

(Ord. 28-01. Passed 9-18-01.)

1125.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the R-3 District shall be constructed and located on a lot in compliance with the following area, yard and height regulations.

(a) Minimum Lot Area: One-half acre without centralized water and sewer, or as regulated by the authorized public health authority; 15,300 square feet with centralized water and sewer.

(b) Minimum Lot Width at Minimum Building Setback Line: 90 feet.

(c) Minimum Lot Width at Street Right-of-Way: 60 feet.

(d) Yard Requirements: Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this Chapter.

(1) Minimum Front Yard Depth: 50 feet, except 40 feet on cul-de-sacs and the secondary side of a corner lot unless otherwise established on the Municipal Setback Map. The Municipal Setback Map shall have priority.

(2) Maximum Building Setback: Thirty percent (30%) greater than the minimum front yard depth, except on cul-de-sacs, unless otherwise established by Municipal Setback Map.

(3) Minimum Rear Yard Depth: 25 feet.

(4) Minimum Side Yard Width: 10 feet.

(e) Minimum Floor Area: Each single-family dwelling unit shall be erected and maintained in accordance with the following standards for minimum foundation area and minimum floor area.

(1) Minimum Total Floor Area:

A. One-Story Structure: 1,400 square feet.

B. Structures Having More Than One Story: 2,000 square feet.

(2) Minimum Foundation Floor Area: 1,200 square feet for a structure having more than one story.

(3) For the purpose of this section, floor area shall not include porches, steps, breezeways, garages and other attached structures not intended for human occupancy.

(f) Height Regulations. No structure shall exceed a height of 35 feet or two and one-half stories.

(g) Off-Street Parking Requirements. Off-street parking spaces shall be provided in compliance with Section 1125.05 and Chapter 1143.

(Ord. 3-95. Passed 1-17-95)

1125.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in the R-3 District shall conform to the location, coverage and height standards contained in this Section.

(a) Location of Accessory Buildings. All accessory buildings shall be located in compliance with the following standards, except as otherwise permitted in this Zoning Ordinance.

(1) A detached accessory building shall not be located in a front or side yard except that a detached garage shall be permitted in a side yard.

(2) An accessory building having a floor area greater than 192 square feet shall comply with the yard requirements for principal buildings as set forth in Section 1125.04(d) above.

(3) An accessory building having a floor area of 192 square feet or less shall be located a minimum of five feet from the side and rear lot line.

(b) Maximum Number and Floor Area of Accessory Buildings. A maximum of two detached accessory buildings shall be permitted on a lot in compliance with the following:

(1) There shall be no more than one private garage, detached or attached. Such garage shall not exceed 820 square feet in floor area.

(2) An accessory building, except for a garage, shall not exceed 192 square feet in floor area except as may be permitted as a conditional use in compliance with Section 1141.03 and 1141.05(i).

(3) In no case shall the sum of the floor area of all detached and attached accessory buildings exceed six percent (6%) of the gross area of the lot.

(c) Garage Regulations. For each dwelling unit two off-street enclosed parking spaces shall be provided in a private garage that is either attached to and integrated with the dwelling unit, or detached and accessory to the dwelling unit. Garages shall be designed and constructed in compliance with the following:

(1) The private garage shall be used solely for the storage of motor vehicles and necessary household items. A private garage shall not be used for any home occupation or for storage of commercial vehicles or trucks of more than 11,500 pounds gross vehicle weight.

(2) The floor area of a private garage shall comply with subsection (b)(1) above and be used for storage of not more than three motor vehicles.

(3) The height of a detached private garage shall not exceed the height of the principal building or 18 feet, whichever is lower, and in no event shall a detached garage have a second story. For detached and attached garages, the maximum door opening height shall not exceed nine feet.

(4) A garage shall have a minimum outside dimension of 24 feet by 20 feet, excluding any overhang.

(d) Maximum Rear Yard Coverage of Accessory Structures. The sum of the area of accessory structures, detached accessory buildings, and paved areas, including driveways, that are located in the rear yard shall not exceed fifty percent (50%) of the area of the rear yard. However, in no case shall an accessory building exceed the maximum area permitted in Subsection (b) above.

(e) Maximum Height of Accessory Buildings and Structures. Accessory buildings and structures shall not exceed 14 feet or the height of the primary residence, whichever is less, except as otherwise permitted in this Zoning Ordinance.

(f) Swimming Pool Regulations. A private in-ground or above-ground swimming, wading, or other pool containing over one and one-half feet of water depth shall be considered a structure for the purpose of this Zoning Ordinance and shall comply with the following regulations.

(1) A pool and associated structure such as a deck erected on a lot with a principal building shall be located in the rear yard a minimum of 15 feet from the side and rear lot line.

(2) Every swimming pool shall be completely enclosed by a wall or fence of sturdy construction. Such wall or fence

shall have a height of at least four feet six inches above the water's edge and be placed a distance of at least four feet six inches from the water's edge except that a fence or wall that is at least six feet in height above grade shall not be required to meet the four feet six inch separation from the water's edge. All fence or wall openings or points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children.

(3) The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the applicable Municipal codes.

(4) A zoning certificate shall be obtained prior to the construction of a swimming pool.

(g) Fences. (EDITOR'S NOTE: Former subsection (g) hereof was repealed by Ordinance 12-2007. See Chapter 1146 for current regulations.)

(h) Driveways and Sidewalks. Driveways and sidewalks in the front yard shall be limited to the size and width necessary to provide safe and reasonable access.

(Ord. 3-95. Passed 1-17-95; Ord. 03-2010. Passed 7-6-10; Ord. 23-2012. Passed 9-18-12.)

1125.06 HOME OCCUPATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(a) Criteria and Limitations. Home occupations shall be subject to the following criteria and limitations.

(1) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.

(2) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit.

(3) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.

(4) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to twenty percent (20%) of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

(5) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.

(6) The proposed use shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke or electromagnetic interference outside the dwelling.

(7) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

(8) There shall be no stock in trade or commodities sold except those which are produced on the premises.

(9) The proposed use shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.

(10) The proposed use shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.

(11) No on-street parking shall be permitted in conjunction with the home occupation. Customer parking shall be limited to the driveway area only.

(b) Violations. Failure to comply with the regulations of this section shall be a violation of this Zoning Code and shall be subject to the enforcement and penalty procedures set forth in Chapter 1167.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1127

R-4 Residential District

- 1127.01 Purpose.
- 1127.02 Permitted uses.
- 1127.03 Conditionally permitted uses.
- 1127.04 Area and height regulations.
- 1127.05 Accessory use regulations.
- 1127.06 Home occupations.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1127.01 PURPOSE.

The R-4 Residential District is established to accommodate single-family and two-family residential dwellings at a density of approximately three to four families per acre, and to conditionally permit multi-family dwelling units in order to offer a greater choice of living environments within the Municipality and in a manner which protects the desirable characteristics of the existing residential development.

(Ord. 3-95. Passed 1-17-95)

1127.02 PERMITTED USES.

The categories of uses permitted by right in the R-4 Residential District are the following:

- (a) Single-family residential dwellings.
- (b) Two-family residential dwellings.
- (c) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- (d) Home occupation.
- (e) Child day-care home - Type B.
- (f) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95)

1127.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Public and private schools.
- (b) Churches and other buildings for the purpose of religious worship.
- (c) Public utilities rights-of-way and pertinent structures.
- (d) Governmentally owned and/or operated parks, playgrounds and golf courses, except miniature golf courses.
- (e) Temporary buildings and uses for purposes incidental to construction work.
- (f) Institutions for medical care or assisted living: hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged.
- (g) Child care centers.
- (h) Recreational uses, other than those governmentally owned and/or operated, such as swimming pools, golf courses, tennis clubs.
- (i) Governmentally owned and/or operated office buildings and/or administrative facilities.
- (j) Institutions for higher education.
- (k) Office use accessory to a single-family dwelling located along Main Street (S.R. 91).
- (l) Multi-family dwellings except when contiguous to Main Street (State Route 91).
- (m) Planned Unit Residential Developments except when contiguous to Main Street (State Route 91).
- (n) Family home for the handicapped.
- (o) Group home for the handicapped; congregate living facilities.
- (p) Office use when contiguous to Main Street (S.R. 91) within the City of Munroe Falls.

Minimum dimensions for office use shall be as described in Section 1143.03(c)(16).

(Ord. 28-01. Passed 9-18-01.)

1127.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the R-4 District shall be constructed and located on a lot in compliance with the following area, yard and height regulations.

(a) Minimum Lot Area.

(1) Single-Family Residential Dwelling: One-half acre without centralized water and sewer, or as regulated by the authorized public health authority; 13,500 square feet with centralized water and sewer.

(2) Two-Family Residential Dwelling: One-half acre without centralized water and sewer, or as regulated by the authorized public health authority; 19,560 square feet with centralized water and sewer.

(b) Minimum Lot Width at Minimum Building Setback Line.

(1) Single-Family Residential Dwelling: 80 feet.

(2) Two-Family Residential Dwelling: 100 feet.

(c) Minimum Lot Width at Street Right-of-Way.

(1) Single-Family Residential Dwelling: 60 feet.

(2) Two-Family Residential Dwelling: 80 feet.

(d) Yard Requirements: Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this chapter.

(1) Minimum Front Yard Depth: 50 feet, except 40 feet on cul-de-sacs and the secondary side of corner lots unless otherwise established on the Municipal Setback Map. The Municipal Setback Map shall have priority.

(2) Maximum Building Setback: Thirty percent (30%) greater than the minimum front yard depth, except on cul-de-sacs, unless otherwise established by Municipal Setback Map.

(3) Minimum Rear Yard Depth: 25 feet.

(4) Minimum Side Yard Width: 10 feet.

(Ord. 3-95. Passed 1-17-95.)

(e) Minimum Floor Area: Each dwelling unit shall be erected and maintained in accordance with the following standards for minimum floor area.

(1) Single-Family Dwelling: Each single-family dwelling unit shall comply with the minimum floor area specified below:

A. One-Story Structure: 1,400 square feet.

B. Structures Having More Than One Story: 2,000 square feet and a minimum foundation floor area of 1,200 square feet.

(2) Two-Family Dwelling: Each dwelling unit shall comply with the minimum floor area specified below:

A. One-Story Structure: 1,200 square feet per dwelling unit.

B. Structures Having More Than One Story: 1,200 square feet per dwelling unit.

(3) For the purpose of this subsection, floor area shall not include porches, steps, breezeways, garages and other attached structures not intended for human occupancy. For two-family units and multi-family units, measurements shall be made to the

center line of party walls.

(Ord. 17-97. Passed 5-6-97.)

(f) **Height Regulations.** No structure shall exceed a height of 35 feet or two and one-half stories.

(g) **Off-Street Parking Requirements.** Off-street parking spaces shall be provided in compliance with Section 1127.05 and Chapter 1143.

(h) **Minimum parking Setbacks for Property that is Contiguous to SR 91:** Off street surface parking areas on property contiguous to SR 91, including circulation aisles and driveways, may be located in the required yard established in subsection (d) above provided such areas are located in compliance with the following setback standards as measured from the respective lot line:

(1) Setback from Front Lot Line: 20 feet.

(2) Setback from Rear Lot Line: 10 feet.

(3) Setback from Side Lot Line: 10 feet.

(4) **Setback from Lot Line Adjacent to Residential District:** When a rear or side lot line is adjacent to a Residential District, the minimum parking setback, including circulation aisles and driveways, from such lot line shall be 10 feet when screened by a 6 foot opaque fence or wall.

(Ord. 28-01. Passed 9-18-01.)

1127.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in the R-4 District shall conform to the location, coverage and height standards contained in this Section.

(a) **Location of Accessory Buildings.** All accessory buildings shall be located in compliance with the following standards, except as otherwise permitted in this Zoning Ordinance.

(1) A detached accessory building shall not be located in a front or side yard except that a detached garage shall be permitted in a side yard.

(2) An accessory building having a floor area greater than 192 square feet shall comply with the yard requirements for principal buildings as set forth in Section 1127.04(d) above.

(3) An accessory building having a floor area of 192 square feet or less shall be located a minimum of five feet from the side and rear lot line.

(a) **Location of Accessory Buildings.** All accessory buildings shall be located in compliance with the following standards, except as otherwise permitted in this Zoning Ordinance.

(1) For a single-family dwelling, there shall be no more than one private garage, detached or attached. Such garage shall not exceed 820 square feet in floor area.

(2) For a two-family dwelling, there shall be no more than one private garage per dwelling unit, detached or attached. The total area of garage space for the two-family unit shall not exceed 1,092 square feet in floor area.

(3) An accessory building, except for a garage, shall not exceed 144 square feet in floor area except as may be permitted as a conditional use in compliance with Section 1141.03 and 1141.05(i).

(4) In no case shall the sum of the floor area of all detached and attached accessory buildings exceed six percent (6%) of the gross area of the lot.

(c) **Garage Regulations.** For each dwelling unit two off-street enclosed parking spaces shall be provided in a private garage

that is either attached to and integrated with the dwelling unit, or detached and accessory to the dwelling unit. Garages shall be designed and constructed in compliance with the following:

(1) The private garage shall be used solely for the storage of motor vehicles and necessary household items. A private garage shall not be used for any home occupation or for storage of commercial vehicles or trucks of more than 11,500 pounds gross vehicle weight.

(2) The floor area of a private garage shall comply with subsection (b)(1) above and be used for storage of not more than three motor vehicles.

(3) The height of a detached private garage shall not exceed the height of the principal building or 18 feet, whichever is lower, and in no event shall a detached garage have a second story. For detached and attached garages, the maximum door opening height shall not exceed nine feet.

(4) A garage shall have a minimum outside dimension of 24 feet by 20 feet, excluding any overhang.

(d) Maximum Rear Yard Coverage of Accessory Structures. The sum of the area of accessory structures, detached accessory buildings, and paved areas, including driveways, that are located in the rear yard shall not exceed fifty percent (50%) of the area of the rear yard. However, in no case shall an accessory building exceed the maximum area permitted in subsection (b) above.

(e) Maximum Height of Accessory Buildings and Structures. Accessory buildings and structures shall not exceed 14 feet or the height of the primary residence, whichever is less, except as otherwise permitted in this Zoning Ordinance.

(f) Swimming Pool Regulations. A private in-ground or above-ground swimming, wading, or other pool containing over one and one-half feet of water depth shall be considered a structure for the purpose of this Zoning Ordinance and shall comply with the following regulations.

(1) A pool and associated structure such as a deck erected on a lot with a principal building shall be located in the rear yard a minimum of 15 feet from the side and rear lot line.

(2) Every swimming pool shall be completely enclosed by a wall or fence of sturdy construction. Such wall or fence shall have a height of at least four feet six inches above the water's edge and be placed a distance of at least four feet six inches from the water's edge except that a fence or wall that is at least six feet in height above grade shall not be required to meet the four feet six inch separation from the water's edge. All fence or wall openings or points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children.

(3) The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the applicable Municipal codes.

(4) A zoning certificate shall be obtained prior to the construction of a swimming pool.

(g) Fences. (EDITOR'S NOTE: Former subsection (g) hereof was repealed by Ordinance 12-2007. See Chapter 1146 for current regulations.)

(h) Driveways and Sidewalks. Driveways and sidewalks in the front yard shall be limited to the size and width necessary to provide safe and reasonable access.

(Ord. 3-95. Passed 1-17-95; Ord. 03-2010. Passed 7-6-10; Ord. 24-2012. Passed 9-18-12.)

1127.06 HOME OCCUPATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(a) Criteria and Limitations. Home occupations shall be subject to the following criteria and limitations.

(1) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.

(2) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit.

(3) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.

(4) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to twenty percent (20%) of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

(5) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.

(6) The proposed use shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke or electromagnetic interference outside the dwelling.

(7) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

(8) There shall be no stock in trade or commodities sold except those which are produced on the premises.

(9) The proposed use shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.

(10) The proposed use shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.

(11) No on-street parking shall be permitted in conjunction with the home occupation. Customer parking shall be limited to the driveway area only.

(b) Violations. Failure to comply with the regulations of this section shall be a violation of this Zoning Code and shall be subject to the enforcement and penalty procedures set forth in Chapter 1167.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1131

C-1 General Commercial District

1131.01 Purpose.

1131.02 Permitted uses.

1131.03 Conditionally permitted uses.

1131.04 Area and height regulations.

1131.05 Accessory use regulations.

1131.06 Landscaping and screening requirements.

1131.07 Site plan review.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1131.01 PURPOSE.

The C-1 General Commercial District is established to accommodate a range of commercial development and to provide locations outside of the Town Center for commercial uses which generally require independent, freestanding buildings and larger amounts of parking or which involve a high volume of vehicular traffic.

(Ord. 3-95. Passed 1-17-95)

1131.02 PERMITTED USES.

The categories of uses permitted by right in the C-1 District are the following provided all activities associated with a permitted use shall be conducted entirely within an enclosed building.

- (a) Administrative and business office uses engaged in general administration, management, supervision, purchasing and accounting, including non-profit organizations.
- (b) Professional office uses engaged in providing professional services to the public including non-profit organizations.
- (c) Medical offices excluding veterinary offices.
- (d) Banks and other financial establishments without drive-thru.
- (e) Retail in wholly enclosed buildings.
- (f) Personal services including shoe repair, dressmakers shop, hair care, tanning salon, coin-operated laundry and dry-cleaning counter outlets.
- (g) Funeral home.
- (h) Restaurant without drive-thru.
- (i) Miscellaneous business services such as advertising agencies, mailing establishments, employment agencies, carpet cleaning, exterminator, equipment rental and leasing.
- (j) Studios for instruction such as art, dance, exercise, et al.
- (k) Governmentally owned and operated office facilities.
- (l) Parking lot as a principal use.

- (m) Temporary buildings or uses for purposes incidental to construction.
- (n) Laboratories and research facilities.
- (o) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95)

1131.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Multi-family dwelling units.
- (b) Medical clinics including urgent care.
- (c) Ambulance service.
- (d) Automated teller machines.
- (e) Any business establishment selling or serving alcoholic beverages for consumption on or off premises.
- (f) Bars, taverns, nightclubs.
- (g) Drive-thru, drive-in or drive-up facility in association with a permitted or conditionally permitted use.
- (h) Hotel/motel.
- (i) Veterinary offices and animal clinics without kennels.
- (j) Outdoor display of goods for sale and outdoor bulk storage of materials for permitted retail uses such as garden supply stores.
- (k) Gasoline service station, with or without associated convenience retail store.
- (l) Car wash.
- (m) Automobile repair garage and other similar auto oriented businesses.
- (n) Automobile sales and rental.
- (o) Membership sports/fitness club.
- (p) Motion picture theater.
- (q) Indoor and outdoor commercial recreation.
- (r) Governmentally owned and operated service and maintenance facilities.
- (s) Public utility rights-of-way and pertinent structures.
- (t) Churches and other buildings used for religious worship.
- (u) Conversion of residential structures.
- (v) Day care center.

(Ord. 3-95. Passed 1-17-95)

1131.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the C-1 District shall be constructed and located on a lot in compliance with the following area and height regulations.

- (a) Minimum Lot Area. 20,000 square feet.
- (b) Minimum Lot Width at Minimum Building Setback Line. 80 feet.
- (c) Minimum Lot Width at Street Right-of-Way. 80 feet.

(d) Minimum Yard Requirements Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this chapter.

- (1) Minimum Front Yard Depth: 50 feet.
- (2) Minimum Rear Yard Depth: 10 feet.
- (3) Minimum Side Yard Depth: 10 feet.

(4) Minimum Yard Depth Adjacent to Residential District: When a rear or side yard is adjacent to a residential district, such rear or side yard shall have a minimum depth of 25 feet plus one foot of additional yard depth for every foot of building height greater than 25 feet.

(e) Minimum Parking Setback: Off-street surface parking areas, including circulation aisles and driveways, may be located in the required yard established in subsection (d) above provided such areas are located in compliance with the following setback standards as measured from the respective lot line:

- (1) Setback from Front Lot Line: 20 feet.
- (2) Setback from Rear Lot Line: 10 feet.
- (3) Setback from Side Lot Line: 10 feet.

(4) Setback from Lot Line Adjacent to Residential District: When a rear or side lot line is adjacent to a Residential District, the minimum parking setback, including circulation aisles and driveways, from such lot line shall be 25 feet.

(f) Minimum Building Floor Area. 1,200 square feet.

(g) Height Regulations. The maximum building height shall be 40 feet unless a greater height is conditionally approved by Planning Commission and Council.

(h) Parking and Loading Requirements. Off-street parking spaces and loading areas shall comply with the regulations of Chapter 1143.

(Ord. 3-95. Passed 1-17-95)

1131.05 ACCESSORY USE REGULATIONS.

Accessory buildings and structures shall comply with the following regulations.

(a) Accessory Buildings. Accessory buildings shall comply with the development standards established for principal buildings and uses in Section 1131.04.

(b) Accessory Structures. Accessory structures including dumpsters shall be located in the rear yard, setback from a side

and rear lot line a minimum of 10 feet, except 25 feet adjacent to a Residential District. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner that such structure is not visible from the front lot line or shall be enclosed in a structure that matches the materials of the building or shall be covered or painted to blend with the building.

(Ord. 3-95. Passed 1-17-95)

1131.06 LANDSCAPING AND SCREENING REQUIREMENTS.

Landscape buffers and visual screening shall be provided on each lot in compliance with the following standards in order to reduce the impact between incompatible uses or zones to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

(a) Landscaping and Maintenance of Yards. Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

(b) Screening of Accessory Uses. Outdoor storage of goods, supplies or equipment used in the operation of the establishment when conditionally permitted, and dumpsters and loading areas shall be screened by an opaque fence or wall a minimum of six feet in height placed adjacent to the dumpster, storage or loading area so as to effect screening from any adjacent streets and any adjoining properties.

(c) Screening and Landscaping of Parking Lots. Perimeter and interior landscaping of parking lots shall be provided in accordance with the regulations set forth in Sections 1143.07(h) and 1143.07(i).

(d) Screening when Lot Abuts a Residential District. Where any structure is to be built or altered by expansion or diminution within the C-1 District and the lot upon which such structure is to be built is contiguous to either an R-1, R-2, R-3 or R-4 District, parking and driveway areas shall be screened in accordance with the following regulations, and shall be approved as part of the site plan required by Section 1163.03(c).

(1) Screening shall consist of one or a combination of the following:

A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.

B. A nonliving opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence.

C. A landscaped mound or berm.

(2) The height of screening shall be in accordance with the following:

A. Visual screening, walls, fences, or mounds and fences in combination shall be a minimum of six feet high in order to accomplish the desired screening effect.

B. Vegetation shall be planted with such minimum height to assure that the required six feet high screening effect shall be achieved not later than twelve months after the initial installation.

(3) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(4) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscaped plan.

(Ord. 3-95. Passed 1-17-95)

1131.07 SITE PLAN REVIEW.

Any new construction of a use permitted or conditionally permitted in this district or any existing or previously approved development which proposes to expand the floor area or any change in use which requires a modification in the amount of parking or the site's circulation shall require submission and approval of a site plan pursuant to Chapter 1163.03.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1133 I-1 Industrial District

- 1133.01 Purpose.
- 1133.02 Permitted uses.
- 1133.03 Conditionally permitted uses.
- 1133.04 Area and height regulations.
- 1133.05 Accessory use regulations.
- 1133.06 Landscaping and screening requirements.
- 1133.07 Site plan review.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1133.01 PURPOSE.

The I-1 Industrial District is established to provide for and accommodate industrial uses in the field of repair, storage, manufacturing, processing, wholesale distribution and disposal. Regulations will insure that this district will be free from the encroachment of residential, commercial and institutional uses so that it may develop for purely industrially oriented purposes.

(Ord. 3-95. Passed 1-17-95)

1133.02 PERMITTED USES.

The categories of uses permitted by right in the I-1 District are the following provided all activities associated with a permitted use shall be conducted entirely within an enclosed building.

- (a) Light manufacturing and assembling of the following:

- (1) Canvas products, such as tents and awnings.
 - (2) Glass and optical products.
 - (3) Jewelry, clocks and watches.
 - (4) Scientific instruments.
 - (5) Sporting goods.
 - (6) Toys and novelties.
 - (7) Plastics.
 - (8) Electrical equipment.
- (b) Assembling of the following:
- (1) Metal products.
 - (2) Paper products.
 - (3) Plastic products.
 - (4) Textile products.
 - (5) Wood products.
 - (6) Rubber products.
- (c) Services:
- (1) Automobile, truck, farm machinery repair, including body repair and painting.
 - (2) Carpentry shops.
 - (3) Laboratories.
 - (4) Laundry plants.
 - (5) Offices.
 - (6) Plumbing repair.
 - (7) Printing and publishing.
 - (8) Roofing and sheet metal shops.
 - (9) Sign and display shop.
- (d) Manufacturing and processing of the following:
- (1) Food products not involving the slaughtering of animals.
 - (2) Machine shop products.
 - (3) Packaging of products.
 - (4) Pharmaceutical products.
- (e) Signs, as regulated by Chapter 1145.

- (f) Temporary buildings for uses incidental to construction.

(Ord. 3-95. Passed 1-17-95)

1133.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

- (a) Public utility rights-of-way and pertinent structures.
- (b) Governmentally owned and operated service and maintenance facilities.
- (c) Gas and oil wells.
- (d) Outdoor bulk storage of materials to be used in the operation of the principal use, including contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors and building materials sales yard.
- (e) Other manufacturing uses which are not injurious, obnoxious or offensive by reason of emission of waste water, odor, dust, fumes, vibration, smoke, gas or noise and which do not involve the manufacture, processing, fabrication or distribution of explosives, the slaughtering of animals, or stockyards.
- (f) Veterinary offices and animal clinics.

(Ord. 3-95. Passed 1-17-95)

1133.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the I-1 District shall be constructed and located on a lot in compliance with the following area and height regulations.

- (a) Minimum Lot Area. 20,000 square feet.
- (b) Minimum Lot Width at Minimum Building Setback Line. 80 feet.
- (c) Minimum Lot Width at Street Right-of-Way. 80 feet.
- (d) Minimum Yard Requirements. Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this Chapter.
 - (1) Minimum Front Yard Depth. 50 feet, unless otherwise established on the Municipal Setback Map. The Municipal Setback Map shall have priority.
 - (2) Minimum Rear Yard Depth. 25 feet.
 - (3) Minimum Side Yard Depth. 25 feet.
 - (4) Minimum Yard Depth Adjacent to Residential District. When a rear or side yard is adjacent to a residential district, such rear or side yard shall have a minimum depth of 50 feet.
 - (e) Minimum Parking Setback. Off-street surface parking areas, including circulation aisles and driveways, may be located in the required yard established in Subsection (d) above provided such areas are located in compliance with the following setback standards as measured from the respective lot line:
 - (1) Setback from Front Lot Line. 50 feet.

(2) Setback from Rear Lot Line. 10 feet.

(3) Setback from Side Lot Line. 10 feet.

(4) Setback from Lot Line Adjacent to Residential District. When a rear or side lot line is adjacent to a Residential District, the minimum parking setback, including circulation aisles and driveways, from such lot line shall be 25 feet.

(f) Minimum Building Floor Area. 1,200 square feet.

(g) Height Regulations. The maximum building height shall be 40 feet, unless a greater height is conditionally approved by the Planning Commission and Council.

(h) Parking and Loading Requirements. Off-street parking spaces and loading areas shall comply with the regulations of Chapter 1143.

(Ord. 3-95. Passed 1-17-95)

1133.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures shall comply with the following regulations.

(a) Accessory Buildings. Accessory buildings shall comply with the development standards established for principal buildings and uses in Section 1133.04.

(b) Accessory Structures. Accessory structures including dumpsters shall be located in the rear yard, setback from a side and rear lot line a minimum of 10 feet, except 25 feet adjacent to a Residential District. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner that such structure is not visible from the front lot line or shall be enclosed in a structure that matches the materials of the building or shall be covered or painted to blend with the building.

(Ord. 3-95. Passed 1-17-95)

1133.06 LANDSCAPING AND SCREENING REQUIREMENTS.

Landscape buffers and visual screening shall be provided on each lot in compliance with the following standards in order to reduce the impact between incompatible uses or zones, to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

(a) Landscaping and Maintenance of Yards. Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

(b) Screening of Accessory Uses. Outdoor storage of goods, supplies or equipment used in the operation of the establishment when permitted, and dumpsters and loading areas shall be screened by an opaque fence or wall a minimum of six feet in heights placed adjacent to the dumpster, storage or loading area so as to effect screening from any adjacent streets and any adjoining properties.

(c) Screening and Landscaping of Parking Lots. Perimeter and interior landscaping of parking lots shall be provided in accordance with the regulations set forth in Sections 1143.07(h) and 1143.07(i).

(d) Screening when Lot Abuts a Residential District. Where any structure is to be built or altered by expansion or diminution within the I-1 District and the lot upon which such structure is to be built is contiguous to either an R-1, R-2, R-3 or R-4 District, parking and driveway areas shall be screened in accordance with the following regulations, and shall be approved as part of the site plan required by Section 1163.03(c).

(1) Screening shall consist of one or a combination of the following:

- A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.
- B. A nonliving opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence.
- C. A landscaped mound or berm.

(2) The height of screening shall be in accordance with the following:

- A. Visual screening, walls, fences, or mounds and fences in combination shall be a minimum of six feet high in order to accomplish the desired screening effect.
- B. Vegetation shall be planted with such minimum height to assure that the required six feet high screening effect shall be achieved not later than twelve months after the initial installation.

(3) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(4) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscaped plan.

(Ord. 3-95. Passed 1-17-95)

1133.07 SITE PLAN REVIEW.

Any new construction of a use permitted or conditionally permitted in this district or any existing or previously approved development which proposes to expand the floor area or any change in use which requires a modification in the amount of parking or the site's circulation shall require submission and approval of a site plan pursuant to Chapter 1163.03.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1137 T-C Town Center District

- 1137.01 Purpose.
- 1137.02 Permitted uses.
- 1137.03 Conditionally permitted uses.
- 1137.04 Area and height regulations.
- 1137.05 Accessory use regulations.
- 1137.06 Landscaping and screening requirements.
- 1137.07 Site plan review.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1137.01 PURPOSE.

The T-C Town Center District is established to achieve the following objectives:

- (a) To encourage a compact commercial center that fosters pedestrian activity.
- (b) To encourage new retail, office and service activities to locate in a centralized area and create an attractive commercial environment.
- (c) To allow existing industrial parcels to continue to be occupied for industrial uses.
- (d) To ensure that expanded industrial development is compatible with surrounding land uses.
- (e) To allow multi-family development as a conditional use on the rear portion of lots to serve as a transitional use between lower density residential uses and non-residential uses.

(Ord. 3-95. Passed 1-17-95)

1137.02 PERMITTED USES.

The categories of uses permitted by right in the T-C District are the following provided all activities associated with a permitted use shall be conducted entirely within an enclosed building.

