

CODIFIED ORDINANCES OF ASHLAND
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TITLE ONE - Municipal Planning
Chap. 1101. Planning Commission.
Chap. 1103. Ashland Tree Commission.

CHAPTER 1101
Planning Commission

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| 1101.01 Powers of Planning Commission. | 1101.03 Term of members. |
| 1101.02 Members. | |

CROSS REFERENCES
State law provisions - see Ohio R.C. 713.02 et seq.
Definition - see P. & Z. 1111.10
To be Zoning Board of Appeals - see P. & Z. 1135.01

1101.01 POWERS OF PLANNING COMMISSION.

The rights, powers and duties of the Planning Commission shall be those prescribed by the statutes and laws of the State of Ohio, and such other rights, powers and duties as Council may hereafter prescribe.
(Ord. 39-81. Passed 10-7-81.)

1101.02 MEMBERS.

The Planning Commission shall consist of seven members; the Mayor, the Director of Engineering and five other members, two of whom may reside outside of the City but not more than three miles therefrom and all to be appointed by the Mayor.
(Ord. 33-86. Passed 6-3-86.)

1101.03 TERM OF MEMBERS.

The five members appointed to the Planning Commission by the Mayor shall serve for a term of six years, with the exception that the first members appointed to the Commission after the passage of Ordinance 3808, passed May 18, 1955 shall serve as follows: one member shall be appointed for six years, one member for five years, one member for four years, one member for three years and one member for two years. (Ord. 39-81. Passed 10-7-81.)

CHAPTER 1103
Ashland Tree Commission

1103.01 Purpose.	1103.08 Application for permit.
1103.02 Definitions.	1103.09 Denial of permit; grounds.
1103.03 Establishment; members.	1103.10 Disease, insects and mechanical injury.
1103.04 Term of office.	1103.99 Penalty.
1103.05 Powers.	
1103.06 Officers, rules and regulations.	
1103.07 Master List of Trees and Shrubs.	

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
Assessments for tree planting or maintenance - see Ohio R.C. 727.011
Trees, weeds and grass - see GEN. OFF. Ch. 547
Destruction of trees - see GEN. OFF. 541.06
Street trees - see P. & Z. 1113.06

1103.01 PURPOSE.

It is hereby declared to be the policy of the City to regulate and control the planting, transplanting, maintenance and protection of trees and shrubs on City-owned or controlled property in the City in order to eliminate and guard against dangerous conditions which may result in injury to persons or cause property damage while using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs within the City against the spread of disease or pests.

This chapter shall apply to all public trees and shrubs.
(Ord. 15-89. Passed 4-18-89.)

1103.02 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- (a) "Person" shall extend to and be applied to associations, clubs, corporations, firms and partnerships, as well as to individuals.
- (b) "Public trees and shrubs" means all trees and shrubs located or to be planted on any park, playground or other property owned or controlled by the City, or on any public street, alley, sidewalk or highway or within any public right of way.

(Ord. 15-89. Passed 4-18-89.)

1103.03 ESTABLISHMENT; MEMBERS.

There is hereby created and established a Tree Commission which shall consist of the following six members: a member of Council who shall be appointed by Council and five persons who shall be appointed by the Mayor with the approval of Council. One of the five members of the Commission shall be a horticulturist if available. No compensation shall be paid to members of the Commission.
(Ord. 15-89. Passed 4-18-89.)

1103.04 TERM OF OFFICE.

The term of the five persons to be appointed by the Mayor shall be three years, except that the Mayor shall make the original appointments in such a way that the terms of no more than two members of the Tree Commission shall expire in any one year. In the event that a vacancy occurs during the term of any member, his successor shall be appointed for the unexpired portion of such term. (Ord. 15-89. Passed 4-18-89.)

1103.05 POWERS.

Except as otherwise provided herein, members of the Tree Commission shall have the power to study, investigate, plan, advise, report and recommend to Council or the Mayor, any action, program, plan or legislation which the Commission finds or determines to be necessary or advisable for the care, preservation, trimming, planting, removal or disposition of trees and shrubs in public ways, streets and alleys.
(Ord. 15-89. Passed 4-18-89.)

1103.06 OFFICERS, RULES AND REGULATIONS.

The Tree Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving or concurring therein, and members who do not so approve or concur therein shall have the right, as a part of such report, to state their reasons for refusing to approve or concur.
(Ord. 15-89. Passed 4-18-89.)

1103.07 MASTER LIST OF TREES AND SHRUBS.

The Tree Commission shall prepare a Master List of Trees and Shrubs to be planted in public areas.

The Commission shall have the discretionary authority to amend or make substitutions of tree types to the Master List of Trees and Shrubs when deemed necessary by the Commission.

Plantings in allotments, subdivisions or developments which are approved by Council after January 1, 1989, shall be in accordance with Section 1113.06.
(Ord. 15-89. Passed 4-18-89.)

1103.08 APPLICATION FOR PERMIT.

No person shall hereafter remove or plant or have removed or planted any public tree or shrub unless he has first obtained a permit in writing from the Mayor specifying the size, type, species and location of the tree or shrub to be planted or removed. Applications for such permits shall be obtained in the office of the Mayor.
(Ord. 15-89. Passed 4-18-89.)

1103.09 DENIAL OF PERMIT; GROUNDS.

The Mayor shall have the authority to deny a permit to any person who proposes to plant or have planted any public tree or shrub if such proposed tree or shrub does not conform with the Master List of Trees and Shrubs prepared by the Tree Commission; or he may deny a permit to any person who proposes to plant or have planted any public tree or shrub of a size, type or species found to be undesirable by the Commission; or he may deny a permit to any person who proposes to plant or have planted any public tree or shrub at a location found to be undesirable by the Commission.