- (a) Administrative and business office uses engaged in general administration, management, supervision, purchasing and accounting, including non-profit organizations.
- (b) Professional office uses engaged in providing professional services to the public including non-profit organizations.
- (c) Medical offices.
- (d) Banks and other financial establishments without drive-thru.
- (e) Retail in wholly enclosed buildings.
- (f) Personal services including shoe repair, dressmakers shop, hair care, tanning salon, coin-operated laundry and dry-cleaning counter outlets.
- (g) Restaurant without drive-thru.
- (h) Miscellaneous business services such as advertising agencies, mailing establishments, employment agencies, carpet cleaning, exterminator, equipment rental and leasing.
- (i) Studios for instruction such as art, dance, exercise, et al.
- (j) Governmentally owned and operated office facilities.
- (k) Parking lot as a principal use.
- (l) Temporary buildings or uses for purposes incidental to construction.

(m) Laboratories and research facilities.

(n) The following uses shall be permitted to occupy or reoccupy a building that was occupied by an industrial use at the time this amendment was adopted provided such industrial occupancy was recorded by the Zoning Inspector. No new building construction for an industrial use, or reoccupancy by an industrial use of a structure that was not occupied by an industrial use at the time this amendment was adopted, shall be permitted.

(1) Light manufacturing and assembly of canvas products, such as tents and awnings, glass and optical products (optical laboratory), jewelry, clocks and watches, scientific instruments (including electronics), sporting goods, toys and novelties, plastics, electrical equipment and industrial electronics, and light manufacturing and mold making (limited to 5-10 ton capacity).

(2) Assembly of metal, paper, plastic, textile, wood and rubber products.

(3) Shops for carpentry, heating and plumbing repair and service, roofing, sheet metal, signs.

(4) Dry cleaning and laundry plants.

(5) Printing and publishing.

(6) Machine shop.

(7) Manufacturing and processing of food and pharmaceutical products.

(8) Packaging of products.

(o) Accessory building incidental to the principal use which does not include any activity conducted as a business.

(p) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95)

1137.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

(a) Multi-family dwelling units.

(b) Medical clinics including urgent care.

(c) Automated teller machines.

(d) Any business establishment selling or serving alcoholic beverages for consumption on or off premises.

(e) Bars, taverns, nightclubs.

(f) Drive-thru, drive-in or drive-up facility in association with a permitted or conditionally permitted use.

(g) Gasoline service station, with or without associated convenience retail store.

(h) Membership sports/fitness club.

(i) Motion picture theater.

(j) Indoor and outdoor commercial recreation.

(k) Public utility rights-of-way and pertinent structures.

- (l) Conversion of residential structures.
- (m) Child care center.
- (n) Expansion of a permitted industrial use.

(Ord. 3-95. Passed 1-17-95)

1137.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the T-C District shall be constructed and located on a lot in compliance with the following area and height regulations.

- (a) Minimum Lot Area. 20,000 square feet.
- (b) Minimum Lot Width at Minimum Building Setback Line. 80 feet.
- (c) Minimum Lot Width at Street Right-of-Way. 80 feet.
- (d) Minimum Yard Requirements. Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure except as otherwise provided in this Chapter.
 - (1) Minimum Front Yard Depth: 35 feet from the SR 91 right-of-way, and 25 feet from all other street rights-of-way.
 - (2) Minimum Rear Yard Depth: 10 feet unless adjacent property owners enter into a joint development, in which case, a rear yard shall not be required.
 - (3) Minimum Side Yard Depth: 10 feet unless adjacent property owners enter into a joint development, in which case, a side yard shall not be required.
 - (4) Minimum Yard Depth Adjacent to Residential District: When a rear or side yard is adjacent to a residential district, such rear or side yard shall have a minimum depth of 25 feet plus one foot of additional yard depth for every foot of building height greater than 25 feet.
- (e) Minimum Parking Setback. Off-street surface parking areas, including circulation aisles and driveways, may be located in the required yard established in subsection (d) above provided such areas are located in compliance with the following setback standards as measured from the respective lot line:
 - (1) Setback from Front Lot Line: 30 feet from a front lot line adjoining the Main Street (S.R. 91) right-of-way, 20 feet from all other front lot lines.
 - (2) Setback from Rear Lot Line: 10 feet unless adjacent property owners enter into a joint development and the on-site circulation and parking between the two or more lots are properly designed, in which case a setback from the rear lot line shall not be required.
 - (3) Setback from Side Lot Line: 10 feet unless adjacent property owners enter into a joint development and the on-site circulation and parking between the two or more lots are properly designed, in which case a setback from the side lot line shall not be required.
 - (4) Setback from Lot Line Adjacent to Residential District: When a rear or side lot line is adjacent to a Residential District, the minimum parking setback, including circulation aisles and driveways, from such lot line shall be 25 feet.
- (f) Minimum Building Floor Area. 1,200 square feet.
- (g) Height Regulations. The maximum building height shall be 40 feet unless a greater height is conditionally approved by Planning Commission and Council.
- (h) Parking and Loading Requirements. Off-street parking spaces and loading areas shall comply with the regulations of

1137.05 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures shall comply with the following regulations.

(a) Accessory Buildings. Accessory buildings shall comply with the development standards established for principal buildings and uses in Section 1137.04.

(b) Accessory Structures. Accessory structures including dumpsters shall be located in the rear yard, setback from a side and rear lot line a minimum of 10 feet, except 25 feet adjacent to a Residential District. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner that such structure is not visible from the front lot line or shall be enclosed in a structure that matches the materials of the building or shall be covered or painted to blend with the building.

1137.06 LANDSCAPING AND SCREENING REQUIREMENTS.

Landscape buffers and visual screening shall be provided on each lot in compliance with the following standards in order to reduce the impact between incompatible uses or zones, to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

(a) Landscaping and Maintenance of Yards. Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

(b) Screening of Accessory Uses. Dumpsters and loading areas shall be screened by an opaque fence or wall a minimum of six feet in height placed adjacent to the dumpster or loading area so as to effect screening from any adjacent streets and any adjoining properties.

(c) Screening and Landscaping of Parking Lots. Perimeter and interior landscaping of parking lots shall be provided in accordance with the regulations set forth in Sections 1143.07(h) and 1143.07(i).

(d) Screening when Lot Abuts a Residential District. Where any structure is to be built or altered by expansion or diminution within the T-C District and the lot upon which such structure is to be built is contiguous to either an R-1, R-2, R-3 or R-4 District, parking and driveway areas shall be screened in accordance with the following regulations, and shall be approved as part of the site plan required by Section 1163.03(c).

(1) Screening shall consist of one or a combination of the following:

A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.

B. A nonliving opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence.

C. A landscaped mound or berm.

(2) The height of screening shall be in accordance with the following:

A. Visual screening, walls, fences, or mounds and fences in combination shall be a minimum of six feet high in order to accomplish the desired screening effect.

B. Vegetation shall be planted with such minimum height to assure that the required six feet high screening effect shall be achieved not later than twelve months after the initial installation.

(3) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(4) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscaped plan.

(Ord. 3-95. Passed 1-17-95)

1137.07 SITE PLAN REVIEW.

Any new construction of a use permitted or conditionally permitted in this district or any existing or previously approved development which proposes to expand the floor area or any change in use which requires a modification in the amount of parking or the site's circulation shall require submission and approval of a site plan pursuant to Chapter 1163.03.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1139 P Park District

- 1139.01 Purpose.
- 1139.02 Permitted uses.
- 1139.03 Conditionally permitted uses.
- 1139.04 Area and height regulations.
- 1139.05 Lighting.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1141

Parking and loading - see P. & Z. Ch. 1143

Signs - see P. & Z. Ch. 1145

Dish antennas - see P. & Z. Ch. 1147

Supplementary regulations - see P. & Z. Ch. 1149

Nonconformities - see Ohio R.C. 713.15; P. & Z. Ch. 1151

1139.01 PURPOSE.

The P Park District is established to provide for the proper zoning control of public park land to ensure its preservation and protection for its recreational, aesthetic, and environmental benefits to the community and to ensure that the uses of such park lands remain compatible with the adjacent areas.

(Ord. 3-95. Passed 1-17-95)

1139.02 PERMITTED USES.

The categories of uses permitted by right in the P Park District, provided that all requirements of other City ordinances and this Zoning Code have been met, are the following:

(a) Public parks, playgrounds, and active recreation areas provided that the minimum area devoted to open space shall be seventy-five percent (75%) of the total land area within the boundaries of the Park District. Areas considered to be open space shall not include paved areas such as parking lots, circulation aisles, driveways, swimming pools, structures such as picnic shelters and restrooms, and any active recreation area where the erection of structures is required such as fenced-in playgrounds, tennis courts, basketball courts and ballfields with backstops, fences, and/or bleachers.

(b) Public open space.

(c) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot as the principal building. Accessory uses include, but are not limited to, the following:

- (1) Picnic pavilions and other similar buildings.
- (2) Off-street parking as regulated by Chapter 1143.
- (3) Storage buildings, restrooms and other maintenance facilities.
- (4) Fences.

(d) Signs, as regulated by Chapter 1145.

(Ord. 3-95. Passed 1-17-95)

1139.03 CONDITIONALLY PERMITTED USES.

The Planning Commission with approval of Council may issue a conditional zoning certificate for a use listed herein provided such use conforms to the conditions, standards and requirements of Chapter 1141 and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1163.

(a) Public parks, playgrounds and active recreation areas that have less than seventy-five percent (75%) open space as defined in 1139.02(a).

(b) Public indoor recreation or entertainment facility.

(c) Public outdoor recreation or entertainment facility that requires the use of loudspeakers or facility lighting which exceeds normal security requirements.

(d) Ancillary concession stands selling food, beverages and/or other similar items to park patrons.

(Ord. 3-95. Passed 1-17-95)

1139.04 AREA AND HEIGHT REGULATIONS.

Buildings, structures and uses permitted in the P District shall be constructed and located on a lot in compliance with the following area, yard and height regulations.

(a) Minimum Lot Area: Uses requiring one or more buildings and/or parking areas shall have a minimum lot area not less than the area required to accommodate the principal and accessory buildings and uses, on-site circulation, off-street parking,

required yards, and required minimum open space area.

(b) **Yard Requirements:** Each lot shall maintain the following minimum front, rear and side yards which shall be unobstructed by any structure or active recreation area except as otherwise provided in this Chapter.

(1) Minimum Front Yard Depth: 50 feet.

(2) Minimum Rear Yard Depth: 25 feet.

(3) Minimum Side Yard Width: 25 feet.

(4) A playground structure or picnic shelter shall be located no closer to a front, side or rear lot line than a distance equal to its height.

(5) **Minimum Yard Depth Adjacent to Residential District:** When a rear or side yard is adjacent to a residential district, such rear or side yard shall have a minimum depth of 50 feet.

(c) **Minimum Parking Setback:** Off-street parking areas including circulation aisles and driveways may be located in a required yard established in subsection (b) above provided such areas are located in compliance with the following setback standards as measured from the respective lot line:

(1) Setback from Front Lot Line: 20 feet.

(2) Setback from Rear Lot Line: 10 feet.

(3) Setback from Side Lot Line: 10 feet.

(4) **Setback from Lot Line Adjacent to Residential District:** When a rear or side lot line is adjacent to a Residential District, the minimum parking setback, including circulation aisles and driveways, from such lot line shall be 25 feet.

(d) **Height Regulations:** The maximum building height shall be 40 feet unless a greater height is conditionally approved by the Planning Commission and Council.

(Ord. 3-95. Passed 1-17-95)

1139.05 LIGHTING.

Security lighting of recreational facilities, buildings and parking areas shall be located and designed so as to shield the light source from adjoining residences.

(Ord. 3-95. Passed 1-17-95)

TITLE FIVE - Supplemental Zoning Regulations

Chap. 1141. Conditional Use Regulations.

Chap. 1142. Riparian Setbacks.

Chap. 1143. Off-Street Parking and Loading Regulations.

Chap. 1144. Recreational Vehicles and Recreational Equipment.

Chap. 1145. Sign Regulations.

Chap. 1146. Fences, Walls, Hedge Rows.

- Chap. 1147. Dish Antennas.
- Chap. 1149. Supplementary Regulations.
- Chap. 1151. Nonconformities.
- Chap. 1152. Erosion and Sediment Control.

CHAPTER 1141

Conditional Use Regulations

- 1141.01 Purpose.
- 1141.02 General criteria for all conditional uses.
- 1141.03 Specific standards for conditional uses in Residential Districts.
- 1141.04 Specific standards for conditional uses in Commercial and Industrial Districts.
- 1141.05 Supplemental regulations for specific uses.
- 1141.06 Planned Unit Residential Development.
- 1141.07 Multi-family development.

CROSS REFERENCES

Permitted uses - see P. & Z. 1149.01

1141.01 PURPOSE.

(a) Until recent years, the regulation of all uses of land through zoning has been accomplished by assigning each use to one or more use districts. However, the function and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating the activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the community's inhabitants.

(b) In order to accomplish such a dual objective, provision is made in the Zoning Ordinance for a more detailed consideration of each land use designated a Conditionally Permitted Use in the District Regulations as it may relate to the proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, and amount and kinds of public facilities and services required, together with many other possible factors. Review of this information by the Planning Commission and Council is required to ensure that each proposed Conditionally Permitted Use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional zoning certificates for such uses shall be issued in compliance with the procedures and requirements of Section 1163.04.

(Ord. 3-95. Passed 1-17-95)

1141.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditionally permitted use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 1141.03 through 1141.07. Furthermore, the Planning Commission and Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- (a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Zoning Ordinance and with the objectives for the district in which located;
- (b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (c) The conditional use 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 use will not essentially change the character of the same area;
- (d) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (e) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (f) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (g) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- (h) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- (i) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- (j) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the Municipal Subdivision Regulations and shall provide for interconnecting circulation among adjacent parcels.
- (k) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as any specific supplemental conditions for such use set forth in Sections 1141.03 through 1141.07.

(Ord. 3-95. Passed 1-17-95)

1141.03 SPECIFIC STANDARDS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

(a) Purpose. In addition to the general criteria established in Sections 1141.01 and 1141.02, the following specific conditions pertaining to each use or group of uses shall apply. Nothing in these regulations shall prohibit the Planning Commission and Council from prescribing supplementary conditions and safeguards in addition to these requirements in order to achieve the objectives established in Section 1141.02.

(b) Conformance with District Regulations. A conditional use, except as otherwise specifically provided in this Chapter or in the district regulations for the residential district in which such use is to be located, shall conform to such residential district regulations, and to other substantive requirements of this Zoning Ordinance, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the Conditional Use regulations and the district regulations, the provisions of this Chapter shall prevail.

(c) Specific Area, Width and Yard Regulations. Schedule 1141.03(c) sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations.

Additional standards and requirements pertaining to such uses are set forth in Sections 1141.05 to 1141.07 and are referenced in Schedule 1141.03(c).

Schedule 1141.03(c)
Regulations for Conditional Uses in a Park or Residential District

	<i>Conditional Use</i>	<i>Min. Lot Area</i>	<i>Min. Lot Width (feet)</i>	<i>Min. Yard Dimensions (ft)</i>				<i>See also Section</i>
				<i>Buildings(a)</i>		<i>Parking</i>		
				<i>Front</i>	<i>Side/Rear</i>	<i>Front</i>	<i>Side/Rear</i>	
1.	Public and Parochial Schools	1 acre	100	50(b)	50	50(b)	20	1141.05(a)
2.	Churches and Other Buildings for Religious Worship	1 acre	100	50(b)	50	50(b)	20	1141.05(a)
3.	Public Utilities Rights-of-Ways	None	None	100	100	NA	NA	1141.05(b)
4.	Governmentally Owned or Operated Parks, Playgrounds, and Golf Courses in Residential Districts	None	None	50(b)	50	50(b)	20	1141.05(c)
5.	Temporary Buildings and Uses	(c)	(c)	(c)	10	NA	NA	1141.05(d)
6.	Recreational Uses Other Than Those Governmentally Owned in Residential Districts	1 acre	100	50(b)	50	50(b)	20	1141.05(c)
7.	Governmentally Owned/Operated Facilities Other Than Those Listed Above	1 acre	100	50(b)	50	50(b)	20	1141.05(a)
8.	Child Care Center	1 acre	100	50(b)	50	50(b)	20	1141.05(e)
9.	Institutions for Higher Education	2 acres	200	50(b)	50	50(b)	20	1141.05(a)
10.	Planned Unit Residential Development	10 acres	NA	NA	NA	NA	NA	1141.06
11.	Family Home for Handicapped Persons	(c)	(c)	(c)	(c)	(c)	(c)	1141.05(1)
12.	Group Home for Handicapped or Elderly Persons; Congregate Living Facilities	20,000 sq. ft.	100	50	(c)	50	10	1141.05(g)
13.	Hospitals, Clinics, Sanitariums, Convalescent Homes, Nursing Homes, Homes for the Aged	2 acres	200	50	50	50	20	1141.05(h)
14.	Accessory Buildings on Large Lots	1 acre	NA	NA	NA	NA	NA	1141.05(i)

15.	Multi-Family Dwellings in the R-4 District	1 acre	100	50	40	50	10	1141.07
16.	Accessory Office Uses in the R-4 District	13,500 sq. ft.	80	50	(c)	50	10	1141.05(j)
17.	Conditional Uses in a Park District	(c)	(c)	(c)	(c)	(c)	(c)	1141.05(cc)

(a) Shall include principal and accessory buildings unless specified otherwise in this Ordinance.

(b) Except when the corresponding requirement set forth in the regulations of the district in which such use is located is greater, in which case the proposed use shall comply with the greater requirement.

(c) Shall comply with the district regulations.

NA - Not Applicable

NP - Not Permitted

(Ord. 3-95. Passed 1-17-95)

1141.04 SPECIFIC STANDARDS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

(a) Purpose. In addition to the general criteria established in Section 1141.01 and 1141.02, the following specific conditions pertaining to each use or group of uses shall apply. Nothing in these regulations shall prohibit the Planning Commission and Council from prescribing supplementary conditions and safeguards in addition to these requirements in order to achieve the objectives established in Section 1141.02.

(b) Compliance with District Regulations. A conditional use located in a Commercial or Industrial District shall conform to the regulations of the district in which it is located except as otherwise specifically provided in Schedule 1141.04(b) below. Additional standards and requirements pertaining to specific uses are set forth in Sections 1141.05 to 1141.07 and are referenced in Schedule 1141.04(b).

Schedule 1141.04(b)

Regulations for Conditional Uses in Commercial and Industrial Districts

				<i>Min. Yard Dimensions (ft)</i>				
				<i>Buildings(a)</i>		<i>Parking</i>		
	<i>Conditional Use</i>	<i>Min. Lot Area</i>	<i>Min. Lot Width (feet)</i>	<i>Front</i>	<i>Side/Rear</i>	<i>Front</i>	<i>Side/Rear</i>	<i>See also Section</i>
1.	Multi-Family Development	1 acre	100	50	40	50	10	1141.07
2.	Churches and Other Buildings for Religious Worship	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(a)
3.	Child Care Center	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(e)
4.	Public Utility Rights-of-Way	None	None	(b)	(b)	(b)	(b)	1141.05(b)

5.	Medical Clinics including Urgent Care	(b)	(b)	(b)	(b)	(b)	(b)	None
6.	Ambulance and Emergency Medical Services	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(k)
7.	Automatic Teller Machine	(b)	(b)	(b)	(b)	NA	NA	1141.05(l)
8.	Establishments Selling Alcohol	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(m)
9.	Bars, Taverns, Nightclubs	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(n)
10.	Hotel/Motel	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(o)
11.	Drive-thru Facilities	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(p)
12.	Veterinarian Offices, Animal Clinics without Kennels	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(q)
				Min. Yard Dimensions (ft)				
				Buildings(a)		Parking		
	Conditional Use	Min. Lot Area	Min. Lot Width (feet)	Front	Side/Rear	Front	Side/Rear	See also Section
13.	Outdoor Storage/Display Accessory to a Principal Use	(b)	(b)	(b)	(b)	NA	NA	1141.05(r)
14.	Gasoline Service Station	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(s)
15.	Car Wash	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(t)
16.	Automobile Repair Garage	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(u)
17.	Automobile Sales/Rental	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(v)
18.	Membership /Sports/Fitness Club	(b)	(b)	(b)	(b)	(b)	(b)	None
19.	Motion Picture Theater	(b)	(b)	(b)	(b)	(b)	(b)	None
20.	Indoor and/or Outdoor Commercial Recreation	2 acres	200	(b)	(b)	(b)	(b)	1141.05(w)
21.	Governmentally Owned/Operated Service and Maintenance Facility	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(x)
22.	Conversion of Residential Structure	NA	NA	NA	NA	NA	NA	1141.05(y)
23.	Other Manufacturing Uses which are not injurious, obnoxious or offensive by reason of emission of waste water, odor, dust, fumes, vibration, smoke,	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(z)

	gas or noise and which do not involve the manufacture, processing, fabrication or distribution of explosives, the slaughtering of animals or stockyards							
24.	Expansion of a Permitted Industrial Use	(b)	(b)	(b)	(b)	(b)	(b)	1141.05(aa)
25.	Oil and Gas Wells	--	--	--	--	--	--	1141.05(bb)
(a) Shall include principal and accessory buildings unless specified otherwise in this Ordinance.								
(b) Shall comply with the district regulations.								
NA - Not applicable								

(Ord. 3-95. Passed 1-17-95)

1141.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 1141.02 and the lot area, width and yard regulations set forth in Sections 1141.03 and 1141.04.

(a) Public and Private Schools; Churches and Other Buildings for Religious Worship; Governmentally Owned/Operated Facilities other than Those Specifically Listed; Institutions for Higher Education. In a Residential or Commercial District, such public and semi-public uses may be permitted subject to the following:

- (1) Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood to lessen the impact on the residential area.
- (2) When located in a residential district, the access drives shall be located no less than 100 feet from an intersection.
- (3) When located in a residential district, the building and site shall be designed and constructed to minimize any negative impacts on the surrounding residential area.
- (4) In any district, the Planning Commission and Council may require (when appropriate) all outdoor children's activity areas to be completely fenced in to minimize traffic hazards.

(b) Public Utility Rights-of-Way. Public utility rights-of-way and substations may be permitted in any district subject to the following requirements:

- (1) In residential districts, utility rights-of-way and substations shall only be permitted when such are an essential service for distribution of utilities to the immediate neighborhood or when topological features restrict the location of such facilities.
- (2) Site locations should offer natural or manmade barriers to lessen any intrusion into residential areas.
- (3) Storage of materials shall be within a completely enclosed building.
- (4) Substations shall be at least 100 feet from a dwelling when located in a residential district, or 100 feet from a residential district when located in a C-I, I-1 or T-C District, or shall be adequately screened.

(c) Public or Private Parks, Playgrounds, or Indoor or Outdoor Public Recreation Facilities. In any Residential District, parks, playgrounds and public recreation facilities, except miniature golf courses, may be permitted subject to the following:

(1) All loudspeaker systems shall be approved by Planning Commission and Council and shall not create a nuisance for adjacent properties.

(2) Lighting shall not shine on adjacent property and shall not pose a hazard to traffic movement.

(3) Athletic fields, courts, or other outdoor activity areas shall not be located within any required yard.

(4) The Planning Commission and Council may require any outdoor activity area to be fenced to minimize traffic hazards.

(5) Public and semi-public swimming pools may be permitted as part of a park or as a separate recreational use in any Residential District in compliance with the following:

A. Public pools shall be pools and water bodies intended for public, semi-public, and private uses other than those specified as private pools for individual residences.

B. An in-ground or above-ground swimming, wading, or other pool having a capacity for water depth exceeding 18 inches shall be required to obtain a Zoning Certificate.

C. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than four feet six inches.

D. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches in width, except for doors, gates and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in place of or as part of the enclosure.

E. Above-ground pools having vertical surfaces of at least four feet six inches above the finished grade shall be required to have fences, enclosures and secured gates only where access may be had to the pool.

F. Ponds, lakes and streams to be utilized for public swimming purposes shall be fenced or secured at those locations presenting hazards to potential users and adjacent major residential developments or concentration areas for children. Hazardous locations include banks approaching, entering, and extending into the water at slopes exceeding a ratio of one foot vertical to three feet horizontal.

(6) Golf courses may be permitted as part of a park or as a separate recreational use in any Residential District in compliance with the following:

A. Access drives shall be at least 100 feet from an intersection.

B. Vehicular access to such uses shall be located on a major street.

(d) Temporary Buildings and Uses. Temporary buildings and uses for purposes incidental to construction work may be permitted in a Residential District provided such building or use is in compliance with the following:

(1) Any temporary structures or uses must be indicated as such on site plans submitted to the Planning Commission for approval.

(2) Temporary structures or uses shall not be continued as permanent structures or uses. The period of continuance shall be set by the Planning Commission.

(e) Child Care Center. A child care center may be permitted in an R-4, C-1 and T-C District subject to the following:

(1) All child care centers shall comply with the following:

A. Outside play areas shall be fenced for the protection and control of the children.

B. Required parking shall be on the same lot as the principal use.

C. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children.

(2) A child care center that is operated as the principal use on the lot shall comply with the following additional requirements.

A. In a residential district, the maximum number of children shall not exceed 50 plus 25 additional children for every 1/4 acre of lot area greater than one acre.

B. When located in a residential district, the proposed child care center shall be located on a major or collector street, preferably at an intersection having a traffic light or shall abut a multi-family or non-residential development.

C. The character of the location and development must be designed to provide a residential environment for the protection of the children from the traffic, noise, and other hazards of the area and/or the arterial street location.

D. When located in a residential district, the building and site shall be designed and constructed to minimize any negative impacts on the surrounding residential area.

E. When located in a residential district, access drives shall be located no less than 100 feet from an intersection.

(3) A child care center may be operated as an accessory use to a place of worship, school or other public or semi-public facility in compliance with the requirements of subsection (e)(1). However, the Planning Commission and Council may determine that a child care center located on the same site as a place of worship, school or other public or semipublic organization does not, because of the volume of activity, constitute an accessory use and shall therefore require the child care center to comply with the requirements of subsection (e)(2).

(4) A Type B child day-care home, as defined in the Zoning Ordinance, is considered a residential use of property for zoning purposes and shall be permitted by right in all residential zoning districts.

(f) Family Home for Handicapped Persons. In a Residential District a family home for handicapped persons as defined in this Zoning Ordinance may be permitted provided such use is in compliance with the following:

(1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:

A. The resident intends to live at the dwelling on a continuing basis; and,

B. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

(2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is handicapped as defined in 42 U.S.C. § 3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use certificate is granted;

(3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;

(4) No handicapped resident shall be permitted to have a bedroom on the third floor of the residence;

(5) In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;

(6) Signs or other means of identification as a family home for handicapped persons shall not be permitted;

(7) The applicant shall comply with the applicable parking regulations of the Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;

(8) In considering whether to grant the conditional use certificate, Planning Commission and Council shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to

change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall such a family home be closer than 2,000 feet from where another such home for handicapped persons is located;

(9) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such licensure, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;

(10) The residential home shall meet local fire safety requirements for the proposed use and level of occupancy.

(11) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

(g) Group Home for Handicapped or Elderly Persons and Other Congregate Living Facilities. Congregate living facilities may be permitted in an R-4 Residence District provided that:

(1) The facility shall accommodate no more than 12 beds per acre.

(2) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

(3) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such licensure, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;

(4) The applicant shall comply with the applicable parking regulations of the Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;

(5) In considering whether to grant the conditional use certificate, Planning Commission and Council shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall such a family home be closer than 2,000 feet from where another such home for handicapped persons is located;

(6) Residents shall either be handicapped as defined by the Zoning Ordinance or be 62 years of age or older.

(h) Hospitals, Clinics, Sanitariums, Convalescent Home, Homes for the Aged, and Nursing Homes. Health care facilities may be permitted in an R-4 Residential District in compliance with the following:

(1) Such facilities shall comply with the applicable regulations in the building code.

(2) The density shall not exceed 25 patients per acre.

(3) Such uses shall be located adjacent to a major street or at an intersection with a major street, or abutting a commercial district.

(4) Access drives shall be located no less than 100 feet from an intersection.

(i) Accessory Buildings on Large Lots. In a Residential District, an accessory building larger than permitted by the regulations set forth in the district regulations may be permitted in compliance with the following:

(1) The accessory building shall have a maximum area of three percent of the lot area or 2,000 square feet, whichever is less and shall not exceed 80% of the total floor area of the dwelling.

(2) On lots with an area of one acre to less than three acres, such accessory building shall be permitted in the rear yard.

(3) On lots with an area of three acres or more, such accessory building shall be permitted in the side or rear yard.

(4) Such accessory building shall be located no less than 10 feet from a side or rear lot line, plus 1 foot for every 2 feet

of building length greater than 20 feet, of the nearest building wall which is most parallel to the corresponding side or rear lot line, except as required for structures housing animals as set forth in Section 1149.18.

(j) Accessory Office Uses in the R-4 District. In compliance with the goals and purposes of the R-4 Residential District, limited development of office uses may be conditionally permitted as an accessory use to a single-family dwelling located on a lot with frontage along Main Street (S.R. 91) in compliance with the following:

(1) At all times the residential use of the property shall be maintained as the principal use on the lot and any office use shall be accessory thereto.

(2) The uses permitted shall be limited to administrative, business, professional and medical offices.

(3) The accessory office use shall occupy no more than 100 percent of the ground floor area of the dwelling. The area of an attached garage shall not be included for the purpose of calculating floor area.

(4) All activities, including the storage of equipment, supplies or apparatus used in the accessory office use shall be carried on entirely within the dwelling, and no use of a garage, accessory building or outdoor area shall be permitted.

(5) Employee and customer parking for the proposed office use shall be accommodated on site behind the building line, in a side or rear yard.

(6) The proposed use shall not constitute a fire hazard endangering the site and/or adjoining properties. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, or storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire. Proposed accessory office uses are subject to an annual inspection by the Zoning Inspector, City Engineer and Fire Inspector (or their representatives) to ensure that the established standards and limitations set forth for accessory office uses are complied with.

(7) Notwithstanding the provisions of this section, all accessory office uses shall comply with all applicable building code requirements.

(k) Ambulance and Emergency Medical Services. Ambulance services and other emergency medical services may be permitted in a C-1 District in compliance with the following:

(1) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the rear yard in off-street parking areas. Such parking areas shall be hard surfaced and screened in compliance with Section 1131.06.

(2) Such uses shall be located in an area least disruptive to pedestrian and vehicular traffic.

(l) Automatic Teller Machine. An automatic teller machine which is located on the outside of a principal building; in a lobby or entrance of a principal building and which is accessible during non-regular business hours; or enclosed separately in a freestanding building, may be permitted in a C-1 and T-C District in compliance with the following:

(1) Such facility should be located so as to be the least disruptive to pedestrian and vehicular traffic;

(2) There shall be adequate and safe standing space for persons waiting to use the facility;

(3) The Division of Police has determined that the location of the proposed ATM would not constitute a traffic safety hazard;

(4) The Planning Commission and Council may require additional parking spaces, if deemed necessary, than otherwise required for the principal use.