(Ord. 15-89. Passed 4-18-89.)

1103.10 DISEASE, INSECTS AND MECHANICAL INJURY.

No person shall hereafter knowingly plant or have planted any public tree or shrub unless such tree or shrub is free of disease, insects and mechanical injuries.

(Ord. 15-89. Passed 4-18-89.)

1103.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

(Ord. 15-89. Passed 4-18-89.)

TITLE THREE - Subdivision Regulations

- Chap. 1111. Administration; General Provisions; Definitions; Procedure.
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CHAPTER 1111

Administration; General Provisions; Definitions; Procedure

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| 1111.01 Title. | 1111.06 Jurisdiction. |
| 1111.02 Interpretation and purpose. | 1111.07 Public hearing. |
| 1111.03 Scope. | 1111.08 Effective date. |
| 1111.04 Authority of Planning Commission. | 1111.09 Amendments. |
| 1111.05 Areas of jurisdiction. | 1111.10 Definitions. |
| | 1111.11 Procedure. |

CROSS REFERENCES

- Crosswalk defined - see TRAF. 301.31
 Alley, defined - see TRAF. 301.44
 Public trees and shrubs defined - see P. & Z. 1103.02
 Zoning Code definitions - see P. & Z. Ch. 1131
 City Engineer as deputy platting commissioner - see ADM. 135.04

1111.01 TITLE.

These Regulations contained in Chapters 1111 to 1121, inclusive, shall be known and may be cited as the "Subdivision Regulations for the City of Ashland, Ohio," and shall hereinafter be referred to as "these Regulations."
 (Ord. 39-81. Passed 10-7-81.)

1111.02 INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements to provide for the coordination of subdivision streets with existing streets and roads, or with the plan, or plats, of the City, for the proper amount of open spaces for traffic, circulation and utilities, and for the avoidance of future congestion of population detrimental to the public health and safety. (Ord. 39-81. Passed 10-7-81.)

1111.03 SCOPE.

These Subdivision Regulations shall not apply to any lot, or lots, forming a part of a subdivision created and recorded prior to the effective date of these Regulations; nor is it intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or regulations, except those specifically repealed by these Regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where these Regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Regulations shall control. (Ord. 39-81. Passed 10-7-81.)

1111.04 AUTHORITY OF PLANNING COMMISSION.

(a) City Planning Commission. The City Planning Commission shall have all powers and authority vested by virtue of the Ohio Revised Code and all City Ordinances, including these Subdivision Regulations. A Master Plan for the area in and around the City having been adopted by the Commission, no plat of a subdivision of land within such area shall be recorded until it has been approved by the Commission and such approval endorsed in writing on the plat.

(b) Cooperation with Regional Planning Commission. Although the City Planning Commission has exclusive jurisdiction for approval of plats in the area outside of the corporation limits, but within three miles thereof, it is the desire of the City Commission to preserve and maintain a spirit of mutual cooperation between the City Commission and the Ashland Regional Planning Commission and to enable the City Commission to continue to benefit from the review and suggestions of the Regional Commission. Therefore, for as long as such remains the desire of the City Commission, or for as long as the Regional Commission is willing to cooperate with the City Commission in this respect, the City Commission shall develop and carry out a method of review and recommendation by the Regional Commission by which this desire will be effected. (Ord. 39-81. Passed 10-7-81.)

1111.05 AREAS OF JURISDICTION.

These Subdivision Regulations shall apply to all plats and subdivisions of land in the City or plats within three miles of the corporation limits thereof, as described in Ohio R.C. 711.09. The Planning Commission shall have the power of final approval of all plats and subdivisions within the City and all plats outside of the City, but within three miles thereof. (Ord. 39-81. Passed 10-7-81.)

1111.06 JURISDICTION.

(a) Approval. No person shall subdivide or develop any land within the City or three mile area, unless it is by a plat complying with the regulations herein contained, except as provided in subsection (c) hereof and no plat shall be recorded, and no lot or land shall be sold from any such plat until such plat has been approved as herein required. (See definition of Subdivision, Section 1111.10 [53])

(b) Design and Layout. The design and layout of all subdivisions shall conform with the requirements of these Subdivision Regulations. The subdivider shall submit sketches and preliminary and final plats, etc., all in accordance with these Regulations.

(c) Plat Not Always Required. A proposed division of a lot parcel or tract of land, shown as a unit on the last preceding tax roll, along an existing public street or road, not involving or conflicting with the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the *appropriate Planning Commission for approval in the form of a "Survey Drawing" in lieu of a plat. If the *appropriate Commission, acting through its staff, is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, it shall, within seven working days after submission, approve such proposed division. On presentation of a Survey Drawing of such parcel, the same shall be stamped in such a manner as to indicate clearly the approval of the *appropriate Commission and shall bear the signature of the staff member responsible. Upon approval, the Conveyance, together with the Survey Drawing, shall be recorded in accordance with the customary recording process. The development of property, except for agricultural purposes, to accommodate more than one main building shall always be reviewed and approved by the Commissions, following the same procedure as a "Plat."

*Within City - City Planning Commission only; Outside of City - Regional Planning Commission only.

(Ord. 39-81. Passed 10-7-81.)

1111.07 PUBLIC HEARING.

The City Planning Commission, on its own initiative or upon petition by any citizen or property owner may, prior to acting on a preliminary plat of a subdivision, hold a hearing thereon at such time and upon such notice as the Commission may designate.

(Ord 39-81. Passed 10-7-81.)

1111.08 EFFECTIVE DATE.

These Subdivision Regulations shall be effective following adoption by the City Planning Commission and Council and certification to the County Recorder. Henceforth, any conflicting regulations previously adopted by Council or the Commission shall be deemed repealed.

(Ord 39-81. Passed 10-7-81.)

1111.09 AMENDMENTS.

Council may amend, supplement or change these Subdivision Regulations.

(Ord 39-81. Passed 10-7-81.)

1111.10 DEFINITIONS.

- (a) Interpretations of Terms or Words. For the purpose of these Subdivision Regulations, certain terms or words used herein shall be interpreted as follows:
- (1) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - (2) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 - (3) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
 - (4) The word "lot" includes the words "plot," "tract", or "parcel".
- (b) The following definitions shall be used in interpreting these Regulations:
- (1) "Block" means a piece or parcel of land entirely surrounded by public highways, public streets, railroad rights-of-way, parks, streams, lakes or bodies of water, or a combination of the aforesuch bounds.
 - (2) "Bond" means a document properly executed by a surety, or sureties, satisfactory to the fiscal officers of the appropriate City or County, or a certified check, either of which is deposited with the appropriate City or County, guaranteeing the following:
 - A. A "construction performance bond" is deposited as a guarantee that the subdivision improvements shall be satisfactorily completed within the time period agreed upon.
 - B. A "maintenance bond" is deposited as a guarantee that all subdivision improvements shall remain satisfactory for a period of one year after completion and acceptance by the City.
 - (3) "Building" means a structure having a roof supported by columns or walls and intended for shelter, housing or enclosing persons, animals or chattels. A. "Main building" means a building in which a permitted use may be conducted independent of the uses conducted in other buildings on the site, excluding farm buildings.
 - B. "Accessory building" means a building in which the use is subservient to, or customarily incident to, the use of the main building, as opposed to a building which is used for a purpose independent of the main building
 - (4) "Building setback line" means a line indicating the minimum horizontal distance permitted between a building and a street right-of-way line.
 - (5) "Building site" means that portion of the lot or parcel of land upon which the building and appurtenance is to be placed or is already existing, including adequate areas for sewage disposal, clearance, proper drainage and appropriate easements.
 - (6) "City" means the City of Ashland, Ashland County, Ohio.
 - (7) "Condominium" means a building, or buildings, in which title to the land and multi-unit improvements on the land are acquired by any two or more persons in any manner whereby each person is vested with title to:
 - A. Some form of undivided ownership in one or more units such as apartments, offices, suites or the like; and

B. An interest as tenant in common in the land and all the improvements except the units, but including easements of right-of-way to access drives, garages, off-street parking space and other common areas.

All requirements set forth in the Zoning Code for multiple dwellings shall also apply to condominium development.

- (8) "Conveyance" means the transfer of ownership, whether immediate or future, of land, including a land contract upon being entered into or similar instrument.
- (9) "Covenant" means a written promise or pledge.
- (10) "County" means Ashland County, Ohio.
- (11) "Crosswalk" means a right-of-way dedicated to public use, ten feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- (12) "Culvert" means a drain that channels under a bridge, road, street, or driveway.
- (13) "Developer" means any person, partnership or corporation, or duly authorized agent who constructs, or contracts to construct, improvements in developments or on subdivided land. A developer may also be a subdivider elsewhere defined herein.
- (14) "Development" means the act of improving a property to accommodate more than one main building or subdividing a property. Development is also another name for the land being subdivided or improved.
- (15) "Development area" means any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes upon which earth-disturbing activities are planned or underway.
- (16) "Detention basin" is the most common in urban drainage works. Generally, low flows are not affected. When inflow is great though, the detention storage reduces the outflow, thus enabling smaller capacity works being needed downstream. (Normally dry.)
- (17) "District" means a soil and water conservation district, organized under Ohio R.C. Chapter 1515.
- (18) "Drainageway" means an area of concentrated water flow other than a river, stream ditch or grassed waterway.
- (19) " Dwelling unit" means space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- (20) "Earth disturbing activity" means any grading, excavating, filling or other alteration of the earth's surface where natural or manmade ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- (21) "Easement" means a grant by a property owner of the use of a strip of land, for a specific purpose or purposes, by the general public, corporation, or to a certain person or persons.

- (22) "Engineer" means:
- A. A person authorized to practice engineering in Ohio by virtue of registration under the requirements of Ohio statutes.
 - B. "City Engineer" means the City Engineer or the Director of Engineering of Ashland.
 - C. "County Engineer" means the County Engineer of Ashland County.
- (23) "Erosion" means:
- A. The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.
 - B. Detachment and movement of soil or rock fragments by water, wind, ice or gravity.
 - C. Erosion includes:
 - 1. Accelerated Erosion: Erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
 - 2. Floodplain Erosion: Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.
 - 3. Gully Erosion: The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
 - 4. Natural Erosion (Geologic Erosion): Wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
 - 5. Normal Erosion: The gradual erosion of land used by man which does not greatly exceed natural erosion.
 - 6. Rill Erosion: An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
 - 7. Sheet Erosion: The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.
- (24) "Flood area; flood plain" means that portion of a river or creek valley adjacent to the channel which is covered with water when the stream overflows its banks at flood stage.
- (25) "Frontage, lot or street":
- A. "Lot frontage" means the distance between adjacent property lines, measured along the street line (street right-of-way line).
 - B. "Street frontage" means all the property fronting on one side of a street between the two nearest intersecting streets or other barriers.
- (26) "Grassed waterway" means a broad and shallow natural course of constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