(m) Establishments Selling Alcohol. For establishments selling alcohol, the Planning Commission and Council may impose restrictions on the hours such establishment is open for business.

(n) Bars, Taverns, Nightclubs. Bars, taverns and nightclubs may be permitted in a C-1 and T-C District in compliance with the following:

(1) The Planning Commission and Council may impose restrictions on the hours such establishment is open for business.

(2) Such establishment shall be located a minimum of 250 feet from a dwelling or residential district.

(3) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

(o) Hotels and Motels. Hotels and motels may be permitted in a C-1 District in compliance with the following:

(1) Lighting shall not shine on adjacent property or pose a hazard to traffic movement.

(2) Shall be located on a major street.

(p) Drive-Thru and Drive-In Facilities. Drive-thru and drive-in facilities may be permitted in a C-1 and T-C District in association with a permitted or conditionally permitted use as set forth in the regulations of the district in which such facility is proposed and shall be regulated according to the following:

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) Access drives shall be 100 feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided.

(4) The Planning Commission and Council may impose restrictions on the hours of operation.

(q) Veterinary Offices and Animal Clinics. A veterinary office or animal clinic may be permitted in a C-1 and I-1 District provided there shall be no kennels or facilities for the boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.

(r) Outdoor Display and/or Outdoor Storage. The outdoor storage and/or display of goods, supplies and equipment may be permitted in a C-1, I-1 and T-C District in compliance with the following:

(1) The outdoor storage of goods, supplies and equipment used in the operation of the principal use shall:

A. Be located only in the rear yard;

B. Comply with the principal building setbacks established for the district in which the principal use is located;

C. Be screened in compliance with the district regulations.

(2) The outdoor display of goods for sale shall:

A. Comply with principal building setbacks established for the district in which the principal use is located;

B. Not be located in areas intended for traffic circulation according to the site plan.

(s) Gasoline Station. In C-1 and T-C District, a gasoline station, with or without associated convenience retail store, may be permitted in compliance with the following:

(1) Such use shall be located at the extremity of the district or at an intersection to cause the least interference with pedestrian and vehicular traffic.

(2) Gasoline service stations shall conform to all setback requirements of the district in which they are permitted except that gasoline pump islands need not conform to the required setbacks but shall be set back from all street right-of-way lines at least twenty feet. Lubrication, washing and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as provided elsewhere herein.

(3) Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential district or hazard to traffic on any public thoroughfare.

(4) Ingress and egress driveways shall be limited to two on any one street, shall be separated from each other by at least

twenty feet, and shall be separated from the intersection of any two street right-of-way lines by at least twenty feet and from the intersection of any other property line with any street right-of-way line by at least ten feet. The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan.

(5) Not more than eighty square feet of ground area may be used for the outdoor storage of discarded materials, automobile parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a masonry wall not less than five feet in height. Such storage area shall not be located between the principal building and any street right-of-way line and shall be made structurally a part of the principal building or shall be located a distance from the principal building not greater than ten feet.

(6) Outdoor display of merchandise other than rental trailers, trucks or other vehicles regulated elsewhere herein shall be confined to pump islands and to one other display area or display and storage structure conforming to all building set back lines and not exceeding in ground coverage fifty square feet nor exceeding eight feet in height nor separated from the principal building by a distance greater than ten feet.

(7) The rental of utility trailers and trucks and the storage of utility trailers and trucks offered for rent shall be permitted in conjunction with a gasoline service station only upon compliance with the following conditions:

A. Storage areas for rental trailers and trucks shall conform to all building setback lines;

B. Storage areas shall be screened from any abutting land zoned for residential purposes by fencing and/or landscaping considered by the Planning Commission to constitute an effective visual screen;

C. Storage areas shall be clearly separated from and shall not interfere with areas approved on the site plan for vehicular circulation, automobile servicing, and vehicular parking areas necessary and incidental to the primary purpose of the gasoline service station operation;

D. Storage areas shall be permitted only on paved portions of the site.

(t) Car Wash. A car wash may be permitted in a C-1 District provided that all washing shall occur within the building. A car wash may be combined with a gasoline station provided all standards for gasoline stations are maintained.

(u) Automobile Repair Garage and Other Similar Auto Oriented Businesses. A repair garage or similar use may be permitted, with or without associated convenience retail store, in an C-1 District in compliance with the following:

(1) All work shall be performed entirely within an enclosed building; all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.

(2) The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan.

(3) Not more than eighty square feet of ground area may be used for the outdoor storage of discarded materials, automobile parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a masonry wall not less than five feet in height. Such storage area shall not be located between the principal building and any street right-of-way line and shall be made structurally a part of the principal building or shall be located a distance from the principal building not greater than ten feet.

(4) Outdoor display of merchandise other than rental trailers, trucks or other vehicles regulated elsewhere herein shall be confined to one display area or display and storage structure conforming to all building set back lines and not exceeding in ground coverage fifty square feet nor exceeding eight feet in height nor separated from the principal building by a distance greater than ten feet.

(5) The rental of utility trailers and trucks may be permitted provided such accessory use complies with Section 1141.05(r)(7).

(v) Automobile Sales/Rental. In a C-1 District, the sale or rental of trucks and boats may be permitted provided that :

(1) Vehicles may be stored outside provided the storage area is adequately screened in compliance with Section 1131.06.

(2) All work on vehicles, including but not limited to cleaning, servicing and repair, shall be done only inside a suitable service building.

(3) Such uses may be combined with other automotive uses if the total lot area equals the sum of the areas required for each use.

(w) Indoor and/or Outdoor Commercial Recreation. Indoor and/or outdoor commercial recreation facilities may be permitted in a C-1 and T-C District in compliance with the following:

(1) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission and Council may require all applicable surface areas to be paved, and impose additional noise reduction measures to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.

(2) All active recreation areas shall be enclosed by a fence having a minimum height of six feet.

(3) Access drives shall be located at least 100 feet from an intersection.

(4) All structures including lighting fixtures shall have a maximum height of 35 feet.

(5) Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of fire arms shall not be permitted, unless contained within a soundproof structure.

(x) Governmentally Owned and Operated Service and Maintenance Facility. In C-1 and I-1 District, a public service and maintenance facility may be permitted provided that all buildings, storage areas and substations shall be at least 100 feet from a dwelling or boundary of a residential district or shall be adequately screened.

(y) Conversion of Residential Structures. In a C-1 or T-C District, the conversion of a residential structure to a commercial use may be permitted in compliance with the following:

(1) Statements from the City Engineer, Building Official, Planning Director, City Fire Marshal, and County or State Health Department shall be submitted indicating that the building meets or can be safely converted to meet the codes and regulations which are under the control of these persons or departments.

(2) The residential use of the structure shall be prohibited once such structure is converted to a commercial use.

(z) Other Manufacturing Uses. Other manufacturing uses which are not injurious, obnoxious or offensive by reason of emission of waste water, odor, dust, fumes, vibration, smoke, gas or noise and which do not involve the manufacture, processing, fabrication or distribution of explosives, the slaughtering of animals, or stockyards may be permitted in an Industrial District in compliance with the following:

(1) Proposed locations should offer natural or man-made buffers;

(2) Hazardous operations shall be completely surrounded with a minimum six foot high security fence; City Police and Fire Departments shall be advised of any hazardous operations or materials and shall approve of such.

(3) Truck routes shall be established to minimize hazards and damage to other properties;

(4) Laundry and cleaning plants, printing and publishing, foundries, machine shop, vehicle and equipment repair services, truck terminals and other manufacturing activities which create objectionable noise shall be located no closer than 100 feet to any Residential District.

(aa) Expansion of a Permitted Industrial Use. In the T-C District, a permitted industrial use (as set forth in Section 1137.02) may expand the amount of building floor area or site area devoted to such use provided such expansion is in compliance with the following:

(1) The building floor area or site area used or occupied by the industrial use may be expanded in area equal to a maximum of 30 percent of the floor area or site area occupied by such use on the effective date of the Zoning Ordinance.

(2) The use of an industrial building may be changed to a permitted or conditional use as set forth in Section 1137.02.

Whenever an industrial building is reoccupied by a nonindustrial use, such building shall not thereafter be reoccupied by an industrial use.

(bb) Gas and Oil Wells. Such uses shall be conducted not closer than 200 feet from any R-District boundary. Where the I-1 District abuts upon but is separated from an R-District by a street, the width of the street may be considered as part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matters or water carried wastes.

(1) A general statement regarding the method to be employed and the type of equipment or machinery, if any, involved therewith.

(2) The approximate dates within which the work will be commenced and completed.

(3) The applicant is capable of, and will furnish a performance bond in the minimum amount of fifteen hundred dollars (\$1,500) for each acre involved, or fraction thereof, if the Conditional Zoning Certificate is granted.

(4) Evidence must be given that a state permit has been obtained.

(5) Such uses shall conform with all applicable rules and regulations set forth in the Codified Ordinances of the City of Munroe Falls.

(cc) Conditional Uses in a Park District. In a Park District, public recreation and entertainment facilities set forth in Section 1139.03 (a) (b) and (c) and ancillary concession stands set forth in 1139.03 (d) may be permitted subject to the following:

(1) All loudspeaker systems shall be approved by Planning Commission and Council and shall not create a nuisance for adjacent properties.

(2) Lighting shall not shine on adjacent property and shall not pose a hazard to traffic movement. The Planning Commission and Council may limit the height of lighting fixtures.

(3) The Planning Commission and Council may require any outdoor activity area to be fenced to minimize traffic hazards.

(4) Public swimming pools shall comply with the following:

A. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than four feet six inches.

B. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches in width, except for doors, gates and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in place of or as part of the enclosure.

C. Above-ground pools having vertical surfaces of at least four feet six inches above the finished grade shall be required to have fences, enclosures and secured gates only where access may be had to the pool.

D. Ponds, lakes and streams to be utilized for public swimming purposes shall be fenced or secured at those locations presenting hazards to potential users and adjacent major residential developments or concentration areas for children. Hazardous locations include banks approaching, entering, and extending into the water at slopes exceeding a ratio of one foot vertical to three feet horizontal.

(Ord. 28-01. Passed 9-18-01.)

1141.06 PLANNED UNIT RESIDENTIAL DEVELOPMENT.

(a) Purpose. A Planned Unit Residential Development (PURD) may be conditionally permitted in an R-1, R-2, R-3 and R-4 Residential District in accordance with the standards and regulations established in this Zoning Ordinance. It is the intent of

this subsection to permit flexibility in the design of single-family residential developments through departure from the strict application of the setback, height, and minimum lot size requirements of the residential districts, while maintaining the overall density objectives of the Zoning Ordinance. Specifically, the flexible development standards for a Planned Unit Residential Development shall:

- (1) Permit a creative approach to the development of residential land;
- (2) Accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of the Zoning Ordinance;
- (3) Provide for an efficient use of land, resulting in smaller networks of utilities and streets and thereby lower housing costs;
- (4) Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements.
- (5) Provide an opportunity for new approaches to home ownership;
- (6) Provide an environment of stable character compatible with surrounding residential areas;
- (7) Provide a pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.

(b) **Voluntary Development Procedure.** Use of the Planned Unit Residential Development is not mandatory for the development of any parcel of land. The intent and purpose of this process is to provide a voluntary development procedure which maximizes the utilization of land primarily for the benefit, use, ownership and enjoyment of the future residents of that area and the existing residents of the Municipality. In a Planned Unit Residential Development, open space and common recreation areas and facilities are the environmental and livability benefits furnished to the home owner and community in lieu of large individual lots.

(c) **Approval Criteria.** A PURD shall be approved by the Planning Commission and Council as a conditional use. In addition to the general review criteria for conditional uses set forth in Section 1141.02. The Planning Commission and Council shall review a proposed PURD giving particular consideration to the following:

- (1) Uses within the proposed PURD shall be located so as to reduce any adverse influences and to protect the residential character of areas both within and adjacent to the PURD;
- (2) Lot layout shall achieve the best possible relationship between the development and the land;
- (3) Roadway systems, entrances, exits, recreation areas and pedestrian walkways within the PURD shall be so designed as to have access to public, primary and secondary streets without creating traffic hazards or congestion;
- (4) The layout of recreation areas, open spaces, public sites, entrances, exits, yards, landscaping, signs, lighting and other potentially adverse influences shall be designed and located to protect the residential character within and adjacent to the PURD.

(d) **Permitted Uses.** As part of a conditionally permitted PURD, the following uses and dwelling types shall be permitted:

- (1) Single-family residential dwellings on subdivided lots;
- (2) Cluster single-family residential dwellings;
- (3) Two-family residential dwellings;
- (4) Attached single-family residential dwelling units;
- (5) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business.

(e) **Land Area Requirements.** The gross area of a tract of land proposed to be developed in a PURD shall be no less than ten acres. The area proposed for development shall be in one ownership or, if in several ownerships, the application shall be

filed jointly by all the owners of the properties included in the plan. All land within the proposed development shall be contiguous except as may be divided by a public street right-of-way other than a limited access highway.

(f) Development Standards. A PURD approved as a conditional use may vary from the standard requirements of the district as follows in order to achieve the goals of this Section and of the district in which the PURD is located.

(1) Subdivision of Tract. The entire tract of land proposed for a PURD shall be considered one zoning lot. Any subdivision of land within the zoning lot following approval of the site plan, at the election of the applicant, shall not need to comply with the lot area, lot width or yard requirements established for the district in which the PURD is located.

(2) Density. The density of a PURD shall not exceed 0.8 dwelling units per acre in an R-1 District, provided that on any single acre within the R-1 District the density shall not exceed 4 dwelling units per acre. The density of a PURD shall not exceed 1.9 dwelling units per acre in an R-2 District, 2.3 dwelling units per acre in an R-3 District, and 2.6 dwelling units per acre in an R-4 District, provided that on any single acre within an R-2, R-3 or R-4 District the density shall not exceed 6 dwelling units per acre. The total number of units permitted shall be calculated by multiplying the total land area by the density permitted per acre.

(3) Distance from Project Boundary Lines. All dwelling units shall be located no closer than 25 feet to a proposed public right-of-way and 25 feet to the side and rear lot lines of the project boundary. Dwelling units fronting on an existing public street shall comply with the minimum front yard depth established for the district in which the PURD is located.

(4) Spacing Between Buildings. Two or more individual buildings within the PURD, including attached terraces, decks and patios, shall be separated from one another by a minimum distance of 10 feet, or equal to one-half the building wall overlap whichever is greater, provided that when the walls of one or both buildings contain living room, bedroom or dining room windows, the separation shall be 60 feet. In no case shall the separation be required to exceed 60 feet.

(5) Open Space Requirements. A minimum of 20 percent of the total area in a proposed PURD shall be devoted to public and/or private open space, preservation areas, recreational areas, or recreational facilities.

A. Land area devoted to parking areas, land fragments between two or more buildings and between buildings and parking areas, and required yards between property lines and buildings and between property lines and parking areas shall not be included as open space.

B. Public utility and similar easements and rights-of-way are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Planning Commission.

C. The required amount of open space reserved under a PURD shall either be:

1. Dedicated to the Municipality for park purposes of any open space of five acres or more subject to its acceptance by Council.

2. Dedicated to a Homeowner's Association. An incorporated, non-profit organization operating under recorded land agreements through which each home owner in the PURD is automatically a member; and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and the charge, if unpaid, becomes a lien against the property.

3. Held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development.

D. The legal articles relating the organization of the homeowners association are subject to review and approval by the Planning Commission and Council and shall provide adequate provisions for the perpetual care and maintenance of all common areas.

E. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

F. Such open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

(6) Public Improvement Requirements. Central sanitary sewer and water facilities shall be provided for all units within

the PURD. All utilities, including telephone, cable television, and electrical systems, shall be located underground within the limits of the PURD. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission and Council find that such exemption will not violate the intent or character of the proposed PURD.

(7) **Additional Standards.** Additional site specific development requirements formulated to achieve the objectives of these regulations shall be established at the time the conditional use request and development plan are reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the PURD and shall supersede those contained in the district regulations.

(g) **Supplemental Requirements.** A PURD shall comply with the following supplemental requirements.

(1) **Landscaping.** All street right-of-ways and common open space shall be landscaped according to an overall plan and shall be implemented by phases as units are completed and weather permits. Natural wooded areas shall be preserved and maintained for landscaping and screening to the greatest extent possible.

(2) **Topography - Natural Features.** The PURD shall be designed to take advantage of the topography of the land in order to utilize the natural contours, and to minimize destruction of water courses, natural vegetation, trees, and topsoil.

(3) **Grading.** Grading and site preparation for areas other than building sites, streets, sidewalks and utilities shall be limited to disturbing the minimum amount of vegetation and other topographic features.

(4) **Development Layout.** Streets and cul-de-sacs shall be laid out so as to utilize natural contours and discourage through and high speed traffic.

(5) **Circulation.**

A. Wherever possible, the major vehicular and pedestrian circulation patterns shall be completely separate and independent from one another.

B. Street and sidewalk alignments, and the alignments for utilities should be parallel to contours, in valleys or on ridges where possible, in common open areas, and, as permitted by the Planning Commission and Council, in areas served by private drives or cul-de-sac streets.

(6) **Phased Development.** If the development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management and other public improvements to serve the development in accordance with the applicable criteria set forth. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent damage to completed phases, to future phases and to adjoining property. A performance bond on the total improvements and amenities shall be furnished to the City prior to initiating construction on the first phase of the development.

(h) **Procedures.** A proposal for a PURD shall comply with the following administrative provisions.

(1) **Site Plan Review, Approval and Conformance.** A site plan for a PURD shall be required as set forth in Chapter 1163 in order to evaluate a project's compatibility with the surrounding land uses and its compliance with these regulations. Such site plan shall be approved by Planning Commission and Council.

(2) **Significance Of An Approved Plan.** An approved site plan shall become for the PURD a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of City Council. A request for such a transfer or change of ownership shall be presented to City Council and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original site plan.

(3) **Changes to An Approved Plan.** All construction and development under any building permit shall be in accordance with the approved site plan. Any departure from the approved plans shall be cause for revocation of the conditional zoning certificate. Any changes in approved plans shall be resubmitted for approval in accordance with these PURD regulations.

(Ord. 3-95. Passed 1-17-95)

1141.07 MULTI-FAMILY DEVELOPMENT.

(a) Purpose. Multi-family dwellings may be conditionally permitted in an R-4, C-1 and T-C District in accordance with the standards and regulations set forth in this Zoning Ordinance. These regulations are intended to encourage multi-family dwellings in specific locations in order to achieve the following objectives:

- (1) To allow creativity and variety in design as necessary to implement the various goals and objectives of the City.
- (2) To promote economical and efficient use of land through unified development.
- (3) To protect lower density residential areas by requiring buffer areas between single-family dwellings and multi-family dwellings.
- (4) To regulate density and distribution of population.

(b) Location and Approval Criteria. As a conditional use, multi-family dwellings shall only be permitted on specific parcels that comply with the following criteria:

- (1) The location of lots for multi-family dwellings in a C-1 or T-C District shall abut at least one of the following:
 - A. A residential district so as to serve as a transition between lower density residential and non-residential development; or
 - B. An existing multi-family development.
- (2) Vehicular and pedestrian circulation shall have direct access to the major street or be located off the side street in a manner so as not to be disruptive to abutting single-family neighborhoods.
- (3) Developments shall only be permitted in areas served by centralized water and sewer.
- (4) In addition to the general review criteria for conditional uses set forth in Section 1141.02, the Planning Commission and Council shall review a proposed multi-family development giving particular consideration to the following:
 - A. Buildings within the proposed development shall be located so as to reduce any adverse influences and to protect the residential character of areas both within and adjacent to the multi-family development;
 - B. Diversity and originality in individual building design shall be encouraged to achieve the best possible relationship between development and the land;
 - C. Significant buffer zones with adequate landscaping shall be provided between the proposed multi-family dwellings and existing single-family neighborhoods.
 - D. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the multi-family development shall be so designed as to have access to public streets without creating traffic hazards or congestion;
 - E. The layout of parking areas, service areas, entrances, exits, yards, courts, landscaping, signs, lighting, and other potentially adverse influences shall be designed and located to protect the residential character within and adjacent to the multi-family development.

(c) Permitted Uses. As part of a multi-family development, the following uses and dwelling types shall be permitted:

- (1) Cluster single-family dwellings provided no more than fifty percent (50%) of the total units in the multi-family development are detached units;
- (2) Attached single-family dwellings with a maximum of eight units attached;
- (3) Two-family dwellings;
- (4) Apartments with a maximum of 20 dwelling units per building;

- (5) Accessory recreational and community facilities for use by the residents of the multi-family development;
- (6) Other accessory uses permitted in the district in which the development is located.

(d) **Minimum Land Area.** The gross area of a tract of land proposed to be developed for multi-family purposes shall be no less than one acre to ensure that each project creates an appropriate residential environment. The area proposed shall be in one ownership or, if in several ownerships, the application shall be filed jointly by all the owners of the properties included in the plan.

(e) **Development Standards.** A multi-family development approved as a conditional use may vary as follows from the standard requirements of the district in which it is located:

(1) **Density.** The density of a multi-family development shall not exceed six dwelling units per acre. The total number of units permitted shall be calculated by multiplying the total land area, exclusive of public streets existing at the time the site plan is submitted, by the maximum density permitted per acre.

(2) **Distance from Streets.** All principal buildings and accessory buildings shall be set back from:

A. A public right-of-way a distance not less than 50 feet;

B. Private streets, parking lots and other primary vehicular accessways a distance not less than 20 feet, except that detached parking garages may be adjacent to parking lots.

(3) **Distance from Property Lines.** All principal buildings in a multi-family development shall be located no closer than 40 feet to a property line except that when a proposed multi-family abuts a non-residential district or development, or an existing multi-family development, principal buildings shall be located no less than 20 feet from the property line forming the common boundary.

(4) **Minimum Spacing Between Dwellings.** The minimum distance between all dwellings, including attached terraces, decks, and patios shall be 10 feet or equal to one-half the building wall overlap, whichever is greater, provided that when the walls of one or both buildings contain windows of living rooms, bedrooms or dining rooms, the separation shall be 60 feet. In no case shall the separation be required to exceed 60 feet.

(5) **Maximum Building Height.** The height of principal buildings shall not exceed 35 feet and accessory buildings shall not exceed 15 feet.

(Ord. 3-95. Passed 1-17-95.)

(6) **Minimum Floor Area of Dwelling Units.** The minimum floor area for a dwelling unit shall be not less than specified below. For attached single-family units, townhouse units and apartment units, measurements shall be made to the center line of party walls. All areas within garages, porches, public hallways and general storage rooms in apartment dwellings shall be excluded from this measurement.

A. Single-Family Detached Units: 1,400 square feet per dwelling unit.

B. Two-Family: 1,200 square feet per dwelling unit.

C. Attached Single-Family: 1,400 square feet per dwelling unit.

D. Apartment: 950 square feet for each one bedroom dwelling unit; 1,000 square feet for each two bedroom dwelling unit; and 1,200 square feet for each three bedroom dwelling unit.

(Ord. 18-97. Passed 5-6-97.)

(7) **Senior Citizen Apartments.** For a multi-family development which is intended to be exclusively devoted to Senior Citizen Apartments, the minimum dwelling unit floor area shall be 500 square feet provided that to qualify as a senior citizen apartment development the applicant shall present documentation to the satisfaction of the Law Director that ensures that the multi-family dwelling units are constructed for and perpetually reserved for senior citizen apartments.

(8) **Open Space Requirements.** A minimum of twenty percent (20%) of the total area in a proposed multi-family

development shall be devoted to public and/or private open space, preservation areas, recreational areas, or recreational facilities.

A. Land area devoted to parking areas, land fragments between two or more buildings and between buildings and parking areas, and required yards between property lines and buildings and between property lines and parking areas shall not be included as open space.

B. The required amount of open space shall either be: held in corporate ownership by owners of the project area, for the use of residents within the development; dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses; or offered for dedication to the City for perpetual preservation as a natural area or public recreational use.

C. The legal articles relating the organization of the homeowners association are subject to review and approval by the Planning Commission and Council and shall provide adequate provisions for the perpetual care and maintenance of all common areas.

D. Public utility and similar easements and rights-of-way are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Planning Commission.

E. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

F. Such open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

(9) Landscaping and Screening Requirements. A multi-family development shall provide and maintain the following landscaping and screening standards:

A. Front Yard Landscaped Strip. A strip 50 feet wide immediately adjacent to any street right-of-way and running the width of the site (except for vehicular entrances and exits) shall be planted, landscaped and maintained in a neat and orderly fashion. No other uses, including parking, shall be permitted in this strip, except for driveways.

B. Side and Rear Yard Screening. A strip of land at least 10 feet in width and running the length of every side and rear yard shall be landscaped and planted for screening purposes and shall be devoid of all other uses, including parking and driveways. The total side and rear yard width shall be maintained in a neat and orderly fashion.

C. Screening and Landscaping of Parking Lots. Perimeter and interior landscaping of parking lots shall be provided in conformance with the regulations set forth in Sections 1143.07(h) and 1143.07(i).

(10) Required Parking. Parking spaces shall be provided in accordance with the requirements and design standards set forth in Chapter 1143.

(11) Additional Standards. Additional site specific development requirements formulated to achieve the objectives of these regulations shall be established at the time the site plan and the conditional use request are reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the proposed multi-family development.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1142

Riparian Setbacks

1142.01 Public purpose.

1142.02 Applicability, compliance, and violations.

1142.03 Conflicts without other regulations and severability.

1142.04 Definitions.

- 1142.05 Establishment of a riparian setback.
 - 1142.06 Uses permitted.
 - 1142.07 Uses prohibited.
 - 1142.08 Nonconforming structures or uses in the riparian setback.
 - 1142.09 Boundary interpretation and appeals procedure.
 - 1142.10 Variances.
 - 1142.11 Inspection.
- Appendix: Woody Plants Suitable for Riparian Areas.

1142.01 PUBLIC PURPOSE.

(a) The purpose of adopting this chapter of the is to maintain local control over consideration of variance requests in certain riparian areas. It is in the best interest of the City of Munroe Falls to allow flexibility in the implementation of this chapter, and to reduce the need for variance requests from the specific provisions of this chapter, and thereby promote environmental quality; and

(b) It is hereby determined that the system of streams within the City contributes to the health, safety and general welfare of the residents of the City. The purpose of this chapter is to protect and preserve the water quality within streams of the City and to protect residents of the City from property loss and damage because of flooding and other impacts of the stream. The method of implementing this chapter is by controlling uses and developments within the riparian setback that would impair the ability of the riparian area to:

- (1) Reduce the flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.
- (2) Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- (3) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.
- (4) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter the stream.
- (5) Provide areas for natural meandering and lateral movement of stream channels.
- (6) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
- (7) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- (8) Benefit the City economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the City, the quality of life of the residents of the City and corresponding property values.
- (9) Protect the health, safety, and welfare of the citizens of the City.

(c) The following regulation has been enacted to protect these riparian areas by providing reasonable controls governing the structures and uses in riparian setbacks.

(Ord. 06-08. Passed 5-20-08.)

1142.02 APPLICABILITY, COMPLIANCE, AND VIOLATIONS.

- (a) The provisions of this chapter shall apply to all lands within the jurisdiction of the City.
- (b) No preliminary plan, building, or zoning approvals shall be issued by the City without full compliance with the terms of these regulations where applicable.
- (c) Any person or organization that violates Section 1142.07 shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be subject to punishment by a fine of one hundred dollars (\$100.00) for each and every day the violation exists and shall be required to restore the riparian setback through a plan approved by Summit SWCD.
- (d) The provisions of this chapter may be enforced through civil or criminal proceedings brought by the City.

(Ord. 06-08. Passed 5-20-08.)

1142.03 CONFLICTS WITHOUT OTHER REGULATIONS AND SEVERABILITY.

- (a) Where this chapter imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this chapter shall control.
- (b) These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in division (a) of this section.
- (c) If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

(Ord. 06-2008. Passed 5-20-08.)

1142.04 DEFINITIONS.

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

- (a) “Best management practices (BMPs).” Conservation practices or protection measures which reduce impacts from a particular land use. “Best management practices” for construction are outlined in *Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection* prepared by the Ohio Department of Natural Resources.
- (b) “Damaged or diseased trees.” Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
- (c) “Defined channel.” A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.
- (d) “Federal Emergency Management Agency (FEMA).” The agency with overall responsibility for administering the Nation Flood Insurance Program.
- (e) “Final plat.” A final tracing of all or a phase of a subdivision and its complete survey information.
- (f) “Impervious cover.” Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

- (g) “Natural succession.” A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.
- (h) “Noxious weed.” Any plant defined as a “noxious weed and rank vegetation” in Section 521.15.
- (i) “Ohio Rapid Assessment Method.” A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
- (j) “100-year floodplain.” Any land susceptible to being inundated by water from a base flood, which is a flood that has a 1% or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the “100-year floodplain” shall be defined by FEMA and approved by the County of Summit Department of Building Standards.
- (k) “Ordinary high water mark.” The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.
- (l) “Pollution.” Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.
- (1) “Point source” pollution is traceable to a discrete point or pipe.
- (2) “Non-point source” pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than a direct discharge.
- (m) “Preliminary plan.” A drawing of a project for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.
- (n) “Riparian area.” A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. “Riparian areas,” if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purpose of these regulations.
- (o) “Riparian setback.” The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. “Riparian setbacks” are those lands within City that fall within the area defined by the criteria set forth in these regulations.
- (p) “Soil and Water Conservation District (SWCD).” An entity organized under Ohio R.C. Chapter 1515, referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.
- (q) “Soil-disturbing activity.” Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human-made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- (r) “Stream.” A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.
- (s) “Storm Water Pollution Prevention Plan (SWPPP).” The plan which describes all the elements of the storm water strategy implemented during and after construction. The plan addresses erosion control and storm water quality.
- (t) “Storm water quality treatment.” The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.
- (u) “Variance.” A modification of the enforcement of the Riparian Setback Chapter which will not be contrary to the public interest and where, due to conditions peculiar to certain property and not the result of the action of the applicant, a literal enforcement of the chapter would result in undue hardship to the applicant.

(v) “Watercourse.” A natural or artificial waterway, such as a stream or rivers, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

(w) “Watershed.” An area of land that drains into a particular watercourse, usually divided by topography.

(x) “Wetlands.” Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(Ord. 06-08. Passed 5-20-08.)

1142.05 ESTABLISHMENT OF A RIPARIAN SETBACK.

(a) Riparian setbacks are established as provided in this chapter.

(b) Streams addressed by this chapter are those which meet the definition of “stream” in Section 1142.04 of these regulations and are indicated on at least one of the following maps:

(1) USGS topographical map.

(2) Summit County Riparian Setback map.

(3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

(c) Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:

(1) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.

(2) A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.

(3) A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.

(4) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).

(5) A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).

(d) The following are exempt from the terms and protection of this chapter: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm water to another system, tile drainage systems, and stream culverts.