- (27) "Improvements" means any additions to the natural state of the land which increases its value or utility, including pavements, curbs, gutters, side walks, crosswalks, water mains, sanitary sewers, flood control and drainage facilities, utility lines, street trees and other appropriate items.
(Ord. 39-81. Passed 10-7-81.)
- (27A) "Landscaping" means material such as, but not limited to, grass, ground cover, shrubs, vines, hedges, or trees and non-living material commonly used in landscape development. (Ord. 76-99. Passed 11-2-99.)
- (28) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (29) "Lot" means:
- A. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development to be occupied by a building and its accessory buildings, together with such open spaces as are required by law, and having its principal frontage upon a public street or upon a place which has been officially approved by resolution of the Planning Commission and may consist of:
 - 1. A single lot of record;
 - 2. A portion of a lot of record; or
 - 3. 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.
 - B. "Lot area" means the total horizontal area within the boundary lines of a lot, exclusive of rights-of-way public or private streets, etc.
 - C. "Corner lot" means a lot situated at the intersection of two or more streets.
 - D. "Lot depth" means the mean horizontal distance between the front and rear lot lines.
 - E. "Lot frontage" means the same as "frontage".
 - F. "Lot lines" means the boundary lines of the lot.
 - G. "Through lot" means an interior lot having frontage on more than one street.
 - H. "Lot width" means the distance between the side lot lines, measured along the building setback line.
 - 1. "Lot of record" means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Ashland County Recorder, or a parcel or tract of land, the deed of which has been recorded in the office of the Ashland County Recorder.
- (30) "Major Thoroughfare Plan or Master Plan" means the comprehensive plan made and adopted by the Planning Commission indicating the general location recommended for the primary, secondary and collector streets, parks, public buildings and all other public improvements within the corporate limits, and/or all unincorporated areas within three miles thereof.

- (31) "Monument" means a permanent structure placed to mark a specific location of a point on the ground and conforming to the following:
- A. Within Street Pavement. A one inch diameter iron or steel pin encased in concrete, enclosed in an approved adjustable cast iron monument box.*
 - B. Outside of Street Pavement. A concrete cylinder four inches in diameter by thirty-six inches with a quarter inch iron or steel pin encased in the center, set in a vertical position with its top being level with the surface of the surrounding ground.*

*Alternate construction may be approved by the Engineer.

- (32) "Open space" means an area open to the sky which may include, along with natural environmental features, swimming pools, tennis courts or any other recreational facility which the Commission deems permissible. Streets, structures for habitation, etc., shall not be included.
- (33) "Owner" means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient propriety interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under these Regulations.
- (34) "Parcel" means a unit of land shown on the tax duplicate, including land designated as a "lot" or "tract."
- A. "Original parcel" means that contiguous land under the same ownership as recorded with the Ashland County Recorder as of May 14, 1964.
- (35) "Pavement" means that portion of the public street right-of-way or private street, drive or parking area surfaced for vehicular use.
- (36) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency, the federal government or any combination thereof.
- (37) "Plan" means:
- A. "Construction plan" means the detailed drawings necessary to adequately control the construction of improvements.
 - B. "Grading and drainage plan" means:
 - 1. "Preliminary" grading and drainage plan shall show the proposed method of grading and draining the entire site. See Section 1115.06 (c) (1).
 - 2. "Final" grading and drainage plan shall show the actual method and details of the grading and drainage of the entire site. See Section 1115.06 (c) (2).
 - C. "Erosion and sedimentation control plan" shall show in detail the proposed means of controlling erosion and sedimentation. Although this plan is to be used in conjunction with the grading and drainage plan, it is to be a separate document. See Section 1115.07 (e).
- (38) "Plat" means:
- A. "Final plat" means a complete and exact subdivision plat prepared for official recording as required by statute to define property rights and proposed streets and other improvements. When used in the general sense, the term "final plat" includes construction drawings and all other documents set forth for submission to the Commission. Also known as "record plat."

- B. "Preliminary plat" means a tentative subdivision plat, in lesser degree than a final plat, showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a final plat. When used in the general sense, the term "preliminary plat" includes all plans and comments set forth for submission to the Commission.
 - C. "Sketch" means a drawing, roughly to scale, usually free hand, showing the subdivider's first state of design study for a subdivision. Also see subsection (b) (54) hereof.
- (39) "Platting Commissioner (Staff Member)" means:
- A. Within City: "Platting Commissioner" means the City Engineer or his appointed agent.
 - B. Outside City: "Platting Commissioner" means the Coordinator of the Regional Planning Commission or his appointed agent.
- (40) "Planning Commission" means:
- A. "City Planning Commission" or "The Commission" means the Planning Commission of the City of Ashland, Ohio.
 - B. "Regional Planning Commission" means the Ashland Regional Planning Commission.
- (41) "Pollution abatement plan" means a written description, acceptable to the approving agencies, of methods for controlling sediment pollution from accelerated erosion on a development area of ten or more contiguous acres or from erosion caused by accelerated runoff from a development area of ten or more contiguous acres.
- (42) "Public waters" means that water within rivers, streams, ditches and lakes except private ponds and lakes wholly within single properties or waters leaving property on which the surface water originates.
- (43) "Retention basin" means one in which storm runoff is collected and stored for a significant period and released after the storm runoff has ended: it is retained. Retention basins are wet reservoirs which have special recreational, fire protection and aesthetic uses centered around a minimum pool.
- (44) "Right-of-way" means a strip of land taken or dedicated for use as a public way: the width between property lines of a street, alley, crosswalk, easement, etc. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features, (required by the topography or treatment), such as grade separation, landscaped areas, viaducts and bridges.
- (45) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface above or below sea level.
- (46) "Sediment basin" means a barrier, dam or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by runoff waters.
- (47) "Sidewalk" means that portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