(e) The following shall apply to the riparian setback:

(1) Where the 100-year floodplain is wider than the riparian setback on either or both sides of the stream, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

(2) A. Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the riparian setback formulae for width determination:

<i>Average Percent Slope</i>	<i>Width of Setback</i>
15% - 20%	Add 25 feet
21% - 25%	Add 50 feet

>25%	Add 100 feet
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B. Average streambank slope is calculated using the methodology outlined in the *Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)* by USDA, NRCS.

(3) Where wetlands protected under Federal or State law are identified within the riparian setback, the riparian setback shall consist of the full extent of the wetlands plus the following additional setback widths:

- A. A 50-foot setback extending beyond the outer boundary of a Category 3 wetlands.
- B. A 30-foot setback extending beyond the outer boundary of a Category 2 wetlands.
- C. No additional setback will be required adjacent to Category 1 wetlands.

(4) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

(5) The applicant shall be responsible for delineating the riparian setback, including any expansions or modifications as required by divisions (b) through (d) of this section, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.

(6) Prior to any soil-disturbing activity, the riparian setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(7) No approvals or permits shall be issued by the City prior to delineation of the riparian setback in conformance with these regulations.

(8) Upon completion of an approved subdivision, the riparian setback shall be permanently recorded on the plat records for the County of Summit.

(Ord. 06-08. Passed 5-20-08.)

1142.06 USES PERMITTED.

(a) The following uses are permitted by right within the riparian setbacks without prior approval. Open space uses that are passive in character shall be permitted in the riparian setback including, but not limited to, those listed in divisions (a)(1) through (a)(4) of this section. No use permitted under these regulations shall be construed as allowing trespass on privately-held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian setback shall be preserved in its natural state.

(1) Recreational activity. Passive recreational uses, as permitted by Federal, State, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and other similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

(2) Removal of damaged or diseased trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than six inches in diameter shall be anchored to the shore or removed from the 100-year floodplain.

(3) Revegetation and/or reforestation. The revegetation and/or reforestation of the riparian setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing flood prone areas along

streams within the City are listed in the Appendix.

(4) The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in Ohio R.C. 6131.01 to 6131.64, 6133.01 to 6133.27, and 6167.05.1.

(b) The following uses are permitted by right within the riparian setbacks with prior approval of the design.

(1) Stream bank stabilization/erosion control measures. Best management practices (BMPs) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, State, and Federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Storm Water Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.

(2) Crossings. In reviewing the plans for stream crossings, the City may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

A. Limited crossings of designated streams through the riparian setback by vehicles, storm sewers, sewer and/or water lines, and public utility lines will be per the approval of local, County, and State governing agencies as a part of the regular subdivision review process.

B. One driveway crossing per stream per tax parcel will be allowed for individual landowners.

C. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designated and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning Commission and approving City. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.

D. All roadway crossing shall be perpendicular to the stream flow and shall minimize disturbance to the riparian setback and shall mitigate any necessary disturbances.

(3) Placement of storm water retention or detention facilities may be considered within the riparian setback if:

A. Storm water quality treatment that is consistent with current state standards is incorporated into the basin.

B. The storm water quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.

(Ord. 06-08. Passed 5-20-08.)

1142.07 USES PROHIBITED.

The following uses are specifically prohibited within the riparian setback:

(a) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(b) Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soil, spoils, or any material, whether natural or man-made, except as permitted under these regulations.

(c) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the riparian setback, provided the landowner allows for natural succession.

(f) Parking Lots. There shall be no parking lots or other human-made impervious cover, except as permitted under these regulations.

(g) New Surface And/or Subsurface Sewage Disposal or Treatment Area. Riparian setbacks shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation and/or permit approval prior to the enactment of this chapter.

(2) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the riparian setback can be upgraded with approval of the Summit County Health Department and/or the Ohio Environmental Protection Agency.

(Ord. 06-08. Passed 5-20-08.)

1142.08 NONCONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK.

(a) Structures and uses within the riparian setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this chapter.

(b) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage/destruction or the adoption of these regulations, whichever is later, at the property owners own risk.

(c) A residential structure or use within the riparian setback existing at the time of passage of these regulations may be expanded subject to the provisions of division (c)(1) through (c)(3) below:

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year floodplain.

(3) The expansion must not exceed an area of 15% of the footprint of existing structure or use that lies within the riparian setback. Expansions exceeding 15% of the footprint within the riparian setback must be obtained through the variance process.

(d) Nonresidential structure or use expansions will be permitted only through the variance process.

(Ord. 06-08. Passed 5-20-08.)

1142.09 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

(a) When an applicant disputes the boundary of the riparian setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Summit SWCD with a copy to the Zoning Inspector that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Zoning Inspector within a reasonable period of time not to exceed 60 days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.

(c) The Board of Zoning Appeals shall decide such boundary disputes. The party contesting the location of the riparian setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

(Ord. 06-08. Passed 5-20-08.)

1142.10 VARIANCES.

(a) Applications for variances to the provisions of this chapter shall be submitted as Zoning Inspector for review by the Board of Zoning Appeals.

(b) The Board of Zoning Appeals may consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(c) Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all nonresidential structures or uses are subject to divisions (c)(1) through (c)(4) below:

(1) The expansion conforms to the existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year floodplain.

(3) The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to landowners in those areas. A hydrologic study must be completed by nonresidential applicants only as a necessary component of the variance application.

(4) The expansion of a nonresidential structure or use will not exceed 25% of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the riparian setback.

(d) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.

(2) A reduction of the setback width, not to exceed 10% of the prescribed riparian setback width.

(e) No variances shall be granted for expansion of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline services stations, and road maintenance facilities.

(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to storm water runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.

(f) In reviewing whether to grant variances, the Board of Zoning Appeals shall consider the following:

(1) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in division (a) of this section.

(2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

(3) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(Ord. 06-08. Passed 5-20-08.)

1142.11 INSPECTION.

(a) The riparian setback shall be inspected by the Summit SWCD:

- (1) When a preliminary subdivision plat or other land development plan is submitted to the City.
- (2) When a building or zoning permit is requested.
- (3) Prior to any soil-disturbing activity.

(b) The riparian setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

(c) Violations of these regulations will be handled as noted in Section 1142.02(c).

(Ord. 06-08. Passed 5-20-08.)

APPENDIX: WOODY PLANTS SUITABLE FOR RIPARIAN AREAS

<i>Flood Tolerance</i>	<i>Shade Tolerance**</i>	<i>Common Name</i>
<i>High Flood Tolerance*</i>		
<i>Aronia arbutifolia</i>	3	Red chokeberry
<i>Aronia melanocarpa</i>	3	Black chokeberry
<i>Cephalanthus occidentalis</i>	5	Common buttonbush
<i>Clethra alnifolia</i>	2	Summersweet clethra ***
<i>Cornus amomum</i>	4	Silky dogwood
<i>Cornus stolonifera (sericea)</i>	5	Redosier dogwood
<i>Hamamelis vernalis</i>	3	Vernal witchhazel ***
<i>Ilex decidua</i>	3	Possumhaw ***
<i>Ilex glabra</i>	2	Inkberry ***
<i>Ilex verticillata</i>	3	Common winterberry
<i>Itea virginica</i>	1	Virginia sweetspire ***
<i>Magnolia virginiana</i>	2	Sweetbay magnolia ***
<i>Myrica pensylvanica</i>	4	Northern bayberry
<i>Physocarpus opulifolius</i>	4	Common ninebark
<i>Potentilla fruticosa</i>	4	Bush cinquefoil

Sambucus canadensis	1	American elderberry
Salix x cotteti	5	“Bankers” willow ***
Salix exigua	5	Sandbar willow
Salix purpurea	5	“Streamco” willow ***
Viburnum cassinoides	2	Witherod viburnum
Parthenocissus quinquefolia	1	Virginia creeper (vine)
<i>Moderate Flood Tolerance*</i>		
Calycanthus floridus	1	Common sweetshrub
Hypericum kalmianum	5	Kalm St. Johnswort
Viburnum dentatum	2	Arrowwood viburnum
Xanthorhiza simplicissima	1	Yellowroot ***
<i>Intermediate Flood Tolerance*</i>		
Aesculus parviflora	2	Bottlebush buckeye ***
Aesculus pavia	2	Red buckeye ***
Cornus racemosa	2	Gray dogwood
Lindera benzoin	1	Common spicebush
Rosa setigera	4	Prairie rose
Campsis radicans	3	Trumpet creeper (vine)
Lonicera dioica	2	Limber honeysuckle (vine)
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardeni	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***
Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quericifolia	1	Oakleaf hydrangea ***

Mahonia aquifolium	1	Oregongrape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Vaccinium stamineum	2	Common deerberry
<i>Low Flood Tolerance</i>		
Arctostaphylos uva-ursi	4	Bearberry
Cornus rogersiana	1	Roundleaf dogwood
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardenii	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***
Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quercifolia	1	Oakleaf hydrangea ***
Mahonia aquifolium	1	Oregongrape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Symphoricarpos albus	1	Common snowberry
Vaccinium stamineum	2	Common deerberry
<i>No Flood Tolerance</i>		
Amorpha canescens	5	Leadplant ***
Ceanothus americanus	3	New Jersey tea
Comptonia peregrina	2	Sweetfern
Dirca palustris	1	Leatherwood
Hypericum frondosum	5	Golden St. Johnswort
Juniperus communis	5	Common juniper
Juniperus horizontalis	5	Creeping juniper ***

Rhus aromatica	5	Fragrant sumac
Sambucus pubens	1	Scarlet elder
Symphoricarpos albus	1	Common snowberry
* High Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.		
* Moderate Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.		
* Intermediate Flood Tolerance: Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.		
* Low Flood Tolerance: Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.		
* No Flood Tolerance: Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.		
** Shade Tolerance: Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.		
*** Denotes plant species that are not native to Ohio.		

Notes:

1. The majority of plants listed are available on the local commercial market and do not displace native species.
2. The cultivated varieties (“cultivars”) of the species listed above may also be used.
3. Primary information taken from Hightshoe, Gary, 1987. *Native Trees, Shrubs, and Vines for Urban and Rural America*. Van Nostrand. NY, NY.
4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNR Scenic Rivers Program.

This list was assembled by Roger Gettig, The Holden Arboretum for Chagrin River Watershed Partners.

CHAPTER 1143

Off-Street Parking and Loading Regulations

- 1143.01 Off-street parking regulations.
- 1143.02 Purpose.
- 1143.03 Units of measure.
- 1143.04 Minimum number of required off-street parking spaces.

- 1143.05 Modification of requirements.
- 1143.06 Regulations for access drives.
- 1143.07 Improvement and maintenance standards.
- 1143.08 Off-street loading regulations.

CROSS REFERENCES

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

Parking generally - see TRAF. Ch. 351

1143.01 OFF-STREET PARKING REGULATIONS.

In all districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided as prescribed by this chapter.

(Ord. 3-95. Passed 1-17-95)

1143.02 PURPOSE.

Off-street parking regulations are established in order to protect residential neighborhoods from on-street parking; to promote the general convenience, welfare and prosperity of commercial developments; and to relieve congestion so the streets can be utilized more fully for movement of vehicular traffic. Therefore, accessory off-street parking spaces shall be provided as a condition precedent to the occupancy or use of any building, structure or land. At any time a building, structure or use of land is enlarged, expanded or increased in capacity or use, additional off-street parking spaces shall be provided in conformance with the following provisions.

(Ord. 3-95. Passed 1-17-95)

1143.03 UNITS OF MEASURE.

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

(a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(b) Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room. Where the Fire Code establishes a greater maximum seating capacity, the number of spaces provided shall comply with the Fire Code maximum seating capacity.

(c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.

(d) Fractional Numbers. Fractional numbers shall be increased to the next whole number.

(e) Parking for Mixed Uses. The parking spaces required for mixed uses shall be the sum of the parking required for each use considered separately.

(Ord. 3-95. Passed 1-17-95)

1143.04 REQUIRED OFF-STREET PARKING STANDARDS.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1143.04. For a use not specified in Schedule 1143.04, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

REQUIRED OFF-STREET PARKING SPACES

Principal Building or Use

Minimum Spaces Required(a)

a. Residential Uses:	
1. Single-family Dwellings	2 spaces of which both spaces shall be enclosed
2. Two-family Dwellings	2 spaces per dwelling unit of which both spaces per dwelling unit shall be enclosed
3. Attached Single-Family Dwellings	2 spaces per dwelling unit of which both spaces per dwelling unit shall be enclosed plus 1 unenclosed guest space per unit
4. Multi-family	2 spaces per dwelling unit of which both spaces per dwelling unit shall be enclosed plus 1 unenclosed guest space per unit
b. Office, Professional Service Uses:	
1. Business, Professional and Administrative Offices and Services (excluding Medical and Dental), Financial Establishments	1 space per 300 square feet of floor area
2. Medical, Dental Offices and Clinics, including Urgent Care Clinics	1 space per 150 sq. ft. of floor area
3. Funeral Homes, Mortuaries	1 space per 100 sq. ft. of floor area or 20 per chapel room or parlor, whichever is greater
4. Hospitals	
-Bed establishments	1 space for every 2 beds
-Non-bed establishments	1 space per 200 sq. ft. of floor area
5. Nursing Homes, Convalescent Homes, Homes for the Aged	1 space for every 4 beds
6. Veterinary Hospitals and Clinics	1 space per 400 sq. ft. of floor area plus 1 space for every 2 employees
c. Retail/Service Uses:	
1. Retail or Service Uses unless specific standard given below	1 space per 200 sq. ft. of floor area

2. Convenience Store	1 space per 100 sq. ft. of floor area
3. Furniture and Appliance; Builders' Supply; Showrooms of Plumbers, Decorators, Electricians or similar trades; Nursery and Garden Supply Establishments	1 space per 400 sq. ft. of floor area
4. Beauty Parlors and Barber Shops	2 spaces per beauty or barber chair
5. Self-Serve Laundry	1 space for every 4 washing machines
6. Restaurants--Table Service; Establishments Serving Alcohol	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus one space for each delivery vehicle
7. Restaurants--Counter Service when located in a shopping center(b)	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
8. Restaurants--Counter Service when located as the only use in a free-standing building	20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
9. Hotels and Motels	1 space per sleeping room plus 1 space per employee
10 Drive-thru Facility in Association with a Permitted or Conditionally Permitted Use	Queuing space to accommodate 8 vehicles per service entrance, exclusive of parking area
d. Automotive Uses:	
1. Automobile Sales and Rental Facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each auto service stall in the service room
2. Gasoline Service Stations	1 space per employee
3. Automobile Service Garage and other similar auto oriented businesses	2 spaces per service bay, plus 1 space per employee
4. Car Wash Facilities	1 space per employee
e. Commercial Entertainment/Recreation Uses:	
1. Indoor Movie Theaters,	1 space for every 3 seats
2. Auditoriums, Stadiums and other places of public assembly	1 space for every 4 seats
3. Dance Halls, Skating Rinks, Private Clubs, Lodges	1 space per 100 sq. ft. of floor area
4. Bowling Alleys	4 spaces per alley, plus 1 space for

	every 2 employees
5. Health/Recreational Facility	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms
6. Golf Course (Nine holes or more)	8 spaces per green
7. Tennis Courts	4 spaces per court
8. Swimming Pools, Public and Private (not associated with residences)	1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck and bathhouse
9. Outdoor Commercial Recreation	1 space for every 4 seats of bleacher or stadium capacity
f. General Commercial and Industrial Uses:	
1. Wholesale Marketing and Distribution of Goods; Storage; Warehousing of Goods; Printing; Publishing	1 space per 800 sq. ft. of floor area
2. Research and Testing Laboratories	1 space per 400 sq. ft. of floor area
3. All other types of industrial uses	1 space per 400 sq. ft. of floor area
g. Educational Facilities:	
1. Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
2. Senior High Schools	1 space per 2 teachers, employees, administrators plus 1 space per 10 students
3. Child Day Care Center	1 space per 8 students, based on center's regulated maximum capacity
h. Community Facilities:	
1. Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area, or 1 space per 200 sq. ft. of floor area, whichever is greater
2. Library, Museum, Community Center or similar public or semi-public buildings	1 space per 500 sq. ft. of floor area plus 1 space for every 4 seats in any assembly area
3. Assembly Hall, Auditorium	1 space for every 4 seats of seating capacity

- (a) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.
- (b) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and/or group of buildings where the required parking spaces are provided in a shared parking lot.

(Ord. 3-95. Passed 1-17-95)

1143.05 MODIFICATION OF REQUIREMENTS.

Whenever the parking requirements for a proposed use based on the application of the standards specified in Schedule 1143.04 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a site plan with a reduction in the required spaces according to the following provisions:

(a) **Shared Parking for Mixed Uses.** The shared use of required parking spaces may be permitted for uses that are not normally open, used or operated during the same hours, provided that not more than fifty percent (50%) of the required parking spaces are shared. In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for zoning approval.

(b) **Deferred Construction of Required Spaces.** If the number of parking spaces required in Schedule 1143.04 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a site plan may be approved with a lesser number of parking spaces provided:

(1) That the total number of spaces initially provided shall not be less than seventy percent (70%) of the spaces required by Schedule 1143.04 for industrial uses and forty percent (40%) of the spaces required for commercial uses.

(2) That suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 1143.04 and shall be illustrated on the site plan in locations and with landscaping in full compliance with this Chapter.

(3) That Planning Commission and Council, upon reevaluation of the project's parking needs, may at any time direct that some or all of the landbanked spaces be constructed.

(4) That any additional parking shall be provided according to the approved site plan and only after approval of the construction plans by the city engineer.

1143.06 REGULATIONS FOR ACCESS DRIVES.

Each parking space and loading space shall be provided access in accordance with the following:

(a) **Number of Drives.** Each lot shall be permitted one two-way access drive or a pair of one-way drives. For lots with more than 150 feet of frontage on one street, one additional two-way drive or pair of one-way drives may be permitted.

(b) **Width.** The width of access drives for multi-family dwellings and non-residential uses shall be not less than 10 feet per exit lane and 15 feet per entrance lane and shall have a total width of not more than 36 feet, measured at the property line. Single-family and two-family residential uses shall have an access drive with a minimum width of ten feet.

(c) **Location.** Access drives shall be located to minimize traffic congestion and avoid undue interference with pedestrian access to street corners; access drives on corner lots shall be located as far from the street intersection as practicable; and no access drive shall be located within 50 feet of street intersections as measured from the intersection of the street right-of-way lines.

(Ord. 3-95. Passed 1-17-95)

1143.07 IMPROVEMENT AND MAINTENANCE STANDARDS.

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

(a) **Parking Space Dimensions.** Each off-street parking space, open or enclosed, shall have an area of not less than 162 square feet (measuring 9 feet by 18 feet) exclusive of access drives or aisles. When such parking space is adjacent to a landscaped area, the parking space shall have a minimum area of 153 square feet (measuring 9 feet by 17 feet).

(1) **Residential enclosed parking areas.** Each enclosed off street parking space in a residential use district including but not limited to garages and carports shall conform to the parking space dimensions described in the garage regulations of the residential district in which the enclosed parking space is located.

(2) **Residential Garage Building Setback.** Every residential garage shall have a minimum of 25 feet between the face of the garage and the back of any curb, back of sidewalk or any common or shared driveway.

(b) **Queuing Space Dimensions.** Each off-street queuing space for a drive-thru facility shall have an area not less than 160 square feet (measuring 8 feet by 20 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

(c) **Circulation Aisles.** The minimum width for a circulation aisle shall be:

- (1) 26 feet for 90° perpendicular parking on a double loaded aisle;
- (2) 18 feet for 60° parking and a one-way aisle;
- (3) 13 feet for 45° parking and a one-way aisle.

Circulation aisles having a width less than 24 feet shall be one-way aisles.

(d) **Paving.** All parking spaces, except those provided in conjunction with one and two-family dwellings, shall be improved with bituminous, concrete or equivalent paved surfacing unless otherwise waived by the Planning Commission.

(e) **Drainage.** Such parking areas shall be graded, drained, and provided with adequate drainage facilities so that the adjacent properties and rights-of-way shall not be subject to flooding by run-off water from the proposed parking area.

(f) **Lighting.** All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining properties or streets, and no open light sources such as the stringing of light bulbs shall be permitted.

(g) **Wheel/Bumper Guards.** Curbing, wheel guards or bumper guards as may be necessary shall be provided in connection with any off-street parking area of five cars or more, to contain the cars on sloping surfaces; to prevent bumper over-hang or other encroachment into the required specific setback spaces.

(h) **Screening of Parking Lots.** All sides of a parking lot accommodating five or more vehicles within or abutting a residential district shall be screened from view by one or a combination of the following having a height of not less than 4 feet 6 inches.

- (1) Dense planting that is effective all year long;
- (2) Solid wall or fence;
- (3) Landscaped mound or berm.

Materials used in any ornamental wall or fence shall be compatible with the character of the proposed development and abutting properties.

(i) **Interior Parking Lot Landscaping.** Parking lots for 20 or more vehicles shall provide landscaped islands of an area equal to five percent (5%) of the parking lot area. Landscaped islands shall be a minimum of 10 feet by 10 feet and have one major shade tree with a clear trunk height of at least 6 feet and a minimum caliper of 2 inches. Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping. For the purpose of

this Section the area of a parking lot shall be the total vehicular surface area including circulation aisles. All parking plans, including landscaping, shall be approved by the Planning Commission.

(Ord. 05-2006. Passed 4-18-06.)

1143.08 OFF-STREET LOADING REGULATIONS.

Off-street loading spaces shall be provided and maintained on the same lot with the principal use in compliance with the following regulations:

(a) Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

(b) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(c) No part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1144

Recreational Vehicles and Recreational Equipment

1144.01 Definitions.

1144.02 Limitations.

1144.01 DEFINITIONS.

The definition of recreational vehicles and recreational equipment includes but is not limited to:

- (a) Motor homes.
- (b) Boats.
- (c) Trailers.
- (d) Campers.

(Ord. 06-2006. Passed 4-18-06.)

1144.02 LIMITATIONS.

The following limitations apply in all residential districts:

(a) Recreational vehicles and recreational equipment shall have no permanent connections to electricity, water, gas or sanitary sewer facilities, nor shall they be used for dwelling, business, or commercial purposes or for any accessory uses. A temporary exception (not to exceed 14 consecutive days) may be made by the Zoning Inspector for purposes of allowing visiting recreational vehicles or recreational equipment.

- (b) All recreational vehicles and recreational equipment must carry a current year license and/or registration, if applicable.
- (c) Any recreational vehicles and/or recreational equipment that are not parked on a driveway must maintain the minimum building setback from any property line.
- (d) No such recreational vehicle or recreational equipment may be parked in such a manner as to obscure sightlines or hinder safe operation of vehicles on adjacent roadways.
- (e) No such recreational vehicle or recreational equipment may be parked in such a manner as to hinder access of safety forces to the subject or surrounding properties.
- (f) No recreational vehicle and/or recreational equipment shall be parked or stored unless it is titled to, leased, or used exclusively by one of the permanent occupants of the residence where the recreational vehicle and/or recreational equipment is located.
- (g) The Board of Zoning Appeals may grant a variance from the restrictions of this section to any applicant upon showing that the restrictions of this section impose an undue hardship as a result of particular circumstances as related to where the vehicle or equipment will be stored. In any such request, the consent or objection of adjacent property owners shall be considered in granting or denying a variance.

(Ord. 2006-06. Passed 4-18-06.)

CHAPTER 1145

Sign Regulations

- 1145.01 Purpose.
- 1145.02 Classification of signs.
- 1145.03 Computations.
- 1145.04 Maximum sign area permitted.
- 1145.05 Maximum sign height permitted.
- 1145.06 Supplemental regulations.
- 1145.07 Design and construction standards.
- 1145.08 Signs exempt from regulations.
- 1145.09 Prohibited signs.
- 1145.10 Administrative procedures.
- 1145.11 Maintenance.
- 1145.12 Alteration and removal of unsafe, obsolete and nonconforming signs.
- 1145.13 Violations and penalties.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Advertising on State highways - see Ohio R.C. Ch. 5516

1145.01 PURPOSE.

The purpose of this chapter is to protect the general health, safety and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective graphics for purposes of navigation, information and identification. It is the intent of this chapter to provide businesses in the City with reasonable and equitable sign standards in accordance with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas and points of interest in the City. This chapter is based on the premise that signs are as much subject to control as are noise, odors, debris and similar characteristics of land use, and that if signs are not controlled and regulated, they can become a danger to the public, as well as a nuisance to adjacent properties or the community in general or depreciate the value of other properties in the City.

No sign shall create a safety hazard by blocking the line of vision for persons or vehicles entering or exiting a sidewalk or driveway or entering or exiting a roadway.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.02 CLASSIFICATION OF SIGNS.

For purposes of these regulations, a sign shall include any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, works, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following:

(a) Physical Characteristics.

(1) Changeable copy sign: A sign such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually. Copy or lettering is designed to be changed on a frequent basis. Multi-tenant business ID signs are not changeable copy signs.

(2) Free-standing sign: A sign which is supported by one or more uprights or braces in or upon the ground and is not supported by a building.

(3) Temporary sign: A sign that is used only for a predetermined period of time and is not permanently mounted.

(4) Wall sign: A sign erected parallel to or affixed on the outside wall or any building, and not extending more than 18 inches therefrom, and which does not project above the parapet wall or roof line or beyond the corner of the building.

(5) Window sign: A sign on the inside of a building affixed to, or near, a window or transparent door for the purposes of being visible to and read from the outside of the building.

(b) Function.

(1) Builder's project sign: A temporary sign erected on a building site during the time of construction. Such signs may include a description of the project, and may list the owners, architects, engineers, developers, contractors and/or subcontractors.

(2) Directive sign: A sign located on private property, at or near the public right-of-way to direct traffic onto private property, usually indicating the entrance and exit to a parking lot.

(3) Identification sign: A sign intended to identify the principal use of a lot, building, or building unit according to the following:

A. Business identification sign: A sign indicating the business name or logo of a commercial or industrial enterprise and limited to identification purposes.

B. Institution identification sign: A sign displaying the name and/or organization occupying the premises of a public or quasi-public use restricted to: church or other place of religious worship; hospital; nursing home; public or non-profit corporation owned and operated recreational facilities; governmentally owned and facilities; schools.

C. Residential identification sign: A sign identifying the name and address of a completed residential subdivision, or a PURD or multi-family development with 12 or more dwellings units.

D. Municipal identification signs: A sign identifying the name of the municipality and/or municipal property.

(4) Instructional sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. Examples of instructional signs include "Honk Horn for Service", "Restrooms Inside", "Parking for Customers Only", "Parking for Residents Only", menu boards, drive-up tellers, and "self-service" signs.

(5) Nameplates: A sign with no lighting attached to the wall of the principal building indicating only the name and address of the person or business occupying the lot or building.

(6) Political sign: A temporary sign advocating action on a public issue, promotion of a candidate for public office, or other ballot-oriented objectives.

(7) Product and service sign: A sign which advertises the services, products, merchandise or prices of commodities produced, stocked or sold on the premises.

(8) Real estate sign: A temporary sign which directs attention to the rental, sale or lease of the property on which the sign is located.

(9) Safety or regulatory sign: A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Safety and regulatory signs include "No Parking Fire Lane."

(10) Temporary promotional sign: A temporary sign, other than a construction, real estate or political sign, intended to announce special events, promotions or sales, including garage sales in residential districts.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.03 COMPUTATIONS.

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

(a) Determining Sign Area or Dimension.

(1) For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame.

(2) For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped free-standing sign, the area of a sign shall encompass a regular, or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area, including the space between the elements.

(3) The sign shall include the frame, but shall not include the pole or other necessary structural support.

(4) A freestanding sign shall have no more than two display surfaces provided that the two display surfaces are arranged back-to-back, and not more than 12 inches from each other. Each display surface shall be considered a sign face.

(5) In the event there is a dispute in determining the sign area or any sign dimension, the Planning Commission shall

have the final responsibility for making such determination.

(b) **Determining Sign Height.** The height of a freestanding sign shall be measured from the base of the sign or supporting structure at normal grade to the top of the highest element.

(c) **Determining Building Frontage.** The building wall that faces the street or that contains the main entrance to the use(s) in the building shall be considered the front of the building. When used as the basis for determining sign area, the building frontage shall be calculated according to the following:

(1) The building frontage shall be measured along the front wall between the exterior faces of the exterior side walls.

(2) The case of an irregular wall surface, a straight line extended along the front wall surface shall be used to measure the length.

(3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.

(4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.04 MAXIMUM SIGN AREA PERMITTED.

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 1145.04, except as specified below.

(a) **Business Identification Signs.** The maximum permitted area for business identification signs shall be one square foot for each lineal foot of building frontage. The maximum permitted area shall be the sum total of the areas of all identification signs including wall signs, free-standing identification signs, and window signs for second-story tenants, and shall include the area of instructional signs unless the Planning Commission, as authorized, determines such instructional signs are exempt pursuant to division (b) of this section.

(b) **Instructional Signs.** The area of instructional signs that are clearly intended for instructional purposes and, as determined by the Planning Commission, as authorized, are not larger than necessary to serve the intended instructional purpose nor are in locations or possess design characteristics that constitute or serve the purposes of an identification sign shall not be included in the sum total of the area of identification signs.

(c) **Institutional Identification Signs.** For an institutional use in a Residential District the Planning Commission may approve a greater area for identification signs than specified in Schedule 1145.04 if the Planning Commission during the conditional use approval process determines that because of the size of the facility and the site the proposed larger sign will be consistent with the objectives, intent and criteria of these regulations.

SCHEDULE 1145.04 MAXIMUM SIGN AREA (in square feet per side)

	<i>Single Family In R Districts</i>	<i>Multi-Family in R-4, C-1 and T-C Districts</i>	<i>Accessory Office in R-4 District(a)</i>	<i>Institutional in R Districts</i>	<i>Nonresidential Uses in C-1, I-1 and T-C Districts</i>
Nameplate	4(b)	4(c)	-	4(c)	-
Identification Sign	50(d)	50(d)	16(e)	40	(f)

Directive Sign	-	4	-	4	4
Builders Project Sign	50(g)	50	-	50	50(h)
Real Estate Sign	6	10	-	-	36
Window sign	-	-	-	(j)	(j)
Temporary	8	8	-	20	32
Promotional Signs					
Instructional Sign	-	-	-	(k)	(k)
Safety/Regulatory Sign	(l)	(l)	(l)	(l)	(l)
Product/Service Sign	50	50	16	40	f
Temporary					
Changeable Copy Sign	12	12	24	50	50
Free-standing Sign (PC/CC)	12	12	24	50	50
Wall Sign (PC/CC)	8	8	16	40	f

Notes to Schedule 1145.04:

- Not Permitted

(a) Shall be in addition to signs permitted for the principal use (i.e. single-family). See Munroe Falls Codified Ordinance Section 1127.03(k).

(b) One per dwelling unit.