- (48) "Slip" means landslide, as defined in subsection (b)(28) hereof.
- (49) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water of the earth-disturbing activity of man.
- (50) "Stream" means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.
- (51) "Street" means:
- A. "Primary street" means a street or road of great continuity which serves, or is intended to serve, as a major traffic way within the City, County or both and is designated in the Master Plan as a limited access highway, major thoroughfare, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
 - B. "Secondary street" means a street or road of considerable continuity which serves, or is intended to serve, as the principal traffic way between large and separated areas or districts and which is the main means of access to the main thoroughfare system of primary streets.
 - C. "Collector street" means a main residential street which carries the burden of local traffic to primary streets or secondary streets.
 - D. "Rural street" means a street, including a road in a non-urban area, servicing residential lots having a minimum frontage of 150 feet.
 - E. "Minor street" means a street supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.
 - F. "Loop street" means a type of street, each end of which terminates at an intersection with another street, or streets, and which is only used to provide access to properties adjoining the loop street.
 - G. "Cul-de-sac, court or dead-end street" means a short street having one end open to traffic and terminated by a vehicle turn-around.
 - H. "Alley" means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
 - I. "Public street, etc.", as used in these Regulations, means and/or refers to public facilities unless specifically noted otherwise.
 - J. "Private street, etc.", means all streets, etc., which are not public facilities.
- (52) "Subdivider" means any person, partnership or corporation, or duly authorized agent thereof who undertakes the subdivision of land as defined in subsection (b) (53) hereof. A subdivider may also be a developer, as else where defined herein.
- (53) "Subdivision" means:
- A. Within City of Ashland Corporation Limits. "Subdivision" means a division of a section, tract, parcel, lot or lots, or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development and improvements to accommodate more than one main building, including land to be maintained under single ownership or as a condominium, and including all changes in street or lot lines provided,

however, that division of land for agricultural purposes, in parcels of more than five acres not involving any new street or easement of access, shall be exempted.

- B. Outside of the City of Ashland Corporation Limits but Within Three Miles Thereof "Subdivision" means:
1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 2. The improvement of one or more parcels of land for residential, commercial or industrial structures, or groups of structures, involving the division or allocation of land for the opening, widening or extension of any street, or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (54) "Survey drawing" means an accurate drawing, to scale, prepared by a "surveyor" showing the results of his survey delineating all pertinent information, including existing, proposed and adjoining property lines, etc., subject to the approval of the City Engineer or, where applicable, the County Engineer. This drawing shall be recorded along with the conveyance.
- (55) "Surveyor" means a registered surveyor authorized to practice surveying in the State of Ohio.
- (56) "Topsoil" means surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.
- (57) "Tract" may be used interchangeably with "parcel" or "lot".
- (58) "Variance" means a modification of the strict terms of the relevant regulations where such modification shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (59) "Watershed" means the drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.
- (60) "Yard" means an open space, at ground grade, between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- A. "Front yard" means a yard extending across the front of a lot between the side lot lines, which is the minimum horizontal distance between the street line and the main building or any projections thereof.
- B. "Rear yard" means a yard extending across the rear of a lot between the side lot lines, which is the minimum horizontal distance between the main building or any projections thereof.
- C. "Side yard" means a yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot lines and the main buildings or any projections thereto. (Ord. 39-81. Passed 10-7-81.)

1111.11 PROCEDURE.

SUBDIVISION REGULATIONS FLOW CHART OF PROCEDURE

STEPS IN PROCEDURE	More Than Five (5) Lots and/or Where Plat <u>Is</u> Required			
	Five (5) Lots or Less Where No Plat is Required	SKETCH (When Required)	PRELIMINARY PLAT (When Required)	FINAL PLAT
WITHIN CITY OF ASHLAND Building and Zoning Dept.--- --- Agencies Involved (1)----- --- City Planning Commission--- --- *City Council----- County Recording Process--- ---				
WITHIN THREE (3) MILE AREA Building and Zoning Dept.--- --- Agencies Involved (1) ----- --- City Planning Commission--- --- Regional Planning Comm.--- --- County Commissioners----- --- *City Council----- County Recording Process --- ---				

1. Agencies Involved (depending on location and type of subdivision):
 (a) City or County Engineer for checking accuracy of survey and for approval of improvement plans.
 (b) Township Trustees and Township or City Zoning Inspector.
 (c) City-County Board of Health and O.E.P.A. for approval where required.

- (d) Board of Education for report on adequacy of school facilities to serve additional pupils and for negotiation for school sites where involved.
- (e) Parks and Recreation Department for negotiation where park land is involved.
- (f) Ashland Soil and Water Conservation District for approval of agreements for sedimentation, erosion, and flood control.
- (g) Utilities.

*Acceptance of Dedications only.

LEGEND

- Designated Step in Procedure of Review and Action.
- ⇒ "Flow Line" Between Steps.

CHAPTER 1113
General Requirements

<p>1113.01 Suitability of the land for subdivision development.</p> <p>1113.02 Dimensions, layout and design standards.</p> <p>1113.03 Streets, alleys, easements, etc.</p> <p>1113.04 Blocks.</p> <p>1113.05 Lots.</p> <p>1113.06 Street trees.</p>	<p>1113.07 Public spaces.</p> <p>1113.08 Condominium and community unit plan.</p> <p>1113.09 Vacation home development.</p> <p>1113.10 Mobile home park.</p> <p>1113.11 P.D. planned development.</p> <p>1113.12 Variations, variances, and exceptions.</p>
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CROSS REFERENCES

Plats and platting - see Ohio R.C. Ch. 711
 City Engineer as deputy platting commissioner - see ADM. 135.03
 Shade Tree Commission - see P. & Z. Ch. 1103
 Subdivision improvements - see P. & Z. Ch. 1115
 Sidewalks - see S.U. & P.S. Ch. 903
 Street openings - see S.U. & P.S. Ch. 901

1113.01 SUITABILITY OF THE LAND FOR SUBDIVISION DEVELOPMENT.

(a) Advisability. The subdivision proposed and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area. The subdivider shall present evidence to this effect when requested by the Planning Commission.

(b) Encroachment. The tract to be subdivided should not be a part of, or encroach upon, an area, or areas, designated in the Major Thoroughfare Plan and the Plan for parks and other public grounds, as adopted for future public facilities.

(c) Suitability of Land. If the Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding or its location in a flood plain, bad drainage, steep slopes, rock formations and other such conditions as may increase the danger to health, life or property or aggravate erosion or flood hazards and, if from adequate investigations conducted by all the public agencies concerned it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that shall be created by the subdivision and development of the land.

Land subject to flooding or located in a flood plain and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger of health, life or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or shall not result in conditions contrary to the public welfare. To ensure that lots shall be located only where they will provide flood-free house sites, the Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites shall be completely free from the danger of flooding.

A condition of flooding shall be defined as the depth of water anticipated, up to and including a 100 year storm, as computed using approved runoff factors for a completely developed drainage area and by using the current criteria of the Ohio Department of Natural Resources and/or the Federal Insurance and Hazard Mitigation Office, whichever is higher; also, flooding is where water will be impounded or "backed up" due to restrictions in drainage facilities, either natural or man-made.

If a stream flows through, or adjacent to, the proposed subdivision, the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of buildings shall be high enough to be well above the flood level defined above. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased. (See Section 1115.06.)

(d) Suitable Location. The Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities, or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services, such as undue maintenance costs for adequate roads.

(e) Railroads. Where railroads are involved, provision for grade separations, buffer strips and other protective media shall be required to the extent and type as may be practicable.

(f) Subdivision and Street Names and Numbers. Subdivision and street names shall not duplicate or be confusing with existing names. For purposes of street naming, the following suffixes shall apply:

- (1) Avenue, Street, Road or Way shall be used for relatively long streets having relatively straight alignment.
- (2) Boulevard or Drive shall be used for relatively long meandering streets.
- (3) Circle, Place, Court or Lane shall be used for cul-de-sacs or relatively short loop streets.
- (4) Suffixes other than the above shall be approved by the Commission.
- (5) The words north, south, east or west should be avoided as part of a street name.

Extensions of existing streets shall bear the name of the existing street. All names are subject to the approval of the Commission.

All streets situated outside of the City shall be assigned numbers by the County Engineer. (Ord. 39-81. Passed 10-7-81.)

1113.02 DIMENSIONS, LAYOUT AND DESIGN STANDARDS.

Dimensions, layout and design standards shall be in accordance with Chapters 1113 and 1115. (Ord 39-81. Passed 10-7-81.)

1113.03 STREETS, ALLEYS, EASEMENTS, ETC.

(a) Conformity to Major Thoroughfare Plan, etc.

- (1) Streets shall conform in effect to the Major Thoroughfare Plan or such part thereof as is adopted by the Planning Commission. If a tentative or suggested plan or plat for the area has been made by the Commission or any other public agency designated by the Commission, the street layout shall be in general conformance thereto.
- (2) Frontage on high volume express highways or railroads shall be provided with a parallel service street or such other medium of access as may be appropriate to the conditions.

(b) Street Extensions.

- (1) The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Commission deems such continuation or extension undesirable for specific reasons of topography or design.
- (2) Where, in the opinion of the Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication and improvement to the boundaries of such properties.
- (3) The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(c) Dedication of Right-of-Way for New Streets.

	<u>Street Type</u>	<u>Minimum Right-of-Way (in feet)</u>
(1)	Primary street	100
(2)	Secondary street	80
(3)	Collector street	66
(4)	Rural street	60
(5)	Minor street	60
(6)	Cul-de-sacs (Courts or dead-end streets and loop streets).	60
(7)	Alleys	20
(8)	Crosswalkways	10
(9)	Easements	20 or as required

- (10) At intersections of two streets, a twenty foot radius shall connect the two right-of-way lines. (Thirty feet when developed without curbing.)
- (11) Special Requirements for cul-de-sacs (courts or dead-end streets):
 - A. Permanent Cul-de-sacs.
 - 1. Permanent cul-de-sacs shall not be longer than 600 feet with curbing, or 1,000 feet without curbing, to the beginning of the turnaround and shall have a terminal radius of 110 feet with curbing, or 120 feet without curbing, joined to the street right-of-way line by a tangent radius of fifty feet.
 - 2. Where a street does not exceed 350 feet in length, an approved "T" type back-around terminus may be approved within the sixty foot right-of-way.
 - B. Temporary Cul-de-sacs. Where streets are extended to the boundary of a subdivision to provide for their proper continuance at such time as adjacent land is subdivided, they shall be terminated in the same manner as required for permanent cul-de-sacs described in subsection (c)(11)A. hereof, unless the Commission determines that a turn-around is unnecessary. Pavement to be as specified by the City Engineer or, where applicable, the County Engineer.