(c) One 2 sq. ft. sign per dwelling unit or one 10 sq. ft. sign per building.

(d) Per sign face, a maximum of two sign faces per entrance to a subdivision, PURD or multi-family development.

(e) Only one sign per street frontage; shall be either a wall sign or a freestanding sign.

(f) See Section 1145.04(a).

(g) 50 square feet for a subdivision; 16 square feet for new construction on a single-family lot.

(h) Plus 10 sq. ft. for each 100 feet of lot frontage greater than 200 feet, provided the maximum sign area shall not exceed 200 square feet.

(i) Two 50 sq. ft. signs per subdivision; a single-family lot shall be permitted one 8 sq. ft. sign.

(j) See Section 1145.06(e).

(k) See Section 1145.04(b).

(l) Shall be permitted as needed to achieve the intended public purpose.

(m) Maximum of 32 sq. ft. for Office use when contiguous to Main Street (SR91)

(Ord. 28-01. Passed 9-18-01; Ord. 25-2012. Passed 9-18-12.)

1145.05 MAXIMUM SIGN HEIGHT PERMITTED.

The maximum height of free-standing signs, when permitted, shall conform to the standards set forth in Schedule 1145.05.

SCHEDULE 1145.05 MAXIMUM HEIGHT OF FREESTANDING SIGNS (in feet)

	<i>Single Family in R District</i>	<i>Multi-Family in R-4, C-1, T-C District</i>	<i>Accessory Office R-4 District(a)</i>	<i>Institutional R Districts and T-C</i>	<i>Non-residential in C-1, I-1 Districts</i>
Identification Sign	8	8	8	8	9
Directive Sign	-	3	-	3	3
Builder's Project Sign	-	8	-	8	10
Real Estate Sign	6(a)	6	-	6	6
Temporary Promotional Sign					
Instructional Sign	-	-	-	(c)	(c)
Safety or Regulatory Sign Product/Service Sign	(c)	(c)	(c)	(c)	(c)
Temporary Changeable Copy Sign	6	6	-	6	6(b)
Free-standing Sign	8	8	8	8	9

Notes to Schedule 1145.05:

- Not Permitted
- (a) Signs on single-family lots have a maximum height limit of 6 feet.
- (b) Banners erected in the public right-of-way shall be approved by the Mayor. See also Section 1145.06(i)(4).
- (c) No height limitation.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.06 SUPPLEMENTAL REGULATIONS.

The following sign regulations are in addition to the maximum sign area and height regulations set forth in Sections 1145.04 and 1145.05.

(a) Residential Identification Signs. A residential identification sign shall be permitted for each entrance to a subdivision, PURD and multi-family development pursuant to the area limitations of Schedule 1145.04 and the height limitations of Schedule 1145.05 in compliance with the following regulations.

(1) Such signs shall be placed on private property no closer than 10 feet to the right-of-way, except as permitted in subsection (2) below, and shall be located no closer than 20 feet to a side lot line.

(2) A free-standing identification sign may be placed in the right-of-way, provided such sign shall be located on the center island of a boulevard entrance, placed no closer than 25 feet to the intersecting street's right-of-way.

(3) A maximum of two sign faces shall be permitted per entrance; either as a double-sided freestanding sign or as two single-sided signs either free-standing or mounted on a wall or other entrance feature.

(b) Requirements for Free-standing Identification Signs. Free-standing identification signs for institutions in Residential Districts and uses in C-1, I-1 and T-C Districts shall comply with the following regulations:

(1) One free-standing identification sign, with a maximum area of 50 sq. ft. per sign face, shall be permitted per lot, or per development if more than one lot is included in the development, except as otherwise provided herein. The area of the free-standing identification sign shall be included in the total sign area permitted for identification signs.

(2) Such sign shall be permitted only when the principal building conforms to the minimum building setback and lot width requirements specified in the district regulations.

(3) Such sign shall be located no less than 10 feet from the right-of-way provided no portion of any free-standing sign shall be closer to the street right-of-way than a distance equal the height of the sign, and shall be located no less than 20 feet from a side lot line.

(4) For a corner lot, one free-standing sign shall be permitted per street frontage provided that the lot has at least 80 feet of lot frontage on each street and the signs are located a minimum of 30 feet from the intersection.

(5) Content of free-standing signs.

A. Multiple-tenant facilities. When a free-standing sign is permitted on a site with more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), be a directory for all or only a select group of tenants, or some combination thereof.

B. Product and service signs. Up to a maximum of 50% of the area of the free-standing identification sign may be devoted to advertising using a product and service sign.

C. Changeable copy sign. Up to a maximum of 75% of the area of the free-standing identification sign may be devoted to changeable copy.

(6) For lots having more than 250 feet of lot frontage, one free-standing identification signs shall be permitted for each 250 feet of lot frontage or fraction thereof, provided the total allowable sign area for identification signs shall comply with Section 1145.04. Future subdivision of such lot shall not be approved unless all signs existing prior to the subdivision comply with the requirements for the resulting sub lots.

(7) Free-standing signs shall be landscaped as an integral part of the required front yard landscaping.

(c) Additional Requirements for Business Identification Signs.

(1) Rear entry signs for multiple-tenant buildings. Each rear entrance to a tenant space in a multiple-tenant commercial or industrial building shall be clearly identified with the name and address of the occupant.

(2) Second-story tenant identification signs. For multi-story retail or office buildings, each tenant not located on the

ground floor shall be permitted one permanent identification sign to be placed in a window of the tenant's space. Such sign shall not exceed four square feet and shall be included as part of the identification sign area for the building.

(3) Signs on awnings and canopies. A permitted identification sign may be placed on an awning or canopy, applied to the face of the awning or canopy. Awnings or canopies may be back-lit.

(d) Directive Signs. A maximum of two directive signs shall be permitted per access drive for multi-family, institutional, commercial and industrial uses pursuant to the area limitations of Section 1145.04 and the height limitations of Section 1145.05. Such signs shall be located no less than 10 feet from a side lot line in a residential district and no less than 5 feet from a side lot line in a nonresidential district, and may be located at or near the right-of-way but shall not be in the right-of-way.

(e) Window Signs in C-1 and T-C Districts. Window signs for the purpose of identification or periodic or special advertising shall be permitted in C-1 and T-C Districts without a zoning certificate, provided that such signs shall not cover more than 50% of the total window area.

(f) Builder's Project Signs. Non-illuminated builder's project signs shall be permitted in all districts pursuant to the area limitations of Section 1145.04 and the height limitations of Section 1145.05 in compliance with the following:

(1) There shall be not more than one builder's project sign per lot located no less than 10 feet from the right-of-way and 20 feet from a side lot line, except that signs having an area greater than 50 square feet shall be located no less than 20 feet from the right-of-way and 30 feet from a side lot line.

(2) A builder's project sign shall be erected on the lot only during the period of time that the building project is under construction and while a valid building permit is in force. Such sign shall be removed with 14 days of the commencement of the intended use.

(3) In the event construction extends beyond the time period specified on the zoning certificate, a request for an extension of the sign permit shall be submitted to the Zoning Inspector for review and approval.

(g) Political Signs. Non-illuminated political signs shall be permitted on private property without a zoning certificate in all districts.

(1) Signs shall not be placed on utility poles or on public property or in the street right-of-way.

(h) Real Estate Signs. Non-illuminated real estate signs shall be permitted in all districts pursuant to the area limitations of Section 1145.04 and the height limitations of Section 1145.05 in compliance with the following:

(1) One such sign shall be permitted per street frontage located no less than 10 feet from the right-of-way and 15 feet from a side lot line.

(2) Real estate signs shall be located only on the site being advertised for sale, lease or rent.

(3) On individual lots, such signs shall be removed by the property owner or realtor identified on the sign within ten days after said property is transferred, rented, leased or removed from the real estate listing.

(4) A sign advertising the sale of lots in a new residential subdivision shall be permitted for a period not to exceed 24 months and shall be removed within 30 days after the last lot is sold or the development abandoned.

(i) Temporary Promotional Signs. Temporary non-illuminated promotional signs, banners, pennants or flags (other than institutional, State, Federal or other patriotic flags) intended to promote or advertise special events or sales may be permitted without a zoning certificate when complying with the following regulations.

(1) Open house, auction, garage sale signs. Signs promoting an open house, an auction or a garage sale (which shall include yard sale, porch sale, house sale or similar terms) in a residential district shall be permitted without a zoning certificate pursuant to the area limitations for a temporary promotional sign set forth in Section 1145.04 and the height limitations of Section 1145.05 in compliance with the following:

A. All signs posted on private property shall have the permission of the property owner.

B. Signs may be located at or near the right-of-way, shall be placed no less than 10 feet from a side lot line, and shall

not be placed upon or in a street right-of-way or attached to or upon any street identification sign or utility pole.

C. Such signs shall be allowed to remain in place for the period of the open house, auction or garage sale, but in no case shall the period exceed 72 hours.

(2) Community programs and activities. Signs promoting community programs and/or activities sponsored by a public or semi-public organization on a lot in a residential district shall be permitted pursuant to the area limitations for a temporary promotional sign set forth in Section 1145.04 and the height limitations of Section 1145.05. Such signs shall be posted on private property with the owner's permission for a period not to exceed 14 days.

(3) Temporary sales signs. Signs for periodic sales or promotions by establishments located in a C-1 and T-C District shall be permitted pursuant to the area limitations of Section 1145.04 and the height limitations of Section 1145.05 in compliance with the following:

A. Free-standing signs or banners shall be permitted to be placed on the premises.

B. Such sign shall be located no less than 10 feet from the right-of-way and shall be no less than 10 feet from a side lot line or shall be attached to the building.

C. Such sign is intended to advertise a special event or promotional sale activity.

(4) Banner in the public right-of-way. Temporary promotional banners for the purpose of announcing a civic event may be erected in the public right-of-way upon approval of the Mayor, for the duration and in the location approved by the Mayor.

(j) Safety or Regulatory Signs. Signs to direct vehicular or other traffic on the premises and to ensure the safety of residents, visitors and employees may be erected in any district. Such signs should be sized and landscaped in such a manner that the signs cannot be viewed from the highway or adjacent property and shall contain no message of any sort.

(k) Municipal Signs Identifying the City of Munroe Falls and/or Municipal Property. All such signs shall be uniform and conform to established standards approved by Council. In addition, and prior to the procedures for approval of signs provided in Section 1145.10, the Park Board shall review proposed signs to determine whether they uniformly meet the established standards.

(Ord. 3-95. Passed 1-17-95; Ord. 28-01. Passed 9-18-01; Ord. 25-2012. Passed 9-18-12.)

1145.07 DESIGN AND CONSTRUCTION STANDARDS.

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Inspector and the Planning commission shall consider the proposed general design, arrangement, material, colors, lighting, and placement of the sign, as well as the appropriateness of the sign shall include, but not be limited, to the following conditions.

(a) The lettering shall be large enough to be easily read but not out of scale with the building, site or streetscape.

(b) The number of items (letters, symbols and shapes) shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.

(c) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. "Continuity of design" means uniformity of background colors or harmonious use of a limited range of complementary background colors.

(d) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in these regulations.

(e) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall reflect the primary purpose of identifying the name and type of establishment.

(f) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(g) A sign should be constructed with a minimum of different types of elements and materials so as to provide a consistent overall appearance.

(h) No part of a sign shall project above the parapet line.

(i) Signs in commercial and industrial districts may be internally or externally illuminated except as otherwise set forth in Section 1145.06 provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.

(j) Identification signs in residential districts shall be illuminated by external means only except as otherwise set forth in Section 1145.06. Illumination shall occur only during the hours of 6:00 a.m. to 11:00 p.m.

(k) The source of light shall not be visible from the street and external light sources shall not shine on adjoining properties. No flashing, revolving or intermittent illumination shall be employed.

(l) No flashing or moving parts shall be permitted for any sign or advertising display within the Municipality.

(m) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign.

(n) Signs shall have no secondary or other signage added to the sign face or sign structure, except as recommended by Planning Commission and authorized by Council.

(o) For any sign which projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign in such form and in such amount as the Law Director may reasonably determine. Proof of such insurance shall be required prior to obtaining a zoning certificate.

(p) Free-standing signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting a lot or to be a safety hazard to pedestrians or vehicles.

(q) A free-standing permanent business identification signs must include the street address number at the sign location as part of the business identification.

The Planning Commission and Zoning Inspector may prepare from time to time or authorize the preparation of illustrations which interpret these design and construction standards. Such illustrations may include drawings, photographs of signs in Munroe Falls and elsewhere, and drawings or photographs of signs which have been approved pursuant to these regulations. Any such interpretive illustrations may be approved by a majority vote of the Planning Commission and, when approved, shall be considered administrative guidelines which assist in the interpretation of these design and construction standards. Any sign proposed which is consistent with these illustrations shall be in prima facie compliance and not be subject to further review by the Planning Commission.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.08 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under the Zoning Code.

(a) Any public notice or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.

(b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the building in which such sign is located.

(c) Works of art that do not include a commercial message.

(d) Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.

(e) Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

(f) Any banner or sign that is placed through the City-sponsored banner program.

(Ord. 42-2004. Passed 10-19-04; Ord. 25-2012. Passed 9-18-12.)

1145.09 PROHIBITED SIGNS.

All signs not expressly permitted under the Zoning Code or exempt from regulation hereunder in accordance with the previous section are prohibited in the Municipality. Such signs include, but are not limited to:

(a) Animated, flasher, blinker, racer type, moving or revolving signs, pennants, inflatable signs and tethered balloons, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, except those exempt under the previous section, and other similar features.

(b) Signs on temporarily placed vehicles.

(c) Signs containing any works or symbols that would cause confusion because their resemblance to highway traffic control or directional signals.

(d) Outdoor advertising signs (billboards) being any sign erected for the benefit of any person, organization, business, cause, product or service not residing or located on the premises upon which said sign is erected.

(e) Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.10 ADMINISTRATIVE PROCEDURES.

The maximum sign areas, maximum sign heights, supplemental regulations, and design construction standards described hereinabove are intended as guidelines allowing for reasonable variance as necessary to accomplish the stated purpose and goals of the City's regulations of signage throughout the City. Strict application of the limitations described hereinabove may, from time-to-time, create an unnecessary and/or unreasonable burden on businesses and institutions. Therefore, deviation from the guidelines may be expected to occur on a case-by-case basis subject to approval and/or disapproval by City Council.

Except as otherwise stated herein, a zoning certificate or conditional use certificate shall be required for all signs. The procedures for obtaining a certificate are as follows:

(a) Review Procedures. Signs shall be erected, modified, or replaced only upon the submission of proper plans and specifications and upon review and approval according to the following:

(1) A zoning certificate shall not be required for the following signs when such signs are in full compliance with these sign regulations:

- A. Nameplate signs;
- B. Political signs;
- C. Temporary promotional signs
- D. Real estate signs with an area of 10 sq. ft. or less; and

- E. Window signs, except permanent identification signs located in the window.
- (2) The Zoning Inspector shall have the responsibility to review and approve (or disapprove):
- A. Rear entrance signs for multi-tenant buildings;
 - B. Safety or regulatory signs;
 - C. Real estate signs having an area greater than ten square feet;
 - D. Temporary sales signs; and
 - E. Community programs and activity signs.

However, the Zoning Inspector may refer the decision on any of the above signs to the Planning Commission for consideration if the Zoning Inspector determines that the sign, as proposed, is more appropriately the responsibility of the Planning Commission.

- (3) The Planning Commission and Council shall have the responsibility to review and approve (or disapprove):
- A. All identification signs, including wall signs, free-standing signs, and second-story tenant identification signs;
 - B. All other permanent free-standing signs;
 - C. Instructional signs; and
 - D. Builder's project signs.

(b) Application Requirements. The application for a Zoning Certificate shall be made upon the application forms provided by the Municipality and shall be submitted with the following:

- (1) Three blueprints of the site plan drawn to scale showing:

- A. The dimensions of the lot or property, the location of all dwellings and/or buildings on the lot, the location and size of driveways and access drives, and the identification of and distances to adjacent dwellings, buildings and/or land uses;
- B. The location of the proposed sign(s) on the site;

(2) Three blueprints or ink drawings of the plans and specifications and method of construction and attachment of the signs to the building or method of installation in the ground;

- (3) A drawing or description indicating the exact sign message, including letter style and colors;

- (4) Name of person, firm, corporation or association erecting structure;

(5) Written consent by the owner of the building, structure, or land to which, or on which the structure is to be erected when the sign pertains to businesses or services not conducted upon the premises where the sign is located;

(6) Any other pertinent data necessary for the determination of compliance with the purposes and objectives of the Zoning Code.

- (7) Payment of any required application and sign fees, bonds, or other performance and/or maintenance guarantees.

(c) Site Plan Review.

(1) All signs subject to Planning Commission and Council review and approval shall be reviewed according to the procedures set forth for Site Plan Review in Section 1163.03.

(2) Signs proposed for a use requiring site plan review or a conditionally permitted use may be submitted for review as part of the application for site plan review or conditional use approval.

(d) For multi-tenant buildings in commercial or industrial districts, and individual buildings located in business and industrial parks, the applicant shall submit with the application for site plan review basic sign parameters as to the location, size and style of proposed signs. The Planning Commission shall approve with the site plans for new buildings, or at the time a specific sign request is made for a tenant identification sign in an existing building, the basic sign policies for each tenant sign. The Planning Commission may authorize the Zoning Inspector to specifically approve the subsequent individual tenant signs upon specific application when such proposed signs comply with the sign policy established by the Planning Commission. Such established sign policy shall be made part of all leases or sales of stores or other tenant space.

(e) Modification to Existing Sign. Any proposed change in an existing sign, sign structure or lighting, shall be approved according to the review procedure set forth in this section prior to said change being made.

(f) Fees. Concurrent with the filing of an application for any sign, unless specified otherwise in these sign regulations, an application fee shall be paid to the City in the amount established by ordinance. No refund of any part of an application fee shall be made to an applicant in cases of denial of the requested sign(s).

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.11 MAINTENANCE.

All signs shall be maintained in accordance with the following standards.

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

(b) A sign in good repair shall be free of peeling or faded paint; shall not be stained or show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable maintenance standards of the City.

(c) The Zoning Inspector may order any sign to be painted or refurbished at least once a year, if needed, to keep the sign in a neat and safe condition.

(d) If the sign is deemed by the Zoning Inspector to be in disrepair or in an unsafe condition, such sign shall be considered an unsafe structure and all City regulations applicable for the repair or removal of such sign shall apply.

(e) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a certificate, or any payment of fees, provided there is no alteration or enlargement to the structure or the mounting of the sign itself, and the sign is accessory to a legally permitted or nonconforming use.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.12 ALTERATION AND REMOVAL OF UNSAFE, OBSOLETE AND NONCONFORMING SIGNS.

(a) Every sign or other advertising structure, including supporting materials, in existence upon adoption of these regulations that violates or does not conform to the provisions herein shall be altered or replaced in a timely manner only in conformance with the provisions of these regulations and upon the review and approval of the Board of Zoning Appeals, except in the following situations.

(1) When the existing use has new ownership which results only in a change of the name of the use or business on the property.

(2) When a building or structure is reoccupied by a use permitted in the district in which such building or structure is located, provided the building or structure is reoccupied within 90 days of being vacated and the new occupant requires no external building or site renovation.

- (3) When a sign is damaged to 50% or less of its current fair market value, it may be restored to its former condition.
- (b) Nonconforming signs shall be removed in the event one or more of the following occurs:
 - (1) When a sign is damaged by more than 50% of its current fair market value.
 - (2) When the use for which the nonconforming sign is accessory is vacant for 90 consecutive days.
 - (3) Following five years from the date of the adoption of these regulations, or five years from the date of any amendment to these regulations which made the sign nonconforming.

Signs which are not so removed are hereby declared to be a nuisance subject to abatement by the City.

- (c) Any conforming sign and supporting materials which no longer advertises a bona fide business, or which no longer serves the purpose for which it was intended, shall, within 90 days of business termination or the time such sign becomes obsolete, be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found. Signs which are not so removed are hereby declared to be a nuisance subject to abatement by the city.
- (d) Written notification from the Zoning Inspector concerning the removal of a sign shall be complied with within 30 days. Failure to comply with the abatement order shall result in the Zoning Inspector having authorization to cause removal of such sign and supporting material. Any expense incidental to this removal shall be paid by the owner of the property upon which said sign is located. Failure to pay the cost for such removal shall result in a lien upon the premises, which lien shall be filed with the County Recorder's office, to remain a lien or record, until paid. The lien shall accrue interest at the maximum rate permitted by Ohio law prior to payment.
- (e) If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or unsecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Zoning Code, notice shall be given in writing by the Zoning Inspector to the certificate holder thereof. If the certificate holder fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, such sign or other advertising structure may be removed or altered to comply with these regulations at the expense of the certificate holder or the owner of the property upon which it is located. The Zoning Inspector shall refuse to issue a certificate to any certificate holder or owner who refuses to pay costs so assessed. The Zoning Inspector may cause any sign or advertising structure which is in immediate peril to persons or property to be removed summarily and without notice.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

1145.13 VIOLATIONS AND PENALTIES.

- (a) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor and any person on conviction thereof shall be fined not more than one hundred dollars (\$100.00) and each day during which such violation of any provision of this chapter shall continue shall be considered to be a separate offense. In case any person violates any of the provisions of this chapter as aforesaid, the Law Director, in addition to the foregoing fines and penalties, and in addition to the remedies otherwise provided by law, is hereby authorized to institute an appropriate action or proceeding in law or equity to prevent such violation, or to restrain, correct or abate such violation.
- (b) 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 such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (c) Nothing herein contained shall prevent the Municipality from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 3-95. Passed 1-17-95; Ord. 25-2012. Passed 9-18-12.)

CHAPTER 1146

Fences, Walls, Hedge Rows

- 1146.01 Fences, walls, hedge rows defined.
- 1146.02 Location and height requirements.
- 1146.03 Zoning permit required.
- 1146.04 General requirements.
- 1146.99 Penalty.

1146.01 FENCES, WALLS, HEDGE ROWS DEFINED.

“Fence,” “Wall,” “Hedge Row” shall mean any structure composed of wood, iron, steel, masonry, stone, any type of growing plant or shrub, or other material not listed, and erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises. Trellises or other supporting structures, supporting or for the purpose of supporting vines, flowers, and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence.

(Ord. 06-2007. Passed 6-19-07.)

1146.02 LOCATION AND HEIGHT REQUIREMENTS.

The following requirements are for any and all fences, walls, and hedge rows constructed within the Municipality whether constructed on residential, commercial, public, or private property:

- (a) Fences, walls, or hedge rows erected within the minimum front yard setback shall not exceed three feet (3') in height.
- (b) Fences, walls, or hedge rows erected, other than within the minimum front yard setbacks, shall not exceed six feet (6') in height.
- (c) Corner lots, where both sides of the lot face the street, shall be treated as a front yard as it relates to this chapter.
- (d) Fence, wall, and/or hedge row height shall be determined by its height measured from the natural grade.
- (e) Fences, walls, and/or hedge rows shall not obstruct clear sight distances at intersections. No fences, walls, and/or hedge rows shall be constructed within a triangle of twenty-five feet (25') from the intersection of the right-of-way lines.
- (f) Fences, walls, and/or hedge rows constructed in Commercial and Industrial Districts shall be limited to six feet (6') in height. Fences may contain barbed wire, provided that the barbs shall be no less than six feet (6') above the ground or supporting area and shall not project over adjoining properties or right-of-way lines.
- (g) Snow fences may be erected between November 1st and March 31st; however, all snow fences shall be removed by April 15th.
- (h) Temporary fences or walls used during building construction or renovation shall not be subject to this chapter.
- (i) Arbors, attached to a fence, shall not exceed ten feet (10') in height.
- (j) No hedges or other types of growing plants or shrubs exceeding thirty inches (30") in height, except deciduous trees, shall be planted within the street right-of-way.
- (k) All fences or walls, which enclose athletic fields, tennis courts, basketball courts or the like, shall be presented to the Planning Commission for approval.

(Ord. 06-2007. Passed 6-19-07.)

1146.03 ZONING PERMIT REQUIRED.

No person, firm, corporation, property owner, or developer shall erect a fence, wall, and/or hedge row within the Municipality without first securing a zoning certificate in accordance with the following regulations.

(a) The owner, part owner, or developer of any lot, premises, or parcel of land within the Municipality shall apply to the Zoning Inspector for a zoning certificate.

(b) The Zoning Inspector shall issue a zoning certificate provided that the applicant:

(1) Submits a written application upon forms furnished by the Zoning Inspector, along with all required fees as established in Section 163.14(j) of the Codified Ordinances; a plot plan of the lot, premises, or parcel attached showing the exact location of the proposed fence, wall, and/or hedge row in relation to existing structures; a description of the kind and height of fence, wall, and/or hedge row including building materials and method of construction. Each application shall indicate the owner of the property, the occupant of the property, and the contractor or other person that will construct and/or erect the fence, wall, and/or hedge row.

(2) Meets all of the requirements of this chapter and the Munroe Falls Zoning Ordinance. If the provisions of this chapter are in conflict with any other provision of the Zoning Ordinance, the provisions of this chapter shall supersede the other sections of the Zoning Ordinance.

(Ord. 06-2007. Passed 6-19-07.)

1146.04 GENERAL REQUIREMENTS.

All fences, walls, and/or hedge rows erected within the Municipality shall meet the following general requirements.

(a) A fence or wall of permitted height and design may be constructed along or upon common property lines and across any utility easement so as to allow maximum use of the area to be enclosed. Fences or walls placed on utility easements shall provide access to manholes, utility boxes, clean outs or other apparatus that may be used from time to time for maintenance of the utility. Fences or walls in drainage easements shall require prior approval of the City.

(b) When a fence or wall obstructs access to a utility box, manhole, or other public apparatus for maintaining utilities, the owner shall be required to remove such fence or wall at his expense without remuneration from the City.

(c) The height of the fence or wall shall not include the posts, except, however, the posts may not exceed the fence or wall height by more than six (6) inches.

(d) Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.

(e) All fences or walls shall be maintained in good repair, structurally sound, and sanitary so as to not pose a threat to public health, safety, and welfare. If any fence or wall is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required by the Munroe Falls Nuisance Abatement Code, Chapter 1175.

(f) All fences or walls shall be constructed with the posts facing the fence or wall installer's structure.

(Ord. 06-2007. Passed 6-19-07.)

1146.99 PENALTY.

The owner of any lot, parcel, or property within the Municipality where anything in violation of this chapter is erected,

planted, and/or constructed and any architect, builder, contractor, occupant, or developer who assists in the commission of any violation, and any person that fails to comply with any of the provisions of this chapter shall, for each violation or noncompliance, be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 06-2007. Passed 6-19-07.)

CHAPTER 1147

Dish Antennas

- 1147.01 Defined.
- 1147.02 Zoning certificate required.
- 1147.03 Maximum diameter and height.
- 1147.04 Location.
- 1147.99 Penalty.

1147.01 DISH ANTENNA DEFINED.

“Dish antenna” shall mean any antenna or earth station designed, constructed or modified to bring in or receive satellite television signals and such “dish antenna” shall be considered a structure for the purpose of this Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95)

1147.02 ZONING CERTIFICATE REQUIRED.

No person, firm or corporation shall erect a dish antenna in the Municipality without first securing a zoning certificate in accordance with the following regulations:

(a) The owner, part owner, or occupant of any lot, premises or parcel of land within the Municipality who desires to construct or erect a dish antenna at any location within the Municipality shall apply to the Zoning Inspector for a zoning certificate.

(b) The Zoning Inspector shall issue a certificate provided the applicant:

(1) Submits a written application upon forms furnished or approved by the Zoning Inspector, with a plot plan of the lot, premises or parcel attached showing the exact location of the proposed dish antenna in relation to existing structures; a description of the kind of dish antenna; plans and specifications showing the elevations where it is to be erected and of the dish antenna itself; and sufficient details to show the method of assembly and construction. Each set of plans and specifications shall give the address of the lot on which the dish antenna is to be erected, name and address of the owner of the lot, and of the person who prepared the plans and specifications. Each application shall indicate the owner of the lot, the occupant of the lot and the contractor or other person to be permitted to construct or erect the proposed dish antenna.

(2) Meets all of the requirements of this Chapter and the Munroe Falls Zoning Ordinance. If the provisions of this Chapter are in conflict with any other provision of the Zoning Ordinance, the provisions of this Chapter shall supersede the other sections of the Zoning Ordinance.

(3) Submits with each application the fees established by ordinance. The fees shall cover the cost of review of the plans, the handling of the application and inspection of the construction by the Inspector. The deposit shall be returnable in the event

the Inspector upon one inspection finds that the erection or construction is acceptable. If additional inspections are required, the deposit shall not be returnable, and shall be used to cover the cost of such further inspection.

(Ord. 3-95. Passed 1-17-95)

1147.03 MAXIMUM DIAMETER AND HEIGHT.

The maximum diameter of the dish antenna shall be ten feet and the maximum height of the antenna shall be twelve feet measured from the natural grade of the ground.

(Ord. 3-95. Passed 1-17-95)

1147.04 LOCATION.

(a) Dish antennas shall be located in the rear yard behind the principal dwelling or structure located on the lot. Dish antennas shall be so located so that however turned or otherwise used, all parts of the dish antennas will be set back at least ten feet from the side lot lines; and shall be set back from the rear lot line no less than ten feet or one-half the depth of the rear yard, whichever is greater.

(b) The plans submitted shall specify landscaping, the intent of which shall be to conceal the dish antenna.

(c) Dish antennas shall not be linked to receivers which are not located on the same lot as the dish antenna.

(Ord. 3-95. Passed 1-17-95)

1147.99 PENALTY.

The owner of any lot or parcel where anything in violation of this chapter is placed or exists and any architect, builder, contractor or occupant who assists in the commission of any violation, and any person who violates any of the provisions of this chapter or fails to comply therewith, shall, for each violation or noncompliance, be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 3-95. Passed 1-17-95)

CHAPTER 1149 Supplementary Regulations

- 1149.01 Permitted uses.
- 1149.02 Permitted area, height, number of dwelling units, and yards.
- 1149.03 Permitted height exceptions.
- 1149.04 Front yard variances in Residential Districts.
- 1149.05 Approval of sanitary disposal facilities.
- 1149.06 Sewage and water facilities.
- 1149.07 Construction.

- 1149.08 Principal building.
- 1149.09 Access to a public street.
- 1149.10 Corner lots.
- 1149.11 Lots, yards and open spaces.
- 1149.12 Visibility.
- 1149.13 Accessory buildings.
- 1149.14 Approval of plats.
- 1149.15 Inconsistencies.
- 1149.16 Prohibited uses.
- 1149.17 Cuyahoga River setback.
- 1149.18 Restricting the owning or keeping of certain animals.
- 1149.19 Temporary commercial sales/uses.
- 1149.20 Garage sales.
- 1149.21 Manufactured housing.
- 1149.22 Architectural projections.
- 1149.23 Self-service mini storage facility regulations.