(d) Recipient of Dedication. Subdivisions shall dedicate all streets to public use forever. Dedication shall take place upon acceptance by the City or County in behalf of the appropriate Township or County itself when the County establishes same as a County Highway.

(e) Dedication of Right-of-Way for Existing Streets. Subdivisions platted along existing streets shall dedicate additional rights-of-way if necessary, to meet the minimum street width requirements set forth in subsection (c) hereof.

- (1) The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on one side of an existing street, one-half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated.
- (2) Dedication of one-half of the rights-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited, except as follows:
 - A. The Commission finds it will be practicable to require the dedication of the other half of the street when the adjoining acreage is subdivided;
 - B. There exists a half street which should logically be continued to a reasonable intersection; or
 - C. There exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- (3) Where a half street is permitted, the Commission shall require provisions to prevent access from abutting property outside the subdivision until the other half of the said street is established as a public street.

(f) Intersections.

- (1) Streets shall intersect as nearly as possible at right angles, and this alignment shall not change for a minimum distance of 100 feet beyond the point of intersection.
- (2) "T" intersections facing opposite directions shall be spaced with their center lines at least 125 feet apart.
- (3) Four-way intersections of local streets should be avoided (three-way "T" intersections are preferred). Where four-way intersections are approved, center line offsets in excess of four feet shall not be permitted. (See subsection (e)(2) hereof.)

(g) Curves, Grades, Typical Sections and Other Design Criteria. Maximum allowable grades, minimum requirements for vertical and horizontal curves, intersections, typical sections, etc., shall conform to the standards set forth in Section 1115.02 and the requirements of the City Engineer or, where applicable, the County Engineer. (Ord 39-81. Passed 10-7-81.)

1113.04 BLOCKS.

(a) Length. The maximum length of blocks shall not exceed twenty times the average width of lot and shall in no case exceed 2,000 feet. The minimum block length shall be 500 feet. Blocks over 1,500 feet long shall provide a crosswalkway at approximately the center.

(b) Width. The width of blocks shall be not less than 200 feet. (Ord. 39-81. Passed 10-7-81.)

1113.05 LOTS.

(a) Frontage. All lots shall abut on a public street for a minimum distance of forty feet.

(b) Side Lines. Side lines of lots shall be approximately at right angles or radial to the street line.

(c) Numbering. The numbering of lots shall conform to the County's adopted lot numbering system.

(d) Dimensions. Within the City, the requirements for lot dimensions, areas and yard sizes shall be as established by Chapters 1150 through 1166, inclusive, for the respective district in which the subdivision is located. Lots in subdivisions outside of the City shall meet the requirements of the appropriate Township zoning regulations and regulations imposed by the City-County Health Department. The depth of lots shall not exceed three times the lot width unless specifically permitted by the Planning Commission.

(e) Landlocked Parcel. A subdivider cannot create or transfer a landlocked parcel except that such parcel shall be transferred to an owner of a contiguous, non-landlocked parcel and provided such subdivider complies with all other provisions of these subdivision regulations.

(f) Large Tracts or Parcels. When the land is subdivided into large parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
(Ord. 39-81. Passed 10-7-81.)

1113.06 STREET TREES.

Street trees shall be placed at least ten feet outside the street right-of-way, or any sewer or water easements, and shall be planted in such a manner as to not impair visibility of any street corner. (Ord 39-81. Passed 10-7-81.)

1113.07 PUBLIC SPACES.

(a) Amount. The Planning Commission shall specify to the extent required the allocation of playfields, parks and other public open spaces that may be essential to a proper development of the areas or neighborhood. A maximum of three percent (3%) of the subdivision may be required for this purpose.

(b) Alternative. When, by reason of a topographical condition within a subdivision, the amount of acreage within a subdivision, the nature or development of the area surrounding a subdivision or because of other exceptional circumstances, the Commission determines that the dedication or reservation of public sites and open spaces for playgrounds, school sites, parks, etc., as required by subsection (a) hereof is impracticable, undesirable, unsuitable, uneconomic or not in accord with the Major Thoroughfare Plan and the Plan for Parks and Other Open Spaces in and within three miles of the City, the Commission may require in lieu thereof, that the subdivider dedicate or deed to the City or Township other lands of the subdivider which are acceptable to the Commission for the purposes intended by this section or to deposit with the City or appropriate township a sum of money equal in amount to three percent (3%) of the total value of the land within the subdivision. Such three percent (3%) value shall be determined by agreement between the Commission and the subdivider or shall be three percent (3%) of one-half of the total of two sealed land appraisals of the subdivision to be submitted to the Commission, one by an appraiser designated by the subdivider and one by an appraiser designated by the Commission, provided that the sealed appraisals shall each be within fifteen percent (15%) of the average of such new appraisals. The Commission and the subdivider shall each bear the costs of their respective appraisals.

Moneys deposited with the City or appropriate Township under the provisions of this subsection shall be placed in a special fund designated by the legislative authority of the City or Township and shall be appropriated and used solely for the acquisition, maintenance, development, improvement or equipment of playgrounds, school sites, parks and other recreational lands.

(c) Preservation. Due regard shall be shown for the preservation of outstanding natural and cultural features such as scenic spots, water courses, reserve forests and historic sites.
(Ord 39-81. Passed 10-7-81.)