CROSS REFERENCES

Zoning applies to housing projects - see Ohio R.C. 3735.44

Airport zoning - see Ohio R.C. Ch. 4563

Referral of zoning permit applications to Director of Transportation - see Ohio R.C. 5511.01

1149.01 PERMITTED USES.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

(Ord. 3-95. Passed 1-17-95.)

1149.02 PERMITTED AREA, HEIGHT, NUMBER OF DWELLING UNITS AND YARDS.

No building or structure including pavement shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, height, number of dwelling units, and yard regulations of the district in which the building or structure including pavement is located unless otherwise specifically stated in the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1149.03 PERMITTED HEIGHT EXCEPTIONS.

Except as specifically stated in other parts of the Zoning Ordinance, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building or structure is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen feet the height limits of the district in which it is located; nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. Radio, television and wireless aerials or masts may be erected to any height.

(Ord. 3-95. Passed 1-17-95.)

1149.04 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS.

In any R-District where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in the Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard of any lot shall be at least twenty-five feet and need not exceed 100 feet.

(Ord. 3-95. Passed 1-17-95.)

1149.05 APPROVAL OF SANITARY DISPOSAL FACILITIES.

No building permit or zoning certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary disposal facilities for the use for which the building permit or zoning certificate has been requested.

(Ord. 3-95. Passed 1-17-95.)

1149.06 SEWAGE AND WATER FACILITIES.

Where central sanitary sewage facilities and water facilities are not available, the minimum lot size shall be the area specifically required for the District in which such lot is located, unless a larger area is required by the responsible Health Authority, and the minimum lot frontage shall be 100 feet.

(Ord. 3-95. Passed 1-17-95.)

1149.07 CONSTRUCTION.

Nothing in this Zoning Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Zoning Ordinance, or any amendment thereto, and upon which building's actual construction has been diligently carried on and provided further that such building shall be completed within two years from the date of passage of this section.

(Ord. 3-95. Passed 1-17-95.)

1149.08 PRINCIPAL BUILDING.

In a residential district, no more than one principal building shall be permitted on any lot unless otherwise specifically stated in the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1149.09 ACCESS TO A PUBLIC STREET.

No building shall be erected on a lot which does not abut on at least one public or private street. In the case of a conditionally permitted PURD, the entire tract of land shall be considered one zoning lot.

(Ord. 3-95. Passed 1-17-95.)

1149.10 CORNER LOTS.

Corner lots in all districts are required to comply with the minimum front yard requirements for each yard abutting a street.

(Ord. 3-95. Passed 1-17-95.)

1149.11 LOTS, YARDS AND OPEN SPACE.

No space which, for the purpose of a building or group of buildings, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by the Zoning Ordinance may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

(Ord. 3-95. Passed 1-17-95.)

1149.12 VISIBILITY.

No signs, wall, fence, or shrubbery shall be erected, maintained, or planted on any lot which obstructs or interferes with traffic visibility on a curve or at any street intersection, or at any driveway access onto a public right-of-way.

(Ord. 3-95. Passed 1-17-95.)

1149.13 ACCESSORY BUILDINGS.

An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of the Zoning Ordinance applicable to the principal building.

(Ord. 3-95. Passed 1-17-95.)

1149.14 APPROVAL OF PLATS.

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various district of the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1149.15 INCONSISTENCIES.

In the event any of the requirements or regulatory provisions of the Zoning Ordinance are found to be inconsistent with another, the more restrictive or greater requirement shall be deemed in each case to be applicable.

(Ord. 3-95. Passed 1-17-95.)

1149.16 PROHIBITED USES.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matters, or water carried wastes.

(Ord. 3-95. Passed 1-17-95.)

1149.17 CUYAHOGA RIVER SETBACK.

No construction within 200 feet of the shore line at the mean water level shall be permitted unless conditionally approved by the Planning Commission and Council.

(Ord. 3-95. Passed 1-17-95.)

1149.18 RESTRICTING THE OWNING AND KEEPING OF CERTAIN ANIMALS.

(a) No person shall house, feed, own or keep a hog, swine or mink within the City of Munroe Falls.

(b) No person shall house, feed, graze, own or keep any chicken, poultry or other fowl, rabbits, hooped quadrupeds or other animals except a domestic household pet within 200 feet of any side or rear property line, nor upon any land containing less than two acres or within twenty feet of any reservoir or stream, public sidewalk, right-of-way or thoroughfare within the City of Munroe Falls.

(c) No person shall house, feed, graze, own or keep more than one four-hooped quadruped or other animal except a domestic household pet for each two acres of land used for such purpose; however, if such property is less than two acres in total, then no animal shall be housed, fed, grazed, owned or kept upon the property except a domestic household pet.

(d) Under no circumstances shall any chicken, poultry, or other fowl, rabbit, or hooped quadruped be permitted to become offensive to the surrounding area or to the general public either by offensive odor, habits, noise, or by any other means.

(Ord. 3-95. Passed 1-17-95.)

1149.19 TEMPORARY COMMERCIAL SALES/USES.

These regulations are necessary to govern the following uses which are of a non-permanent nature. At least seven days before the instigation of such use an application for a temporary zoning certificate shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

(a) Temporary sales offices for the sale, lease or rent of buildings or space may be permitted within any district for any new subdivision or in a business or industrial district for a permitted use for a period of two years, except that annual extensions may be granted if conditions warrant, provided that such sales offices contain no living accommodations.

(b) Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within a C-1, I-1 and T-C District for the duration of construction. Such uses shall be removed immediately upon completion of the construction.

(c) Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, seasonal items, or similar items on any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit or not-for-profit individuals or organizations in any commercial district. A temporary zoning certificate valid for a specified period of time determined by the Zoning Inspector, as appropriate for the sales, promotion, event or occasion, shall only be issued three separate times for any particular lot within any twelve-month period. The applicant must submit a transient vendor's license, and a written statement from the property owner giving permission for such use. The section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. The temporary zoning certificate shall be prominently displayed at the site.

(Ord. 3-95. Passed 1-17-95.)

1149.20 GARAGE SALES, YARD SALES.

Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any twelve-month period upon the property at which he, she or they reside for a period not to exceed three consecutive days without obtaining a zoning certificate, so long as the provisions of the Zoning Ordinance pertaining to signs and parking are observed.

(Ord. 3-95. Passed 1-17-95.)

1149.21 MANUFACTURED HOUSING.

This section shall apply to the location, construction and maintenance of factory-built housing in all residential districts.

(a) Definitions. Any factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site shall be known as factory-built housing. For the purposes of this Ordinance, factory-built housing shall include the following:

(1) **Manufactured Home.** Any non-self-propelled vehicle transportable in one or more sections which is built on a permanent chassis and designed to be used as a permanent dwelling unit with a permanent foundation, connected to the required utilities including plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

(2) **Modular Home.** Factory-built housing certified as meeting the Ohio State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

(3) **Mobile Home.** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable as to its compliance with the Act.

(b) **Siting Requirements.** Any factory-built housing proposed to be located in any residential district shall comply with the following requirements:

(1) The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

(2) All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

(3) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.

(4) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.

(5) The site shall be serviced by utilities in such manner as required by Ordinance.

(c) Compliance with Other Regulations. Any factory-built housing proposed to be located in any residential district shall comply with all zoning regulations of the district in which it is proposed to be located and shall comply with all applicable building code regulations.

(d) Location of Factory-Built Housing. Manufactured homes and modular homes which meet the siting requirements contained in subsection (b) above shall be permitted in all Residential Districts. Mobile homes shall not be permitted in any zoning district.

(Ord. 3-95. Passed 1-17-95.)

1149.22 ARCHITECTURAL PROJECTIONS.

Open structures such as steps, porches, canopies, balconies, platforms, carports, and covered patios, and other architectural projections such as chimneys, bay windows and roof overhangs, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

(Ord. 3-95. Passed 1-17-95.)

1149.23 SELF-SERVICE MINI STORAGE FACILITY REGULATIONS.

(a) Purpose. The purpose of this section is to promote the public health, safety and welfare through the regulations of the self-service mini-storage facilities.

(b) Permitted Use. The use of the land, buildings or other structures as a self-service mini-storage facility must comply with the regulations and standards of this section and are required to obtain approval as a conditional use pursuant to Chapter 1141.

(c) Smoke Detector and Sprinkler System Requirement. Each individual self-service mini-storage unit within the complex shall be required to have within it in operation a smoke detector system and sprinkler system.

(d) Minimum Construction Distance. No structure used as a self-service mini-storage facility shall be built or erected within 500 feet of any residential dwelling, hotel, motel, tourist house, school, hospital, nursing home, or any public administrative or public safety building, and shall not present a nuisance or safety hazard to the general public.

(e) Inspections. The Fire Chief or the Fire Safety Inspector, and as directed by the Chief, shall have access to the individual self-service mini-storage units for the purpose of inspection to determine compliance with this section and with the Ohio Fire Code. Owners or operators of self-service mini-storage facilities and the leases of each individual self-service storage unit shall allow access to the individual units for inspection of the required smoke detector and sprinkler system. The Fire Chief is authorized to draft regulations establishing procedures for these inspections. The Fire Chief shall enforce this inspection procedure pursuant to Chapter 1501.01 of the Fire Prevention Code and any and all other applicable laws and ordinances.

(f) Lease Agreement. Owners or operators of self-service mini-storage facilities shall include language within the lease for the individual self-storage units advising the lessees of the regulations drafted pursuant to this section and shall further contain a provision authorizing inspection of smoke detectors and sprinkler systems in each unit by the Fire Department.

(g) Penalty. Whoever violates any provision of this section, and upon conviction thereof, shall be guilty of a misdemeanor of the third degree. Each day that such violation continues shall constitute a separate offense.

(h) Site Plan Review. Any new construction of a use permitted or conditionally permitted pursuant to this chapter in a district or any existing or previously approved development which proposes to expand the floor area or any change in use which requires a modification in the amount of parking or the site's circulation shall require submission and approval of a site plan

pursuant to Chapter 1163.03. Each storage unit shall be equipped with an operational smoke detector and be connected to a sprinkler system.

(Ord. 13-97. Passed 4-1-97.)

CHAPTER 1151 Nonconformities

- 1151.01 Purpose.
- 1151.02 Completion of construction with existing Zoning Certificate.
- 1151.03 Continuation of nonconforming uses.
- 1151.04 Termination of nonconforming uses.
- 1151.05 Nonconforming conditional use.
- 1151.06 Continued use of nonconforming lot or structure.
- 1151.07 Nonconforming lots of record.

CROSS REFERENCE

Nonconforming uses; retroactive measures - see Ohio R.C. 713.15

1151.01 PURPOSE.

The following regulations define the legal status of lots, uses of land, structures, and uses of structures and land in combination which do not conform to this Zoning Ordinance but which existed or were in operation prior to the effective date of this Ordinance, or amendments thereto. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Accordingly, the completion, restoration, reconstruction, extension or substitution of nonconformities shall be subject to these regulations and shall be allowed upon review and approval by the Planning Commission except as specifically provided for in the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1151.02 COMPLETION OF CONSTRUCTION WITH EXISTING ZONING CERTIFICATE.

Nothing in this Zoning Ordinance shall prohibit the completion of the construction and use of nonconforming buildings for which a zoning certificate has been issued prior to the effective date of this Ordinance, or amendments thereto, provided that construction is commenced within 90 days after the issuance of the certificate, that construction is carried on diligently and without interruption for a continuous period in excess of thirty days and that the entire building is completed within one year after the issuance of the zoning certificate.

(Ord. 3-95. Passed 1-17-95.)

1151.03 CONTINUATION OF NONCONFORMING USES.

A use of land, or building, or land and building in combination lawfully existing on the effective date of this Zoning Ordinance, or when any amendment to this Zoning Ordinance becomes effective, may be continued and necessary maintenance and repairs made although such use does not conform with the provisions of the Zoning Ordinance provided the following conditions are met:

(a) Alterations. A building or structure containing a nonconforming use may be altered, improved, or reconstructed, provided the work does not exceed in aggregate cost the assessed value of the building or structure. Otherwise the building or structure shall be changed to a conforming use.

(b) Change in Use. A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is less in conflict with the character and intent of the zoning district than the existing nonconforming use as determined by the Planning Commission. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(c) Displacement. No nonconforming use shall be extended to displace a conforming use.

(d) Certificate of Nonconforming Use. The Planning Commission shall issue a "Certificate of Nonconforming Use" within one year of the effective date of the Zoning Ordinance, to all known owners of property, the use of which does not conform to the provisions of the zoning district in which the property is located.

(1) The provisions shall apply only to commercial and industrial use for which no fee shall be charged.

(2) In accordance with the provision of this subsection, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless such use shall be in conformity with the provisions of the district in which the property is located.

(3) A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Planning Commission.

(Ord. 3-95. Passed 1-17-95.)

1151.04 TERMINATION OF NONCONFORMING USES.

The right to maintain and operate a nonconforming use shall terminate immediately in the event one or more of the following occurs:

(a) Discontinuance and Abandonment. Whenever a nonconforming use has been discontinued for a period of 6 months or more, the discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of the 6-month period, the nonconforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this Zoning Ordinance.

(b) Damage or Destruction. In the event that any building or structure devoted to a nonconforming use is destroyed by any means to the extent of more than its assessed value, as determined for tax purposes by the county auditor, it shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Ordinance.

(c) Illegal Nonconforming Uses. Nonconforming uses existing on the effective date of the Zoning Ordinance established without a zoning certificate, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of the Zoning Ordinance, shall be declared illegal nonconforming uses and shall be discontinued within a period of two years following the effective date of the Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1151.05 NONCONFORMING CONDITIONAL USE.

Uses existing prior to the enactment of this Zoning Ordinance which are listed as conditional uses in the district in which they are located shall be considered as nonconforming uses if they do not fully comply with the conditions for the conditionally permitted use set forth in this Zoning Ordinance.

(a) All uses existing at the time of passage of the Zoning Ordinance which are conditional uses in their respective districts under the Zoning Ordinance, shall be issued Conditional Zoning Certificates within one year after the passage of the Zoning Ordinance.

(b) The certificates shall be issued by the Planning Commission and no public hearing shall be required nor shall a fee be charged for such certificate.

1151.06 CONTINUED USE OF NONCONFORMING LOT OR STRUCTURE.

If, on the effective date of this Zoning Ordinance or future amendment, there exists a lawful use of a zoning lot and/or building which, under the terms of this Zoning Ordinance as adopted or so amended, is a permitted principal use in the district in which it is located but which does not, under the terms of this Zoning Ordinance as adopted or so amended, conform to the regulations of this Zoning Ordinance with respect to lot width, lot area, off-street parking, yards, height, lot coverage, or other regulations, standards or requirements concerning such lot or structure, or such use thereof, such use of land and/or structure may be continued, except as otherwise specifically provided in this Zoning Ordinance, so long as it remains otherwise lawful, subject to the following provisions:

(a) Alterations. A nonconforming building or structure, including access drives and parking areas, may be repaired, remodeled, reconstructed or structurally altered provided no such nonconforming building or site condition, except as provided in subsection (b), shall be structurally altered or extended in a way which increases its nonconformity.

(b) Reconstruction and Restoration. Nothing in the Zoning Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this section wherein the expense of such work does not exceed sixty percent (60%) of the replacement cost of the building or structure at the time such damage occurred.

(c) Change in Principal Use of Lot or Building. The use of such land and/or building may be changed to any other permitted principal use in the district in which it is located so long as the nonconformity is not increased and so long as the new use complies with any special regulations, standards or requirements specified by the Zoning Ordinance for such use.

(d) Change in Conditional Use. A conditional use of land and/or building may be changed to another conditional use when approved pursuant to Section 1163.04 so long as any nonconformity is not increased. However, as a condition of approval for a conditional use permit, the Planning Commission may require that the level of nonconformity of a nonconforming building, structure or site condition be reduced.

(Ord. 3-95. Passed 1-17-95.)

1151.07 NONCONFORMING LOTS OF RECORD.

Any lot of record which is nonconforming in area, width, or depth at the time of the original adoption of this Zoning Ordinance in 1995, and which does not adjoin any land under the same ownership as said lot, may be used as a building lot provided the yard requirements and minimum floor area meet the following standards:

(a) Minimum Lot Width at Minimum Building Setback Line: 60 feet.

(b) Minimum Floor Area:

(1) One story structure: 1,000 square feet.

(2) Structures having more than one story: 1,600 square feet.

(c) Minimum Foundation Floor Area: 1,000 square feet for a structure having more than one story.

(d) For the purpose of this section, floor area shall not include porches, steps, breezeways, garages, and other attached structure not intended for human occupancy.

(e) Minimum yard requirements will remain for the district for which the property is located.

(f) Buildings constructed on nonconforming lots located in R-1, R-2, R-3, and R-4 Districts shall be utilized for single-family dwelling purposes only.

(Ord. 11-2006. Passed 10-3-06.)

CHAPTER 1152

Erosion and Sediment Control

- 1152.01 Purpose and scope.
- 1152.02 Definitions.
- 1152.03 Disclaimer of liability.
- 1152.04 Conflicts, severability, nuisances and responsibility.
- 1152.05 Regulated activities.
- 1152.06 Application procedures.
- 1152.07 Compliance with local, State, and Federal regulations.
- 1152.08 Storm Water Pollution Prevention Plan.
- 1152.09 Abbreviated Storm Water Pollution Prevention Plan.
- 1152.10 Performance standards.
- 1152.11 Fees.
- 1152.12 Bond.
- 1152.13 Enforcement.
- 1152.14 Violations.
- 1152.15 Appeals.
- 1152.99 Penalty.

1152.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of Munroe Falls.

(b) This regulation will:

(1) Allow development while minimizing increases in erosion and sedimentation.

(2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in division (d) of this section.

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code.

(Ord. 10-08. Passed 11-18-08.)

1152.02 DEFINITIONS.

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

(a) “Abbreviated Storm Water Pollution Prevention Plan (Abbreviated SWP3).” The written document that sets forth the plans and practices to be used to meet the requirements of this regulation of requested for project less than one acre in size.

(b) “Acre.” A measurement of area equaling 43,560 square feet.

(c) “Best management practices (BMPs).” Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to minimize soil erosion and sedimentation and to prevent or reduce the pollution of water resources and wetlands. “BMPs” also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.

(d) “Community.” Throughout this regulation, this shall refer to the City of Munroe Falls, its designated representatives, boards, or commissions.

(e) “Construction entrance.” The permitted points of ingress and egress to development areas regulated under this regulation.

(f) “Development area.” A parcel or contiguous parcel owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(g) “Disturbed area.” An area of land subject to erosion due to the removal of vegetative cover and/or soil-disturbing activities.

(h) “Drainage.”

(1) The area of land contributing surface water to a specific point.

(2) The removal of excess surface water or ground water from land by surface or subsurface drains.

(i) “Erosion.” The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

(j) “Erosion and sediment control.” The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

(k) “Final stabilization.” All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

(l) “Landscape architect.” A professional landscape architect registered in the State of Ohio.

(m) “Larger common plan of development or sale.” A contiguous area where multiple separate and distinct construction

activities may be taking place at different times on different schedules under one plan.

(n) "Maximum extent practicable." The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

(o) "NPDES." National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

(p) "Parcel." Means a tract of land occupies or intended to be occupied by a use, building or group of buildings, and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a "Permanent Parcel Number" assigned by Summit County Auditor's Office.

(q) "Person." Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency, the Federal government, other legal entity, or an agent thereof.

(r) "Phasing." Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

(s) "Professional engineer." A professional engineer registered in the State of Ohio.

(t) "Rainwater and Land Development Manual." Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

(u) "Runoff." The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

(v) "Sediment." The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

(w) "Sedimentation." The deposition or settling of sediment.

(x) "Setback." A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil-disturbing activities in this area are restricted by this regulation.

(y) "Soil-disturbing activity." Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human-made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

(z) "Stabilization." The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

(aa) "Stream." A surface water course with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01).

(bb) "Storm Water Pollution Prevention Plan (SWP3)." The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(cc) "Summit Soil and Water Conservation District." A subdivision of the State of Ohio organized under Ohio R.C. Chapter 1515, referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Summit SWCD or SSWCD.

(dd) "Unstable soils." A portion of land that is identified by the Summit County Engineer, Summit County Building Standards, City of Munroe Falls Building Department, or SSWCD as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

(ee) "Water resource." Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(ff) “Wetland.” Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

(Ord. 10-08. Passed 11-18-08.)

1152.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(Ord. 10-08. Passed 11-18-08.)

1152.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provision shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 10-08. Passed 11-18-08.)

1152.05 REGULATED ACTIVITIES.

(a) This regulation requires that an SWP3 be developed and implemented for all parcels of one acre or more and on which any regulated activity of Section 1152.01(c) is proposed.

(b) At the request of the Zoning Inspector the following activities may be required to submit an Abbreviated SWP3:

- (1) New single-family residential construction regardless of parcel size;
- (2) Additions or accessory buildings for single-family residential construction regardless of parcel size;
- (3) All nonresidential construction on parcels of less than one acre;
- (4) General clearing activities not related to construction and regardless of parcel size.

(Ord. 10-08. Passed 11-18-08.)

1152.06 APPLICATION PROCEDURES.

(a) Soil-Disturbing Activities Submitting a Storm Water Pollution Prevention Plan. The applicant shall submit two sets of the SWP3 and the applicable fees to the SSWCD, two sets of the SWP3 to the City Building Department, and one set to the

Munroe Falls' Service Director as follows:

- (1) For subdivisions. After the approval of the preliminary plans and with submittal of the improvement plans.
- (2) For other construction projects. Before issuance of a zoning certificate by the Zoning Inspector.
- (3) For general clearing projects. Prior to issuance of a zoning certificate by the Zoning Inspector.

(b) Soil-Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan. The applicant shall submit two sets of the Abbreviated SWP3 and the applicable fees to SSWCD and one set to the City Service Director as follows:

- (1) For single-family home construction. Before issuance of a zoning certificate by the Zoning Inspector.
- (2) For other construction projects. Before issuance of a zoning certificate by the Zoning Inspector.
- (3) For general clearing projects. Prior to issuance of a zoning certificate by the Zoning Inspector.

(c) The SSWCD shall review the plans submitted under division (a) or (b) of this section for conformance with current NPDES permit requirements and this regulation and approve, or return with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil-disturbing activities shall not begin, final plat approvals shall not be issued, and zoning permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

(e) A pre-construction meeting must be held with the SSWCD inspector prior to earthwork activities. The developer, contractor, and engineer should be in attendance at the pre-construction meeting.

(f) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

(g) Approvals issued in accordance with this regulation shall remain valid for one year from the date of approval.

(Ord. 10-08. Passed 11-18-08.)

1152.07 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other Federal, State, And/or County agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals are required to show proof of compliance with all State and Federal regulations.

(a) Ohio EPA NPDES Permits Authorizing Storm Water Discharges Associated with Construction Activity or the Most Current Version Thereof. Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

(b) Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

(c) Ohio EPA Isolated Wetland Permit. Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

(d) Section 404 of the Clean Water Act. Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

(1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

(e) Ohio Dam Safety Law. Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(f) Riparian Setback Ordinance. Proof of compliance shall be a copy of the SSWCD approval letter, and/or zoning certificate from those entities which have adopted the legislation. Riparian setbacks must be shown on the SWP3.

(Ord. 10-08. Passed 11-18-08.)

1152.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control pollution of water resources and wetlands, the applicant shall submit an SWP3 in accordance with the requirements of this regulation. The SWP3 must comply at a minimum to the most recent Ohio EPA NPDES Permit. For specific requirements of an SWP3 the designer shall refer to the NPDES Ohio general construction permit and the SSWCD SWP3 Check List. The SWP3 must address erosion and sediment control during construction, as well as post-construction water quality practices. Post-construction practices must meet the requirements of the NPDES Ohio general construction permit and the Summit County storm water management technical guidelines.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of *Rainwater and Land Development* as published by the ODNR.

(d) Trapping Efficiency. All sediment basins and traps must maintain a minimum 75% trapping efficiency throughout the construction period as determined by engineering calculations contained within the Summit County Water Quality and Trapping Efficiency Program. The approved program to determine trapping efficiency is available through the SSWCD.

(e) Soils Engineering Report. The City Engineer, Building Department, or the SSWCD may require the SWP3 to include a Soils Engineering Report based upon his or her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based upon adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and reviewed by the City Falls Engineer, Building Department, or the SSWCD shall be incorporated in the grading plans and/or other specifications for site development.

(1) Data regarding the nature, distribution, strength, stability, and erodibility of existing soils.

(2) If applicable, data regarding the nature, distribution, strength, stability, and erodibility of the soil to be placed on the site.

(3) Conclusions and recommendations for grading procedures.

(4) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

(5) Design criteria for corrective measures when necessary.

(6) Opinions and recommendations concerning the stability of the site.

(Ord. 10-08. Passed 11-18-08.)

1152.09 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall be developed in accordance with guidance provided by the SSWCD SWP3 checklist.

(Ord. 10-08. Passed 11-18-08.)

1152.10 PERFORMANCE STANDARDS.

The SWP3 must contain a description and location of all appropriate BMPs for each construction operation. Within seven days of the start of clearing and grubbing the applicant must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the person(s) responsible for implementation.

(a) No project subject to this regulation shall commence without an SWP3 or Abbreviated SWP3 approved by SSWCD.

(b) No project subject to this regulation shall commence without a pre-construction meeting being held with SSWCD. It will be the developer or land owners responsibility to contact SSWCD. The controls shall include the following minimum components:

(1) During active construction.

A. Non-structural preservation measures. The applicant must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

1. Stream protection. The requirements of the Riparian Setback Chapter (Ordinance 06-2008) shall be followed.

2. Wetland protection. The setback requirements of these Codified Ordinances shall be followed in addition to State and Federal regulations.

B. Erosion control practices. The applicant must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

C. Runoff control practices. The applicant must make use of measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.

D. Sediment control practices. The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 13 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be

considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

E. Non-sediment pollutant controls. No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site BMPs to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands.

F. Compliance with other requirements. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.

G. Trench and ground water control. There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

H. Internal inspections. All controls on the site shall be inspected by the applicant's agent at least once every seven days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. "Qualified inspection personnel" are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls.

I. Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the SSWCD. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

1. When practices require repair or maintenance. If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten days of the inspection.

2. When practices fail to provide their intended function. If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten days of the inspection.

3. When practices depicted on the SWP3 are not installed. If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

J. Final stabilization. Final stabilization is reached when 75% of the disturbed area has been protected from erosion by vegetation, clean stone, pavement, or other acceptable means.

(2) Post-construction water quality practices.

A. Non-structural water quality practices. Non-structural post construction BMPs include preservation, planning, or procedures that direct development away from water resources or limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.

1. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.

2. All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.

B. **Structural water quality practices.** Structural post construction BMPs are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.

1. All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development sediments must be removed prior to the basin being used for post-construction storm water quality.

2. **Maintenance.** The post-construction water quality practice must be maintained in perpetuity by those parties identifies in the SWP3 or the Storm Water Management maintenance agreement.

(Ord. 10-08. Passed 11-18-08.)

1152.11 FEES.

An SWP3 and Abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal. Fees are required to be submitted to the SSWCD before the review process begins. Please consult with SSWCD for current fee schedule.

(Ord. 10-08. Passed 11-18-08.)

1152.12 BOND.

If an SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond has been deposited with the Building Department. The bond amount shall be a minimum of five thousand dollars (\$5,000) and an additional one thousand dollars (\$1,000) paid for each subsequent acre or fraction thereof. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less City administrative fees as detailed in Chapter 163, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by SSWCD.

(Ord. 10-08. Passed 11-18-08.)

1152.13 ENFORCEMENT.

(a) All development areas will be subject to external inspections by SSWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(b) After each external inspection, the SSWCD may prepare and distribute a status report to the applicant.

(c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 to SSWCD may take action as detailed in Section 1152.14.

(Ord. 10-08. Passed 11-18-08.)

1152.14 VIOLATIONS.

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) If it appears that a violation of any of these rules has occurred, the owner and developer will be notified of deficiencies or noncompliance in writing by mail. If, within 21 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, the deficiency or noncompliance shall be reported to the Law Director for immediate enforcement of these regulations. SSWCD inspections do not relinquish the responsibility of the owner to comply with Ohio EPA NPDES inspection requirements.

(c) Upon notice, the Law Director may suspend any active soil-disturbing activity and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the condition under which work may be resumed. In instances, however, where the Law Director and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

(d) The Planning Commission reserves the right to deny the issuance of any further plat approvals for the property in question until the site is brought into compliance with these regulations.

(e) The City reserves the right to suspend the issuance of zoning certificates within developments that are not in compliance with these regulations.

(f) The Building Department reserves the right to suspend the issuance of occupancy certificates within developments that are not in compliance with these regulations.

(Ord. 10-08. Passed 11-18-08.)

1152.15 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the Court of Common Pleas. Such an appeal shall be made in conformity with Ohio R.C. Chapter 2506. Written notice of appeal shall be served on the City and a copy shall be provided to SSWCD.

(Ord. 10-2008. Passed 11-18-08.)

1152.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the order of the City.

(Ord. 10-2008. Passed 11-18-08.)

TITLE SEVEN - Administration and Enforcement

Chap. 1161. Administrative Powers and Duties.

Chap. 1163. Procedures for Zoning Certificates, Site Plan Review and Conditional Zoning Certificates.

Chap. 1165. Procedures for Appeals and Variances.

Chap. 1167. Enforcement and Penalty.

Chap. 1169. Amendments.

Chap. 1175. Nuisance Abatement.

Chap. 1176. Clandestine Drug Labs.

CHAPTER 1161

Administrative Powers and Duties.

1161.01 Purpose.

1161.02 Zoning Inspector.

1161.03 Planning Commission.

1161.04 Board of Zoning Appeals.

1161.05 City Council.

1161.06 Schedule of fees.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11; Ch. 2506

Violation of zoning ordinances - see Ohio R.C. 713.13; P. & Z. Ch. 1167

1161.01 PURPOSE.

This Chapter sets forth the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and the City Council with respect to the administration of the provisions of this Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1161.02 ZONING INSPECTOR.

(a) Establishment. The Building Inspector of Munroe Falls shall be the Zoning Inspector for the Municipality. The Zoning Inspector shall act as the administrative officer for the purpose of effecting the proper administration of the Zoning Ordinance.

(b) Powers and Duties. For the purpose of this Zoning Ordinance, the Zoning Inspector shall have the following powers and duties:

(1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.

(2) Issue zoning certificates and conditional zoning certificates as provided by this Zoning Ordinance and keep a record of same with a notation of any special conditions involved.

(3) Accept and review for completeness all applications upon which the Zoning Inspector is authorized to review by the provisions of this Ordinance. The Zoning Inspector shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been

paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.

- (4) Respond to questions concerning applications for amendments to the Zoning Ordinance and the Zoning Districts Map.
- (5) Maintain in current status the Zoning Districts Map which shall be kept on permanent display in the City.
- (6) Maintain permanent and current records required by this Zoning Ordinance, including but not limited to zoning approval, inspection documents, and records of all variances, amendments, and conditional uses.
- (7) Make such records available for the use of City Council, the Planning Commission, the Board of Zoning Appeals and the public.
- (8) Conduct inspections of buildings and uses of land to determine compliance with this Zoning Ordinance and, in the case of any violation, to stop work, and to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- (9) Determine the existence of any violations of this Zoning Ordinance and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

(Ord. 3-95. Passed 1-17-95.)

1161.03 PLANNING COMMISSION.

- (a) **Composition and Organization.** The composition and appointment of the Planning Commission shall be in compliance with and as provided in Section 12.01 of the Municipal Charter.
- (b) **Organization, Quorum.** Subject to the provisions of Section of Section 12.02 of the Municipal Charter, the Planning Commission shall elect a chairman from its membership, and shall prescribe rules for the conduct of its affairs. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of all business, and action by the Commission on any matter shall be effected by the concurring votes of at least a majority of its members.
- (c) **Powers and Duties of the Commission.** For the purpose of this Zoning Ordinance, the Planning Commission shall have the following powers and duties.
 - (1) To adopt and recommend to City Council plans for the physical development of the City, or the redevelopment of any area or district therein which shall include the location of streets and other public ways, parks, playgrounds, recreation areas and other public places.
 - (2) To review and recommend to City Council plans and maps for dividing the City or any portion thereof into zones or districts representing the recommendations of the Commission in the interest of the public health, safety, convenience, comfort, prosperity or general welfare in accordance with the purpose of the Zoning Ordinance.
 - (3) To review all site plans required by this Zoning Ordinance, and make recommendations to City Council as provided in this Zoning Ordinance.
 - (4) To review all applications for conditional zoning certificate for a particular zoning lot according to provisions and criteria stated in this Zoning Ordinance and make recommendations to City Council.
 - (5) To review all proposed amendments to the Zoning Ordinance and Zoning Districts Map and to submit to Council the Commission's recommendations with respect to such proposed amendments.
 - (6) To investigate and to propose on its own initiative such amendments to the Zoning Ordinance as it may deem consistent with the purposes of this Zoning Ordinance and which further the public health, safety and general welfare of Munroe Falls.
 - (7) To review plans for the substitution of one nonconforming use from another nonconforming use.

(8) To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

(Ord. 3-95. Passed 1-17-95.)

1161.04 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals is authorized to act as provided in Ohio R.C. 713.11 and shall have all the powers and duties prescribed by law and by the Zoning Ordinance.

(a) **Composition and Organization.** The composition and appointment of the Board of Zoning Appeals shall be in compliance with and as provided in Section 13.01 of the Municipal Charter.

(b) **Organization, Quorum and Meetings.** Subject to the provisions of Section 13.02 of the Municipal Charter, the Board of Zoning Appeals shall elect a chairman from its membership and shall prescribe rules for the conduct of its affairs. A majority of the members of the Board of Zoning Appeals shall constitute a quorum and a concurring vote of a majority of its members shall be necessary to effect an order. The Board of Zoning Appeals shall meet at least once a month, if an appeal is pending before them, on the day and time as determined by the Board or at the call of its chairman or two other members, and at such other regular times as it may by resolution determine. At its meetings, the Board of Zoning Appeals Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses in all matters coming before the Board.

(c) **Powers and Duties of the Board.** For the purpose of this Zoning Ordinance, the Board of Zoning Appeals shall have the following powers and duties:

(1) To hear and decide appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector in the administration or enforcement of the Zoning Ordinance. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector to issue Zoning Certificates or Conditional Zoning Certificates.

(2) To authorize variances from the terms of this Zoning Ordinance. When practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of the Zoning Ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Appeals shall have authority subject to the provisions of Section 1165.03 to grant, upon such conditions as it may determine, such variances from the provisions of the Zoning Ordinance as may be in harmony with its general purpose and intent, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done.

(3) To provide a written finding that the reasons set forth in the application for a variance justify the granting of the variance.

(4) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1109.04. Where a district boundary line divides a lot in a single ownership at the time of the effective date of the Zoning Ordinance, the Board of Zoning Appeals may permit a use authorized on either portion of such lot to extend no more than fifty feet into the other portion of the lot.

(5) To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

(Ord. 3-95. Passed 1-17-95.)

1161.05 CITY COUNCIL.

For the purpose of this Zoning Code, the City Council shall have the following powers and duties:

(a) Approve the appointments of members to the Planning Commission.

(b) Approve the appointments of members to the Board of Zoning Appeals.

- (c) Act upon a site plan upon a recommendation of the Planning Commission.
- (d) Act upon a request for a conditional zoning certificate upon a recommendation of the Planning Commission.
- (e) Initiate or act upon proposed amendments to the Zoning Ordinance or Zoning Map. Final action upon a proposed zoning amendment shall be taken at or after a public hearing.

(Ord. 3-95. Passed 1-17-95.)

1161.06 SCHEDULE OF FEES

Council shall by Ordinance establish a schedule of fees for zoning certificates, site plan review, conditional zoning certificates, appeals, variances, amendments and other procedures and services pertaining to the administration and enforcement of this Zoning Ordinance after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at City Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1163

Procedures for Zoning Certificates, Site Plan Review and Conditional Zoning Certificates

- 1163.01 Purpose.
- 1163.02 Zoning certificates.
- 1163.03 Site plan review.
- 1163.04 Conditional zoning certificates.

CROSS REFERENCE

Administration generally - see P. & Z. Ch. 1161

1163.01 PURPOSE.

In order to accomplish the purposes for which this Zoning Ordinance is adopted, it is essential that its regulations be soundly and consistently applied, and that this Zoning Ordinance be vigorously administered. This Chapter stipulates the procedures to be followed in obtaining zoning certificates, including conditional zoning certificates.

(Ord. 3-95. Passed 1-17-95.)

1163.02 ZONING CERTIFICATES.

- (a) Zoning Certificate Required. No building or other structure, except as provided for in this Zoning Ordinance, shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a zoning certificate has been applied for and received by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner, and such certificate has been issued by the

Zoning Inspector. A zoning certificate shall be issued only when:

- (1) The Zoning Inspector finds that all applicable provisions of the Zoning Ordinance have been complied with.
- (2) A site plan as required in this Zoning Ordinance has been approved by Council based upon a recommendation by the Planning Commission according to the procedures set forth in Section 1163.03.
- (3) A conditional use has been approved by Council based upon a recommendation by Planning Commission according to the procedures set forth in Section 1163.04. Approval by Council shall authorize the Zoning Inspector to issue a conditional zoning certificate in compliance with said approval. Such conditional zoning certificate shall set forth any conditions, stipulations, and safeguards that have been approved by Planning Commission and Council.
- (4) A request for a variance from a numerical standard of the Zoning Ordinance has been approved by the Board of Zoning Appeals in accordance with the limitations, procedures and requirements of Section 1165.03.

(b) Submission of Applications for Zoning Certificates. Application forms for zoning certificates shall be available in the office of the Zoning Inspector. A completed application accompanied by payment of the required fee and all other applicable submission requirements established in this chapter shall be submitted to the Zoning Inspector.

- (1) An application for uses not requiring site plan review shall include:
 - A. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
 - B. The location, dimensions, height and bulk of structures to be erected.
 - C. The intended use.
 - D. The proposed number of dwelling units.
 - E. The yard, open area and parking space dimensions.
 - F. Any other pertinent data as may be necessary to determine and provide for the enforcement of the Zoning Ordinance.
- (2) Uses requiring site plan review shall comply with the application requirements established in Section 1163.03.
- (c) Review for Completeness by Zoning Inspector. Upon receipt of an application, the Zoning Inspector shall within a reasonable period review the application and any accompanied proposed plan for completeness with all the applicable submission requirements of the Zoning Ordinance.

(d) Action by Zoning Inspector.

- (1) Applications Not Requiring Site Plan Review: For applications not requiring site plan review, the Zoning Inspector shall, within 30 days after determining an application complete, issue a zoning certificate if the application complies with the requirements of the Zoning Ordinance and the application is accompanied by the proper fee.
- (2) Transmittal to Planning Commission for Site Plan Review: An application for a zoning certificate for a use requiring site plan review shall be transmitted to the Planning Commission to begin the review process established in Section 1163.03.
- (e) Expiration of Zoning Certificates. A zoning certificate shall become void at the expiration of one year after the date of issuance unless construction is begun. If no construction is begun or use changed within one year of the date of the certificate, a new application and certificate shall be required. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal building(s) included in the plan shall have been completed.

(Ord. 3-95. Passed 1-17-95.)

1163.03 SITE PLAN REVIEW.

The purpose of this section is to provide adequate review by the Planning Commission and Council of proposed developments

in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

(a) Site Plan Review Required. Site plan review shall be required for the following:

- (1) New construction of all permitted uses in commercial and industrial districts;
- (2) All conditional uses in all districts, including multi-family uses; and

(3) Any existing or previously approved development meeting the criteria of (1) and (2) above which proposes to alter, reconstruct or otherwise modify a use or site including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

(b) Preliminary Plans. The developer or owner of any proposed development, use or structure requiring site plan review pursuant to subsection (a) is encouraged to meet informally with the Planning Commission to review preliminary plans prior to preparing final plans pursuant to subsection (c) below. The purpose of such preliminary review is to establish a mutual understanding of the provisions of this Ordinance and the development objectives of the City. Preliminary plans should be submitted to the Zoning Inspector 10 days prior to the next Planning Commission meeting in order for discussion of the preliminary plans to be scheduled on the agenda for the next Planning Commission meeting.

(c) Final Development Plan. The applicant for a zoning certificate or conditional use certificate for any use requiring site plan approval shall submit the final development plan to the Zoning Inspector along with payment of the required fee. The final development plan shall be prepared by a qualified professional and drawn to an appropriate scale and shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless parts are not applicable or necessary and are waived by the Zoning Inspector for certain types of projects, the following maps, plans, designs and supplementary documents:

- (1) An accurate legal description prepared by or certified by a registered surveyor of the state;
- (2) A property location map showing existing property lines, easements, utilities and street rights-of-way;
- (3) A development plan indicating:

A. Use, location and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;

B. Location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;

C. Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;

D. Proposed and existing fences, walls, signs, lighting;

E. Location and layout of all outdoor storage areas including storage of waste materials and location of trash receptacles;

F. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;

G. Dimensions of all buildings, setbacks, parking lots, drives and walkways.

(4) Topographic maps with sufficient elevations to show existing and generally proposed grading contours, and major vegetation features, including existing trees over three inches in diameter and wooded areas;

(5) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and the existing trees to be removed;

(6) Preliminary architectural sketches of buildings and other structures, floor plans, site construction materials and signs;

(7) Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets and open space; number of dwelling units by type;

(8) Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Inspector or Planning Commission.

(d) Review for Completeness. The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Planning Commission.

(e) Planning Commission Review of Site Plans. The application shall be transmitted to the Planning Commission, at which time the Planning Commission may then distribute the application to appropriate administrative departments and professional consultants for review and comment. Any reports, comments or expert opinions should be available to the Planning Commission at the time of the Commission's review.

(f) Review Criteria. In reviewing a final plan the Planning Commission shall consider the location of buildings, parking areas and other features with respect to the topography of the lot and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the location of the green area provided, bearing in mind the possible effects of irregularly shaped lots; the adequacy of location, landscaping and screening of the parking lots; and such other matters as the Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations. In approving a site plan, the Planning Commission shall find that:

(1) The plan is consistent with any plan for the orderly development of the City.

(2) The appropriate use and value of property within and adjacent to the area will be safeguarded.

(3) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

(4) The development will have adequate public service, parking and open spaces.

(5) The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site.

(6) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

(7) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with any applicable regulations or design criteria established by the City or any other governmental entity which may have jurisdiction over such matters.

(8) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

If the Planning Commission finds that the proposed development substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district and that through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements and that the development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community, the Commission may act upon the application as if it is in compliance with the requirements of this Ordinance.

(g) Action by Planning Commission. The Planning Commission shall submit to Council one of the following recommendations: approval of the site plan as submitted; approval of the site plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or denial of the site plan. If the Commission finds that a proposed plan does not meet the purposes of these regulations, it shall recommend that Council deny the plan and the Commission shall submit its findings in writing, together with the reasons therefore, to the applicant, upon the applicant's request.

(h) Action by Council. The plan and Planning Commission's recommendation shall be submitted to Council for action. If Council fails to act by the next scheduled meeting following 120 days from when the application was determined complete, or an extended period of time as may be agreed upon, the applicant may assume that the application has been denied.

In its review of the site plan, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.

Upon approval of the final development plan by Council, the Zoning Inspector shall issue a zoning certificate.

(i) Significance of an Approved Plan; Plan Revisions. An approved site plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of City Council. A request for such a transfer or change of ownership shall be presented to City Council and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original site plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the zoning certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Section.

(j) Lapse of Approval. An approved plan shall remain valid for a period of 12 months following the date of its approval or for a period so specified by Council. If at the end of that time construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Planning Commission and confirmed by Council. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

(Ord. 28-01. Passed 9-18-01.)

1163.04 CONDITIONAL ZONING CERTIFICATES.

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional zoning certificate is required and the application for such conditional zoning certificate shall be submitted and reviewed according to the following:

(a) Submission of Application. The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required fee established by Council. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless parts are not applicable or necessary and are waived by the Zoning Inspector for certain types of projects, a site plan and associated documentation as required in Section 1163.03(a).

(b) Review for Completeness. The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Planning Commission.

(c) Planning Commission Review of Conditional Uses. The application shall be transmitted to the Planning Commission, at which time the Planning Commission may then distribute the application to appropriate administrative departments for review and comment. Administrative review should be completed and any reports or comments submitted to the Planning Commission prior to the time of the Commission's review.

(d) Public Hearing and Notice by Planning Commission. The Planning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given in one or more newspapers of general circulation in the City at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(e) Review Criteria. The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Ordinance. In making such a determination, the Planning Commission shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1141, shall be satisfied by the establishment and operation of the proposed use.

In addition, the Planning Commission shall review the site plan for the proposed conditional use according to the site

plan review criteria set forth in Section 1163.03(f).

The Commission may require such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

(f) Action by Planning Commission. The Planning Commission shall take one of the following actions:

(1) If the proposed conditional use is found to be appropriate, the Planning Commission shall recommend that Council, by resolution, approve a conditional zoning certificate. As part of the recommendation, the Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Ordinance for the protection of nearby property and the public health, safety, and general welfare of the community.

(2) If the proposed use is found to be not in compliance with the specifications of this Zoning Ordinance, the Planning Commission shall recommend the denial of the conditional zoning certificate.

With the concurrence of the applicant, the Planning Commission may take such additional time as may be necessary to further study the proposal and consider modifications thereto. These considerations may include the applicant's further preparation or modification of plans and specifications and any studies or expert advice sought by the Planning Commission to assist in their evaluation. Studies and expert advice may be provided by appropriate city officials, or by other recognized and duly certified experts. The cost of securing expert advice and studies, including the use of city officials' time in excess of that normally provided under these regulations, shall be borne by the applicant, who shall pay said costs prior to the issuance of the conditional zoning certificate.

(g) Council Review. Following action by the Planning Commission, the application for the conditional zoning certificate, along with the Planning Commission's recommendation, shall be submitted to Council for consideration. In its review of the conditional use application and recommendation of the Planning Commission, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.

(h) Action by Council. Council, by majority vote, may enact a resolution granting a conditional zoning certificate recommended by the Planning Commission. A conditional zoning certificate which violates, differs from or departs in substantive form from the recommendation of the Commission shall not take effect unless approved by five members of Council. If Council fails to act within 120 days from when the application was determined complete, or an extended period of time as may be agreed upon, the applicant may assume that the application has been denied.

(i) Supplementary Conditions. Council may impose such additional conditions and safeguards as deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the intent and objectives of this Zoning Ordinance are observed.

(j) Terms and Duration of Conditional Zoning Certificate. A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional zoning certificate is nonassignable and shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by Planning Commission and Council. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional zoning certificate granted, and shall constitute a violation of the Zoning Ordinance. Such violation shall be punishable as per Section 1167.04.

(k) Reapplication. An application for a conditional zoning certificate which has been previously denied wholly or in part by the Planning Commission or Council shall not be resubmitted to Planning Commission for a period of one year after the denial by Planning Commission or Council, whichever is later, and said reapplication shall comply with all of the requirements of this section including the payment of the required fee.

(l) Time Limitations for Conditional Use Permits. A conditional use permit issued for new construction shall require substantial progress to have begun on the construction within one year of the issuance of the permit, unless otherwise specifically designated by Planning Commission and City Council.

(Ord. 28-01. Passed 9-18-01.)

CHAPTER 1165

Procedures for Appeals and Variances

1165.01 General.

1165.02 Appeals.

1165.03 Variances.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506

Amendments - see P. & Z. Ch. 1169

1165.01 GENERAL.

Appeals and variances shall conform to the procedures and requirements of this Chapter. As specified in Section 1161.04, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

(Ord. 3-95. Passed 1-17-95.)

1165.02 APPEALS.

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Municipality, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector.

(a) **Initiation of Appeal.** Notice of appeal shall be filed with the secretary of the Board of Zoning Appeals within 30 calendar days after the date of any adverse order, requirement, decision, or determination, except when the 30th day falls on Saturday, Sunday, or a holiday, then the 30th day shall be deemed to be the next day of business thereafter. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. Upon the filing of any such appeal, the secretary shall forthwith notify the Zoning Inspector of the action so appealed. Within 24 hours the Zoning Inspector shall transmit to the secretary all data pertaining to the subject matter upon which the action so appealed was taken.

(b) **Public Hearing by the Board.** When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Clerk of Council shall immediately place the request upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail, addressed to the parties making the request for appeal, variances, or exception at least five days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the application; otherwise to the addresses given in the last assessment roll. Not less than 14 days prior to the date set for such hearing or appeal, written notice of such hearing shall be caused by the Board to be given by mail to any person, firm, or corporation owning premises located within 200 feet of the land to which such appeal or application relates. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney. The appellant, except the Municipality, shall post security for the cost of all action required for the hearing of the appeal.

(c) **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

(d) **Decision of the Board.** Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate. The Board shall render a decision on the appeal without unreasonable delay. If the Board fails to act within 90 days from the date the appeal was received by the Board, or an extended period of time as may be agreed upon, the

appellant may assume the appeal has been denied.

(e) Notification of Board's Decision. The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.

(Ord. 3-95. Passed 1-17-95.)

1165.03 VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest according to the following procedures:

(a) Application Requirements. An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

- (1) Name, address and phone number of applicant(s);
- (2) Proof of ownership, legal interest or written authority;
- (3) Description of property or portion thereof;
- (4) Description or nature of variance requested;
- (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below;
- (6) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
- (7) Payment of the application fee as established by Council;
- (8) Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(b) Review by the Board. According to the procedures established for appeals in Section 1165.02(b), the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Zoning Ordinance and evidence demonstrates that a variance from the literal enforcement of this Zoning Ordinance will afford justice and avoid unnecessary hardship. The following factors shall be considered and weighed by the Board:

- (1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties

would suffer substantial detriment as a result of the variance;

- (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (6) Whether special conditions or circumstances exist as a result of actions of the owner;
- (7) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The Board of Zoning Appeals has no authority to authorize a change in the use of any parcel of land.

(c) **Additional Conditions and Safeguards.** The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

(d) **Action by the Board.** The Board shall either approve, approve with supplementary conditions as specified in subsection (c), or disapprove the request for variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(e) **Term and Extension of Variance.** Variances shall be nonassignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section.

(Ord. 3-95. Passed 1-17-95.)

(f) **Reapplication.** An application for a zoning variance which has been previously disapproved and/or approved with supplemental conditions attached by the Board of Zoning Appeals shall not be resubmitted to the Board of Zoning Appeals for the duration of the period of one year after the disapproval or approval with supplementary conditions.

(Ord. 12- 99. Passed 2-16-99; Ord. 10-2011. Passed 10-18-11.)

CHAPTER 1167

Enforcement and Penalty

- 1167.01 Enforcement by Zoning Inspector.
- 1167.02 Construction and use shall be as approved.
- 1167.03 Violations.
- 1167.04 Penalties and fines.

CROSS REFERENCE

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

1167.01 ENFORCEMENT BY ZONING INSPECTOR.

The provisions of this Zoning Ordinance shall be enforced by the Zoning Inspector.

(Ord. 3-95. Passed 1-17-95.)

1167.02 CONSTRUCTION AND USE SHALL BE AS APPROVED.

Zoning certificates issued by the Zoning Inspector on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Ordinance.

(Ord. 3-95. Passed 1-17-95.)

1167.03 VIOLATIONS.

(a) **Violations a Nuisance.** Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of the Zoning Ordinance are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of the Zoning Ordinance which are observed by any City official shall be reported to the Zoning Inspector.

(b) **Complaints.** Any citizen may file a written complaint with the Zoning Inspector to report an alleged violation of the Zoning Ordinance. Such written complaint shall fully state the causes and basis of such complaint.

(c) **Inspection.** The Zoning Inspector shall inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this Zoning Ordinance and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Ordinance.

(d) **Correction Period.**

(1) All violations shall be corrected within 30 days after the written order is issued unless a longer period of time is indicated by the Zoning Inspector in the written order.

(2) Any violations not corrected within the specified period of time shall be reviewed with the Law Director who shall advise regarding prosecution procedures.

(Ord. 3-95. Passed 1-17-95.)

1167.04 PENALTIES AND FINES.

(a) It shall be unlawful to:

(1) Use or occupy any land or place; build, erect, alter, remodel, restore or rebuild thereon any building or structure; or permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this Zoning Ordinance; or

(2) Use or occupy any parcel of land or use or occupy a new building or make an enlargement or substitution or other change in the use or occupancy of any land or building without having received a zoning certificate or conditional zoning certificate indicating compliance with the provisions of this Zoning Ordinance from the Zoning Inspector; or

(3) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring or rebuilding any building or structure which is not permitted by the provisions of this Zoning Ordinance; or

(4) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Zoning Ordinance or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated; or

(5) Continue construction, renovation, or improvements contrary to a Stop Work Order or Notice of Violation; or

(6) Refuse to permit the Zoning Inspector to enter any premises in the City to investigate a reported violation of the provisions of this Zoning Ordinance or refuse or fail to furnish to such Zoning Inspector a statement as to the number of persons occupying such premises; or

(7) Knowingly make any materially false statement of fact in an application to the Zoning Inspector for a zoning certificate or conditional zoning certificate or in the plans or specifications submitted to the Zoning Inspector in relation to such application.

(b) The owner or owners of any building or premises or part thereof where a violation of the Zoning Ordinance shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions or non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not more than five hundred dollars (\$500.00). Each day such violation or failure to comply shall exist shall constitute a separate offense. After the first offense, the fine shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1169 Amendments

1169.01 Authority for amendments.

1169.02 Initiation of zoning amendments.

1169.03 Map amendments initiated by property owners.

1169.04 Amendments initiated by Planning commission.

1169.05 Amendments initiated by Council.

CROSS REFERENCE

Council may amend districting or zoning - see Ohio R.C. 713.10

1169.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, City Council may by ordinance amend, revise, rearrange, renumber or recodify this Zoning Ordinance or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

(Ord. 3-95. Passed 1-17-95.)

1169.02 INITIATION OF ZONING AMENDMENTS.

Amendments to the Zoning Ordinance may be initiated in one of the following ways:

(a) By the filing of an application to the Planning Commission by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment.

(b) By the adoption of a motion by the Planning Commission;

(c) By the passage of a resolution by City Council.

(Ord. 3-95. Passed 1-17-95.)

1169.03 MAP AMENDMENTS INITIATED BY PROPERTY OWNER(S).

A map amendment initiated by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

(a) Application Requirements. Applications for amendments to the Zoning Map adopted as part of this Ordinance shall contain at least the following information:

(1) The name, address and phone number of the applicant and the property owner if other than the applicant;

(2) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;

(3) A statement of the reason(s) for the proposed amendment;

(4) Present use and zoning district;

(5) Proposed use and zoning district;

(6) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

(7) A list of the names and addresses of the owners of properties lying within 200 feet of any part of the property on which the zoning amendment is requested;

(8) Evidence that the existing Zoning Ordinance is unreasonable with respect to the particular property and it deprives the property owner of lawful and reasonable use of the land; or evidence that the proposed amendment would materialize in an equal or better land use;

(9) A statement on the ways in which the proposed amendment relates to the Master Plan;

(10) The payment of the application fee as established by Council.

(b) Referral to Planning Commission. After the filing of an application by an owner, lessee of property or developer with an option on such property, the Zoning Inspector shall transmit the application to the Planning Commission for its consideration and recommendation.

(c) Recommendation by Planning Commission. The Planning Commission shall recommend one of the following: (1) that the amendment be granted as requested, (2) that the amendment be granted as modified by the Planning Commission, or (3) that the amendment be denied. The decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based.

(d) Public Hearing and Notice by Council. Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment. Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the city. Said notice shall be published at least 30 days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 30 days, the text of the proposed amendment, maps or plans, if applicable, and the recommendations of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

(e) Notice to Property Owners by Council. If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at

least 20 days before the day of the public hearing to all owners of property within 200 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Council. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (d) above.

(f) Action by Council. After a public hearing required by subsection (d) above, Council shall either adopt or deny the recommendation of Planning Commission or adopt some modification thereof. No such ordinance, measure, or regulation which violates, differs from, or departs from the recommendation of the Planning Commission shall take effect unless passed or approved by not less than three-fourths of the membership of Council. No ordinance, measure, or regulation which is in accordance with the recommendation of the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of Council.

(Ord. 3-95. Passed 1-17-95; Ord. 15-97. Passed 5-6-97; Ord. 12-08. Passed 11-18-08.)

1169.04 AMENDMENTS INITIATED BY PLANNING COMMISSION.

The Planning Commission on its own initiative may, by the passage of a motion, recommend to City Council changes in the Zoning Ordinance and Zoning Map. After Planning Commission has made a recommendation to City Council, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 1169.03(d) through 1169.03(f), inclusive.

(Ord. 3-95. Passed 1-17-95.)

1169.05 AMENDMENTS INITIATED BY COUNCIL.

Amendments to the Zoning Ordinance or Zoning Map initiated by the passage of a resolution by City Council shall comply with the following:

(a) Referral to Planning Commission. After the adoption of a resolution by Council, said resolution shall be referred to the Planning Commission for its consideration and recommendation.

(b) Recommendation by Planning Commission. The Planning Commission shall recommend one of the following: (1) that the amendment be granted as requested, (2) that the amendment be granted as modified by the Planning Commission, or (3) that the amendment be denied. The decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based. The Planning Commission shall be allowed a reasonable time, not less than 30 days, for consideration and report. If the Planning Commission does not make a recommendation on a resolution passed by Council within 60 days, and the time for responding is not extended by Council, Council shall determine that the recommendation of the Planning Commission is that the amendment be denied.

(c) Public Hearing and Action by Council. After receiving a recommendation from the Planning Commission, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 1169.03(d) through 1169.03(f), inclusive.

(Ord. 3-95. Passed 1-17-95.)

CHAPTER 1175

Nuisance Abatement

1175.01 Definitions.

1175.02 Complaints; inspection of premises.

- 1175.03 Summary abatement.
- 1175.04 Nonsummary abatement.
- 1175.05 Appeal procedure.
- 1175.06 Hearing procedure.
- 1175.07 Abatement by City.
- 1175.08 Emergency abatement.
- 1175.09 Authority of City.
- 1175.10 Unlawful interference prohibited.
- 1175.11 Failure to abate public nuisance prohibited.
- 1175.99 Penalty.

1175.01 DEFINITIONS.

As used in this chapter, “public nuisance” means a condition which exists when:

- (a) Any building, structure or object on any lot or land is in a dilapidated, decayed, unsafe, or unsanitary condition detrimental to the public health, safety and welfare, or well-being of the surrounding area;
- (b) Any building, structure or object on any lot or land or any material or rubbish in or upon any building, structure, or object or any lot or land is a fire hazard;
- (c) Any building, structure or object on any lot or land is used in violation of Ohio R.C. 2925.13;
- (d) Any material in or upon any building, structure, object or any lot or land endangers the public health, safety and welfare, or well-being of the surrounding area;
- (e) Any activity in or upon any building, structure, object or any lot or land endangers the public health, safety and welfare, or well-being of the surrounding area;
- (f) Any condition exists in or upon any building, structure, object or any lot or land which attracts or propagates rats, vermin, or insects in such a way that it endangers the public health, safety and welfare, or well-being of the surrounding area;
- (g) Any condition exists which at common law, was classified as a public nuisance;
- (h) Any condition exists which has been declared a public nuisance by the Ohio Revised Code;
- (i) Any condition exists which has been declared a nuisance by the Codified Ordinances of the City of Munroe Falls.

(Ord. 36-2004. Passed 9-7-04.)

1175.02 COMPLAINTS; INSPECTION OF PREMISES.

Whenever a complaint is made to the Building and Zoning Inspector of the existence of a public nuisance, he shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such public nuisance exists. Should the Building and Zoning Inspector, after such inspection, find that a public nuisance exists, abatement of such public nuisance shall proceed in accordance with the provisions of Sections 1175.03 and 1175.04.

(Ord. 36-2004. Passed 9-7-04.)

1175.03 SUMMARY ABATEMENT.

(a) Should the Building and Zoning Inspector find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, the Building and Zoning Inspector shall cause photographs to be made of such nuisance and shall file and keep in his office such photographs along with the reports pertaining to the public nuisance. The Building and Zoning Inspector shall then determine the individual, firm or corporation who from the records in the Auditor's Office of Summit County, appears to be the titled owner of the property and immediately cause a written notice to be served on such title owner. Notice shall be served personally on the titled owner or by certified mail with return receipt requested. If service of such written notice is unable to be perfected by the aforesaid methods, then the Building and Zoning Inspector shall cause a copy of the aforesaid notice to be served by ordinary mail service which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises. He shall also cause a copy of the notice to be posted on the premises.

(b) The notice required by subsection (a) hereof shall state, in brief, the findings with respect to the existence of the public nuisance by the Building and Zoning Inspector. The notice shall further state that unless the owner causes the nuisance to be abated within 72 hours, the City may take such action as is necessary to abate the nuisance at the expense of the owner.

(c) Any act, inspection or findings required to be carried out by the Building and Zoning Inspector or Director of Public Service pursuant to this chapter may be carried out by any of their respective subordinates, assigned or directed by them to carry out such functions.

(Ord. 36-2004. Passed 9-7-04.)

1175.04 NONSUMMARY ABATEMENT.

(a) Should the Building and Zoning Inspector find that a public nuisance exists, but that the nature therefore is not such as to require summary abatement, the Building and Zoning Inspector shall cause photographs to be made of such nuisance and shall file and keep in his office such photographs along with reports pertaining to the public nuisance. The Building and Zoning Inspector shall then determine the individual, firm or corporation who from the records in the Auditor's Office of Summit County appears to be the titled owner of the property and shall, within five days, cause a written notice to be served on such titled owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Building and Zoning Inspector shall cause a copy of the aforesaid notice to be served by ordinary mail service which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises. He shall also cause a copy of the notice to be posted on the premises.

(b) The notice required by subsection (a) hereof shall state, in brief, the findings with respect to the existence of the public nuisance by the Building and Zoning Inspector. The notice shall further state that unless the owner causes the nuisance to be abated within thirty days after service of notice, the City may take such action as is necessary to abate the nuisance.

(Ord. 36-2004. Passed 9-7-04.)

1175.05 APPEAL PROCEDURE.

(a) The owner of the premises, or his designated representative upon which a public nuisance is located and who has been served with a notice, pursuant to Section 1175.03, that a public nuisance exists and that it must be abated within 72 hours may, within that 72 hour period, appear in person before the Director of Public Service and request a hearing on the question of whether a public nuisance exists, as defined in Section 1175.01, and merits summary abatement.

(b) Every effort should be made to hold a hearing pursuant to subsection (a) hereof no later than three business days from the date of the in person request for a hearing by the owner of the premises upon which the public nuisance is located. If possible, the Director of Public Services shall provide to the owner the hearing date, time and place at the time the in person request for a hearing is made.

(c) The owner of the property upon which a public nuisance exists and who has been served with a notice, pursuant to

Section 1175.04, that a public nuisance exists and that it must be abated within thirty (30) days, may, within seven (7) days after receipt of such notice, make a written demand to the Director of Public Service for a hearing on the question of whether a public nuisance exists as defined in Section 1175.01.

(d) Every effort should be made to hold a hearing held pursuant to subsection (c) hereof no later than ten (10) days following receipt of written demand to the Director of Public Service and at least three (3) days notice of the hearing shall be given to the individual who made the written demand for the hearing.

(Ord. 36-2004. Passed 9-7-04.)

1175.06 HEARING PROCEDURE.

(a) All hearings requested pursuant to the provisions of Section 1175.05 shall be conducted before the Board of Zoning Appeals. The Board may affirm, reverse or modify the finding of a public nuisance and the issuance of the abatement order by the Building and Zoning Inspector by a majority vote.

(b) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. In cases involving summary abatement, a decision shall be rendered at the conclusion of the hearing. The decision of the Board shall be final and conclusive, unless a proper appeal is filed in a court of competent jurisdiction within ten (10) days of the date of the delivery of the decision.

(c) All hearings held by the Boards pursuant to this chapter shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearing before the Board. The Boards are hereby empowered to subpoena witnesses and take testimony under oath.

(Ord. 36-2004. Passed 9-7-04.)

1175.07 ABATEMENT BY CITY.

(a) Should a public nuisance not be abated within the time stated in the notice given pursuant to this chapter, or within such additional time as the Board may grant for such abatement, the Director of Public Service or his designated representative shall have the right to enter upon the premises and abate such nuisance. In abating a public nuisance, the Director of Public Service may take such action as is necessary to complete the abatement and should be practicable to sell or salvage any material resulting from such abatement, he may cause the same to be sold at public or private sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of the City. Should the amount recovered be insufficient to pay the cost of the abatement, the remaining balance shall become the assessment amount and notice of such assessment shall be sent by regular mail to the owner or person having control of the real estate at his last known address to pay the cost of such abatement. If payment of such costs is not received by the City within thirty (30) days after the mailing of such notice, then the amount shall be certified to the County Auditor for collection of the same as other real estate taxes and assessments are collected.

(b) The cost of abatement of the public nuisance shall be an amount determined by the Director of Public Service and includes, without limitation, the cost of preparing and sending any notices, the cost of inspection of properties by City officials, and the cost of abating the public nuisance whether such abatement is performed by the City or by an independent contractor. Costs for services of City employees include, without limitation, an amount based on the hourly rate of pay, including all fringe benefits, of the personnel involved.

(c) The Director of Public Service may utilize any labor or equipment of City in abating a public nuisance or may contract for the abatement thereof provided that the expenditure of funds for such abatement is properly authorized.

(Ord. 36-2004. Passed 9-7-04.)

1175.08 EMERGENCY ABATEMENT.

(a) Whenever a public nuisance exists as defined in Section 1175.01 and the nature thereof constitutes an emergency as defined in subsection (b) hereof, the City may take immediate action to abate the nuisance and such abatement may take place without prior notice to the titled owner of the premises on which the public nuisance exists. Notice of the action taken to abate the nuisance shall immediately be sent to the titled owner by certified mail with a return receipt requested.

(b) As used in this section, "emergency" means an unforeseen combination of circumstances, which calls for immediate action in order to preserve the public health, safety, welfare or property.

(c) In any proceeding pursuant to this section, the determination that a public nuisance exists and that the nature thereof constitutes an emergency as defined in subsection (b) hereof shall be made solely by the Building and Zoning Inspector.

(Ord. 36-2004. Passed 9-7-04.)

1175.09 AUTHORITY OF CITY.

The provisions of this chapter shall not be deemed to be a limitation or restriction on the power or authority of the City or any officer thereof to take any action or bring any suit or proceeding in respect to public nuisances otherwise provided for by law or ordinance of the City.

(Ord. 36-2004. Passed 9-7-04.)

1175.10 UNLAWFUL INTERFERENCE PROHIBITED.

No person shall interfere with any municipal officer, assistant, subordinate, employee or agent while he is engaged in or about the carrying out of any of the duties set forth in this chapter.

(Ord. 36-2004. Passed 9-7-04.)

1175.11 FAILURE TO ABATE PUBLIC NUISANCE PROHIBITED.

(a) No person shall permit the existence of any public nuisance on property owned by him or under his control.

(b) No person shall fail to abate any public nuisance on property owned by him or under his control after the Building and Zoning Inspector has provided notice to do so as provided in this chapter.

(Ord. 36-2004. Passed 9-7-04.)

1175.99 PENALTY.

(a) Whoever violates any provision of this chapter, for which no other penalty is provided, is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Whoever refuses or neglects to obey a proper order issued pursuant to this chapter shall be guilty of a misdemeanor of the fourth degree. Each and every day such order is not obeyed shall be deemed to be a separate offense.

(c) It shall be an affirmative defense to the refusal or neglect to obey a proper order issued pursuant to this chapter that the person was willing to comply with the order but was financially unable to do so.

(d) Whoever violates the provisions of Section 1175.10 shall be guilty of a misdemeanor of the second degree.

(e) Criminal remedies available under this chapter are in addition to and not in replacement of other remedies available to the City under the Codified Ordinances or any other law or regulation.

CHAPTER 1176 Clandestine Drug Labs

- 1176.01 General provisions.
- 1176.02 Administration.
- 1176.03 Disclosure to buyers and occupants.
- 1176.04 Miscellaneous provisions.
- 1176.05 Appeals.
- 1176.06 Violations and penalties.

1176.01 GENERAL PROVISIONS.

(a) Purpose and Intent. The purpose of this chapter is to reduce public exposure to health risks where trained law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

(b) Interpretation and Application. The provisions of this chapter shall be construed to protect the public health, safety and welfare.

(1) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(2) Should any court of competent jurisdiction declare any section or subpart of this chapter to be invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the provision declared invalid.

(c) Definitions. As used in this chapter:

(1) “Child” means any person less than 18 years of age.

(2) “Chemical dump site” means any place or area where chemicals or other waste materials used or produced in a clandestine drug lab have been located.

(3) “Clandestine drug lab” means the unlawful manufacture or attempt to manufacture controlled substances. Only those labs which law enforcement determine may contain residual contamination that could be harmful to the occupants are subject to this chapter.

(4) “Clandestine drug lab site” means any place or area where law enforcement has determined that conditions associated with the operation of a clandestine drug lab exist. A “clandestine drug lab site” may include dwellings, accessory buildings, accessory structures, motor vehicles, a chemical dump site or any land.

(5) “Controlled substance” means a drug, substance or immediate precursor in Schedules I through V of Ohio R.C. 3719.41. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

(6) “Household hazardous wastes” means waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with all Federal, State and local regulations.

(7) "Manufacture," in places other than a pharmacy or a licensed pharmaceutical manufacturing facility, means and includes the production, cultivation, quality, control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of controlled substances.

(8) "Motor vehicles" shall have the same meaning as Ohio R.C. 4501.01.

(9) Owner means any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dump site.

(10) Public health nuisance includes all dwellings, accessory structures and buildings associated with a clandestine drug lab site that are potentially unsafe due to health hazards.

(Ord. 04-2009. Passed 5-19-09.)

1176.02 ADMINISTRATION.

(a) Law Enforcement Notice to Other Authorities. Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that place neighbors, visiting public, or present or future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions shall promptly notify the appropriate municipal, child protection and public health authorities of the property location, property owner if known, and the conditions found.

(b) Declaration of Property as a Public Health Nuisance. Any clandestine drug lab site or chemical dump site identified by law enforcement authorities is hereby declared to be a public health nuisance. Upon identification of such a nuisance, the law enforcement authorities shall notify the Building Official.

(c) Notice of Public Health Nuisance to Concerned Parties. Upon receipt of the notification by law enforcement authorities, the Building Official shall promptly issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:

(1) Occupants of the property;

(2) All adjacent property owners and any other neighbors at probable risk;

(3) The Police Department and Fire Department;

(4) The primary mortgage holder; and

(5) Other Federal, State and local authorities, and City Council members which are known to have public and environmental protection responsibilities that are applicable to the situation.

(d) Property Owner's Responsibility to Act. The Building Official shall also issue an order to abate the public health nuisance, which shall comply with the rules and regulations in Exhibit A attached to Ord. 04-2009 and order the owner of the property to do the following:

(1) Cause the immediate vacation by all occupants of those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk.

(2) Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. The City shall promulgate criteria for the assessment and remediation process.

(3) Provide the Building Official with written documentation of the clean-up process, including a signed, written statement from the environmental testing and cleaning firm that the property is safe for human occupancy and that the clean-up was conducted. The owner shall complete the remediation and post remediation assessments within 90 days from the date of the Declaration of Public Health Nuisance.

(e) Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of clean-up of the site,

including any contractor's fees.

(f) City Responsibilities and Recovery of Public Costs.

(1) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up pursuant to the rules and regulations in Exhibit A attached to Ord. 04-2009, the Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

(2) If the City is unable to locate the property owner within 14 days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

(3) The City may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Chapter 1175 of the Codified Ordinances.

(4) The City shall be entitled to recover all costs of abatement of the public nuisance. The City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to the Ohio Revised Code.

(g) Authority of Chief Building Official to Modify or Remove Declaration of Public Health Nuisance.

(1) The Chief Building Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

(2) Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

(3) Nothing herein shall prevent the Chief Building Official from pursuing any remedy available pursuant to Chapter 1175 of the Codified Ordinances, including the demolition of a building or structure.

(Ord. 04-2009. Passed 5-19-09.)

1176.03 DISCLOSURE TO BUYERS AND OCCUPANTS.

(a) No person shall sell or lease real property, which has been the subject of a Declaration of a Public Health Nuisance pursuant to this chapter or has been the site of a known clandestine drug lab without disclosing such Declaration or knowledge to the buyer or tenant. Said disclosure shall be made on a form provided by the Building Official.

(b) Disclosure shall not be required once the Chief Building Official has removed the Declaration of Public Health Nuisance from the property.

(Ord. 04-2009. Passed 5-19-09.)

1176.04 MISCELLANEOUS PROVISIONS.

(a) The Chief Building Official, with the advice of the Departments of Police and Law, shall have the authority to promulgate any rules and regulations to enforce this chapter.

(b) In the event of the State or Federal government promulgate clean-up guidelines that are more stringent or that pre-empt local regulation, its clean-up guidelines shall prevail.

(Ord. 04-2009. Passed 5-19-09.)

1176.05 APPEALS.

Any person adversely affected by any order of the Building Official pursuant to this chapter may request a hearing on the

matter by submitting a written request to the Board of Building Appeals within five days of receipt thereof. The Board shall issue an order either affirming, reversing, or modifying the order of the Building Official.

(Ord. 04-2009. Passed 5-19-09.)

1176.06 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter is guilty of a misdemeanor of the first degree.

(Ord. 04-2009. Passed 5-19-09.)

TITLE NINE - Subdivision Regulations

Chap. 1181. Plat Approval.

CHAPTER 1181 Plat Approval

- 1181.01 Preliminary plat requirements.
- 1181.02 Design criteria.
- 1181.03 Preliminary plat approval.
- 1181.04 Final plat requirements.
- 1181.05 Required improvements.
- 1181.06 Performance bond.
- 1181.07 Permits.
- 1181.08 Copies of plats.
- 1181.09 Permit fees.
- 1181.10 Final plat approval.
- 1181.11 Approval without plat. (Repealed)
- 1181.12 Sale of land prior to plat approval prohibited.
- 1181.99 Penalty.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001

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

Lot numbering and revision - see Ohio R.C. 711.02, 711.06, 711.28 et seq.

Cornerstone and permanent markers - see Ohio R.C. 711.03, 711.14

Plat acknowledgment and recording - see Ohio R.C. 711.06

Engineer to approve plats - see Ohio R.C. 711.08

Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15

Vacating plats - see Ohio R.C. 711.17 et seq., 711.39

1181.01 PRELIMINARY PLAT REQUIREMENTS.

Any person, firm, or corporation desiring to subdivide or allot land within the Municipality shall first file a preliminary plat with the chairman of the Planning Commission. The preliminary plat must be filed not less than one week before the regular meeting of the Planning Commission to be acted upon at the next regular meeting and shall contain the following information and features:

- (a) Name and location of subdivision.
- (b) Name and address of owners, surveyor and engineer.
- (c) Total acreage in subdivision.
- (d) Title block, scale, north point and date.
- (e) The scale of the plat shall be not smaller than 1"=100 feet.
- (f) Elevations by contour lines, the interval of which shall be two feet and related to mean sea level.
- (g) Precise bench marks.
- (h) Water courses, property lines and fixed objects that may influence the design of the street and utility layout.
- (i) A Vicinity Plat showing the proposed subdivision superimposed over it to show the arrangement and location of existing streets and public grounds adjacent to the proposed subdivision. The Vicinity Plat may be a Municipal map.
- (j) Location of all existing utilities in adjacent streets.
- (k) Proposed street names.

(Ord. 3-95. Passed 1-17-95.)

1181.02 DESIGN CRITERIA.

To establish a common basis for the design and layout of subdivisions and allotments, the following criteria shall be observed in laying out the plat:

(a) **Reserve Strips.** No plat or map of a proposed street or allotment showing reserve strips controlling access to public ways or showing strips of land which will not prove taxable for special improvements will be approved, provided that such reserve strips may be shown when the control and disposal of land comprising such strips are definitely placed with the Municipality under conditions meeting the approval of the Municipal Engineer, the Law Director and the Planning Commission.

(b) **Street Location and Widths.** The location and widths of proposed streets shall be such as to fit in with any plan of street development recommended by the Planning Commission or other public authority. Due regard shall be given to existing streets or streets capable of being established in surrounding property, so that streets may be laid out through adjacent or neighboring allotments with reasonable continuity of location and width.

No street shall be less than fifty feet in width, provided that no street shall be less than sixty feet in width where surface drainage is provided by ditches. The Planning Commission may require greater width when in its opinion the greater width is justified or needed.

(c) Length of Block and Street Arrangement. Where practical, intersecting streets shall be provided so that no block shall be longer than 1200 feet. Proposed streets shall follow the contour of the land wherever practical and shall intersect one another at right angles or on radial lines as topography and other limiting factors of good design permit.

(d) Dead-End Streets. No so-called dead-end streets will be approved for dedication, except where conditions make the extension of such street impractical. In such cases, a dead-end street may be approved, provided that adequate turning space for vehicles is placed at the dead-end. Turning spaces shall be of sufficient size to provide for a paved circular roadway at least twenty feet in width, the inside radius of which shall be at least thirty-five feet.

(e) Coterminal Streets. In order that proposed streets may be as nearly coterminal as possible with existing streets in adjoining allotments, due provision shall be made for the continuation of all existing streets which extend to the boundaries of the proposed allotment.

(f) Lots. Lots in the subdivision shall abut on a street and double frontage lots shall be avoided.

(g) Side Lot Lines. Side lot lines shall be approximately at right angles or radial to the right-of-way line of the street on which the lot faces.

(h) Corner Lots. Corner lot frontages shall be platted wider than interior lots to allow for proper setback on both streets.

(i) Intersections. At street intersection property line corners shall be rounded by an arc, the minimum radius of which shall be ten feet.

(j) Minimum Radii. Minimum radii shall be increased within the Commission considers an increase necessary.

(Ord. 3-95. Passed 1-17-95.)

1181.03 PRELIMINARY PLAT APPROVAL.

The approval of the preliminary plat by the Planning Commission and Council shall be effective for a period of six months from the date of approval of the preliminary plat by Council. If the final plat has not been submitted to the Planning Commission within this time, the preliminary plat shall again be submitted to the Planning Commission and Council for approval.

(Ord. 3-95. Passed 1-17-95.)

1181.04 FINAL PLAT REQUIREMENTS.

Upon approval by the Planning Commission and Council of the preliminary plat the final plat shall then be prepared and submitted. The final plat shall contain the following features, information and addenda:

(a) The final plat shall show all lots and streets by accurate dimensions and angles and shall be drawn in ink upon a good quality tracing cloth on sheets 18" x 24". It shall be drawn to either the scale of one inch equals one hundred feet or one inch equals fifty feet. All dimensions shall be shown in feet and decimals of a foot. The Plat shall be completed and consistent in itself as to all measurements. The streets shown on the plat shall be those as determined by the preliminary plat and shall not duplicate any existing street name. The plat, after recording, shall become the property of the Planning Commission.

(b) The final plat shall have the following printed in suitable place thereon:

(1) I/We, the undersigned, owners of the land embraced in this subdivision, do hereby acknowledge this plat to be my/our own act and deed, and dedicate the streets herein shown the public use forever.

Witness my/our hand this _____ day of _____, 19_____.

Witness Signed

Witness Signed

State of Ohio)
) SS
Summit County)

Signed and acknowledged before me as a notary public in and for said Summit County this _____ day of _____, 19____.

Notary Public

My commission expires _____.

(2) I hereby certify this boundary survey and plat to be correct.

Register Surveyor No.

State of Ohio)
) SS
Summit County)

Signed and acknowledged before me as a notary public in and for said Summit County this _____ day of _____, 19____.

Notary Public

My commission expires _____.

(3) I hereby certify that I have examined the plans, proposals, specifications, estimates of costs, deposits and bonds for street improvements and that said items conform to the requirements set forth by Municipal Ordinances.

Law Director Municipal Engineer

Date Date

(4) This plat approved by the Planning Commission of Munroe Falls, Ohio, at a meeting held _____, 19____.

Chairman

Clerk

(5) Received for Council Action _____, 19____.

Clerk of Council

(6) This plat duly accepted by Ordinance No. _____ of Munroe Falls Council at a meeting held _____, 199____.

Mayor

Clerk of Council

(7) Received for transfer _____, 19____.

Summit County Auditor

(8) Received for Record _____, 19____ at _____ (a.m.)(p.m.).

(9) Recorded in Plat Book _____ Page _____.

(10) Fee _____

Summit County Recorder

(c) The final plat shall incorporate in finished form the general information shown on the preliminary plat as to streets, property lines, lots, lot lines, reserved strips, and such other information as may be required.

(d) The final plat shall show all existing monument and markets and their relationship to the proposed allotment and shall show the location of all monuments set by the developer's surveyor. Monuments used shall be forty-two inches in length and one and one-fourth inches in diameter. Provided that in case it is impossible to drive or place monuments of such length, the shorter monuments may be set in concrete cylinders at least six inches in diameter and at least thirty inches in depth. In case monuments are made one and one-fourth inches pipe, such monuments shall have a poured lead center held in place by at least two pins place through the lead centers at right angles to each other.

(e) Title Insurance in an amount sufficient to insure the Municipality as determined by the Law Director, covering the lands to be dedicated shall be deposited with the Planning Commission, showing title to the streets and other public land in the name of the Municipality at the time of the filing of the final plat for record with the Summit County Recorder.

(f) The final plat shall include a plan providing for the underground installation of all utilities within the subdivision or reallocation. In all new allotments or reallocations all utility lines shall be installed underground. All owners or petitioners for subdivisions of land or reallocations shall grant easements for such lines and areas as are needed by utilities for installation of their lines and needed equipment including street lighting.

Statements from the utility companies shall be provided indicating that the owner or petitioner has granted to the utilities, in form satisfactory to the utilities, all easements necessary for the installation, operation and maintenance of service, including street lighting, in the allotment.

(Ord. 3-95. Passed 1-17-95.)

1181.05 REQUIRED IMPROVEMENTS.

Before approval will be given to any plat dedicating streets to public use, the streets shall have been graded to a grade and cross section approved by the Engineer, and in accordance with plans prepared by a registered Professional Engineer, and approved by the Engineer. Upon approval of the plat, such grades shall become the legal and established grades for such streets. In addition to the grading, the following improvements must also be installed depending on the availability of the facilities therefore, at the expense of the developer:

(a) **Water Supply and Sewage Outlet.** Evidence must be furnished, subject to the satisfaction and approval of the Engineer, that adequate water supply means and sewage outlet means meeting with the approval of the Summit County General Health District and in conformity with ordinances and resolutions of the Municipality are provided for each of the lots of the subdivision.

(b) **Storm Sewers.** Storm sewers adequate for the drainage of the streets, the lots fronting thereon and the natural drainage intercepted by such street must be installed in accordance with standards acceptable to the Engineer.

(c) **Water Mains, Fire Hydrants.** Where water main facilities are available to the subdivision, water mains and fire hydrants meeting the approval of the Village Engineer and the standards of the Director of Utilities together with curb connections for each lot in such subdivision must be installed.

(d) **Sanitary Sewers.** Where sanitary sewer facilities are available to the subdivision, sanitary sewers and laterals to each lot must also be installed.

(e) **Sidewalks.** Concrete sidewalks shall be built in the street adjacent to the property line in all new allotments. Such walks shall conform to standards approved by the Engineer.

(f) **Minimum Paving Requirements Where Water and/or Sanitary Sewers Not Available.** Where either water main facilities or sanitary sewer facilities or both of them are not available, the street shall be graded to the full width of the proposed dedication and to a cross section providing for dish gutters, berms and a pavement width of not less than twenty feet. In such cases a pavement meeting the minimum requirements of a waterbound macadam base having a width of twenty feet and comprising a total depth of four inches, with the sub-grade and course of base thoroughly consolidated by adequate rolling. On such base course a surface course shall then be constructed consisting of three inches of hot plant mixed asphaltic concrete with a width on center of the base course of eighteen feet, using a prime coat over the base course of not less than 0.50 gallon asphalt emulsion per square yard. As an alternate to the above base requirement where water and/or sanitary sewers are not available, six inches of graded road gravel meeting the State of Ohio Department of Highway Specifications B-119 may be used. The asphaltic concrete surface course shall be the same as required above.

(g) **Minimum Paving Requirements Where Facilities Available.** Where all facilities, enumerated in subsections (a), (b), (c) and (d) hereof are available then the pavement shall be of a width of at least twenty-six feet, with curbs of stone or concrete, with a minimum pavement of type and thickness as specified in subsection (f) hereof, except that one inch additional depth of asphaltic concrete surfacing shall be added where existing pavement has been installed prior to the request for approval of the plat.

Since a full winter's settlement must be had after the completion of all underground improvements before the pavement is installed, and if the building will be occupied before the completion of the pavement, then a temporary slag roadway, equal to the width of pavement as specified in this section and to a depth of six inches shall be built and maintained to the satisfaction of the Engineer, adequate to insure access to any occupied dwelling by any of the equipment, fire, police or service. The top surface of such temporary pavement shall be at least five inches below and parallel with the surface of the finished pavement.

When the pavement is constructed over such temporary pavement, providing it has been maintained properly and meets with the approval of the Engineer for weight or load capacity, then an additional base course of not less than two inches thickness shall be constructed and thoroughly compacted prior to application of the asphaltic concrete surface course.

Before approval by the Planning Commission, plans, specifications and all necessary details for the improvements specified in this section must have been prepared by a registered Professional Engineer on tracing cloth to a scale of one inch equals fifty feet with the signature and seal of such Registered Engineer affixed thereto. Original tracings shall be furnished to and become the property of the Municipality. All of such plans, specifications and details must be first submitted to the Engineer and approved by him.

(h) **Monuments.** Monuments shall be set at such points as indicated on the plat. At the end of the maintenance period the Engineer or the developer's surveyor shall check the monuments and set such monuments as are lost, disturbed or not set because of construction. The Engineer shall then report to the Planning Commission when these monuments have been set and checked. Copies of this letter shall be sent to the developer and Council. The cost of replacing, setting or resetting such monuments shall be paid by the developer or his surety.

(i) **Street Signs; Markers.** Street signs or markers or both shall be installed according to specifications of the Engineer at the same time as the street paving. All street signs or markers shall be purchased through the Municipality and shall be charged as part of the developer's performance and included in his bond at the same price as the cost to the Municipality, plus ten percent (10%).

(j) **Street Lighting.** Street lighting shall be installed and constructed by the developer and the developer shall execute and deliver to the Municipality such petitions, consents, waivers, and consents to assessments for cost of same as may be required by the Planning Commission. The spacing, distances and intensity of all street lighting shall be subject to the approval of the Engineer.

(k) **Concrete Driveway Approaches.** Where concrete curbs and gutters are installed, the developer shall also provide concrete driveway approaches meeting such standards and specifications as may be recommended by the Planning Commission and the Engineer.

The Planning Commission may waive the construction or installation of any of the improvements if in its opinion due, to special circumstances, conditions or other reasons, the public health, safety and welfare are not jeopardized, and provided it first obtains the consent of three-fourths of the members of Council to do so.

(Ord. 3-95. Passed 1-17-95.)

1181.06 PERFORMANCE BOND.

Should it not be necessary, in the opinion of the Engineer and Planning Commission, to install and construct all the improvements required in Section 1181.05 before the submission of the plat to the Planning Commission for approval, then such plat may nevertheless be approved, provided that a suitable performance bond, signed by a corporate surety authorized to transact business in Ohio, is given to the Municipality by the owner. Such performance bond must be acceptable to the Planning Commission and approved as to the amount by the Engineer, and as to the legal form and acceptability of the surety by the Law Director, and shall provide that the work shall be performed in accordance with the rules and regulations of the Planning Commission and which shall indemnify and save harmless the Municipality from any and all actions, loss, injury, damage, liability or expense, including attorney fees and court costs, of whatsoever nature, by reason of the failure default, neglect or improper performance of the conditions required to be done and performed before the acceptance and approval of the final plat.

(Ord. 3-95. Passed 1-17- 95.)

1181.07 PERMITS.

No zoning, building, or occupancy permit shall be issued prior to the completion of all the improvements specified in Section 1181.05 hereof, or to the filing of the bonds as specified in Section 1181.06.

1181.08 COPIES OF PLATS.

In order for the various service departments of the Municipality to anticipate the increased demand for services imposed by further development of land, the following departments shall be provided one copy each of the preliminary and final plats, such copies to be delivered to the Planning Commission at the time of submission to it for approvals:

(a) School Board;

- (b) Fire Department;
- (c) Police Department;
- (d) Parks and Recreation Commission;
- (e) Engineer;
- (f) Director of Utilities.

(Ord. 3-95. Passed 1-17-95.)

1181.09 PERMIT FEES.

No permit shall be issued under this chapter, nor shall approval of the Final Plat be given by the Planning Commission until the fees prescribed in this section shall have been paid by the subdivided to the Municipality.

(a) A fee of eight dollars (\$8.00) per acre of land proposed to be subdivided shall accompany the filing of the Preliminary Layout; however, in no case shall such fee be less than one hundred dollars (\$100.00).

(Ord. 23-2005. Passed 10-18-05.)

(b) At the time of filing the application for the approval of any plant, or at the time plans and specifications for any improvement or improvements are submitted to the Planning Commission and Engineer for approval, there shall be deposited with the Treasurer an amount of money sufficient in the opinion of the Engineer to cover the cost and expense of such investigation as may be necessary to determine whether such proposed allotment conforms to this Ordinance or its improvements have been made or are being installed in accordance with the requirements of this Ordinance and the plans and specifications approved by the Engineer. The cost and expense of such investigation made by the Engineer or his assistants shall be paid from such deposit upon itemized bills rendered by such Engineer. In case such expenditures exceed such deposit, the excess shall, upon demand by the Planning Commission, be paid by the owner, forthwith into the Treasury. In case the deposit exceeds such expenditure, the balance will be refunded to the applicant within a reasonable time after the completion of such preliminary investigation.

(c) An engineering supervision and construction inspection fee in an amount equal to 7½% of the total estimated cost of construction of all facilities shall be deposited with the Municipality to defray the cost of services rendered by the Engineer in supervising the construction of facilities. Council, upon recommendation of the Engineer, shall increase this amount if the engineering costs exceed the deposit. If the deposit exceeds the engineering costs, the excess amount shall be refunded.

(Ord. 3-95. Passed 1-17-95.)

1181.10 FINAL PLAT APPROVAL.

The approval of a final plat by the Planning Commission or the refusal to approve shall take place within thirty days after submission of the final plat for approval or within such further time as the applying party may agree to; otherwise, such plat is deemed approved, and the certificate of the Planning Commission, as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be issued on demand and shall be sufficient in lieu of the within endorsement or other evidence of approval required by this chapter. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the records of the Planning Commission. The approval of a plat by the Planning Commission shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space upon the plat.

(Ord. 3-95. Passed 1-17-95.)

1181.11 APPROVAL WITHOUT PLAT. (REPEALED)

(EDITOR'S NOTE: Former Section 1181.11 was repealed by Ordinance 12-2006, passed November 7, 2006.)

1181.12 SALE OF LAND PRIOR TO PLAT APPROVAL PROHIBITED.

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plat or plan has been approved and recorded in the manner prescribed herein. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this chapter.

(Ord. 3-95. Passed 1-17-95.)

1181.99 PENALTY.

(a) Whoever willfully violates any rule or regulation of this chapter, or fails to comply with an order issued pursuant thereto, shall be fined not more than one thousand dollars (\$1,000). Such sum shall be recovered, with costs, in a appropriate action brought by the Law Director in the name of the Municipality and for the use thereof.

(b) Whoever, being the owner or agent of the owner of any land within the Municipality, who willfully transfers any lot, parcel, or tract of such land from or in accordance with a plat of a subdivision, before such plat has been approved by the Municipality shall forfeit and pay the sum of not 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.

(c) Any person, firm or corporation who subdivided, sells, agrees to sell, transfers or conveys any land in violation of the rules and regulations established by this ordinance or who neglects to comply with an order issued pursuant thereto, or who otherwise violates any provision of this chapter or of the rules and regulations governing the platting of the land within the Municipality, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) each day such violation continues constituting a separate offense.

(Ord. 3-95. Passed 1-17-95.)

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