1113.08 CONDOMINIUM AND COMMUNITY UNIT PLAN.

The owners or agents of any tract of land in the City or within three miles thereof, which is to be developed and maintained under single ownership or which is to be subdivided as a condominium, shall submit to the Planning Commission a development plan, improvement plan, sketches and plats, in accordance with Chapters 1115, 1116, 1117 and 1119. Approval of plats, etc., shall follow the standard procedures herein, provided that the following conditions are met.

- (a) Suitability. The property adjacent to the area included in the plan shall not be adversely affected and the plan is consistent with the intent and purposes of the applicable Zoning Code to promote public health, safety, morals and general welfare. All developments shall comply with all applicable State and County Health Regulations.
- (b) Improvements. The grade, width and degree of improvement of all access drives, sewers, waterlines and other utilities shall be in conformance with Chapter 1115 and approved by the Commission, City Engineer, the Fire Chief and, where applicable, the County Engineer.
- (c) Uses. The building, or buildings, shall be used for only the uses permitted in the zoning district in which it is located.
- (d) Lot Area. The average lot area per family, exclusive of the area occupied by private streets or drives, shall not be less than that required by the applicable zoning district.
- (e) Setbacks. The setbacks of all buildings shall be provided in accordance with the applicable Zoning Code. The minimum distance between multiple buildings shall be determined by the Commission.
(Ord. 39-81. Passed 10-7-81.)

1113.09 VACATION HOME DEVELOPMENTS.

The owners or agents of any tract of land in the City or within three miles thereof, which is to be developed and maintained as a vacation home development (to accommodate dwellings to be inhabited full-time or part-time), shall submit to the Planning Commission a development plan, improvement plan, sketches and plats in accordance with Chapters 1116, 1117 and 1119. Approval of plats, etc., shall follow the standard procedure herein. Approval shall be contingent upon such development being a permitted use in the applicable zoning district and provided that all provisions of Section 1113.08 (adjusted to single-family dwellings) be complied with.
(Ord. 39-81. Passed 10-7-81.)

1113.10 MOBILE HOME PARK.

The owners or agents of any tract of land in the City or within three miles thereof, which is to be developed and maintained as a mobile home park, shall submit to the Planning Commission and O.E.P.A. a development plan, improvement plan, sketches, plats, etc., in accordance with Chapters 1115, 1116, 1117 and 1119. Approval of plats, etc., shall follow the standard procedures herein. Approval shall be contingent upon such park being a permitted use in the applicable zoning district and provided that all provisions of Chapter 1155 are complied with. (Ord. 39-81. Passed 10-7-81.)

1113.11 P.D. PLANNED DEVELOPMENT.

P.D. Planned Development Subdivisions within the City may be developed in accordance with the requirements of *Chapter 1170, P.D. Planned Development District, subject to Planning Commission approval.

P.D. Planned Development Subdivisions outside of the City, but within three miles thereof, shall conform to applicable zoning requirements, or as required by the Commission.

(Ord 39-81. Passed 10-7-81.)

1113.12 VARIATIONS, VARIANCES AND EXCEPTIONS.

Variations, variances and exceptions from the procedure, dimensional standards and improvement requirements as herein set forth may be made by the Planning Commission in cases where it is deemed that hardship, topography or other factual deterrent conditions prevail or where the Commission deems it necessary or advisable for the best interest of the community.

In granting variations, variances and exceptions, the Commission may require such conditions as will, in its judgement, secure substantially the objective of the standards or requirements so varied.

The Commission shall record the granting in the official minutes, along with the reasons which justify the granting of same. (Ord 39-81. Passed 10-7-81.)

*This chapter is proposed only - Planning Commission shall govern P.D. Planned Development until Chapter 1170 is adopted.

CHAPTER 1115 Improvements

<p>1115.01 Developer's obligation.</p> <p>1115.02 Streets, alleys, sidewalks and crosswalkways.</p> <p>1115.03 Private drives and parking lots.</p> <p>1115.04 Water system.</p> <p>1115.05 Sanitary sewers.</p> <p>1115.06 Storm drainage and grading.</p> <p>1115.07 Erosion and sedimentation control.</p> <p>1115.08 Dams, ponds, basins, gas wells, guardrails, seeding, etc.</p> <p>1115.09 Utilities.</p>	<p>1115.10 Over-size and off-site.</p> <p>1115.11 Extension to boundaries.</p> <p>1115.12 Off-site extensions.</p> <p>1115.13 Final inspection.</p> <p>1115.14 Bonds.</p> <p>1115.15 Fees.</p> <p>1115.16 Preparation and approval of plans and plats.</p> <p>1115.17 Subdivider's costs.</p> <p>1115.18 Tree planting requirements for new developments.</p>
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CROSS REFERENCES

Plan of proposed improvements - see CHTR. 80
 Fee in City - see CHTR. 99
 Change of street name - see PRELIM. Table K
 Improper drainage - see GEN. OFF. 521.05
 Sidewalks - see S.U. & P.S. Ch. 903
 House numbering - see S.U. & P.S. Ch. 907
 General subdivision requirements - see P. & Z. Ch. 1113
 Monuments - see P. & Z. Ch. 1119.02
 Plumbing regulations - see BLDG. Ch. 1327

1115.01 DEVELOPER'S OBLIGATION.

Approval of the final plat by Council or, where applicable, the County Commissioners, is conditional on evidence that the improvements as required have been completed and approved, or shall be completed and guaranteed by the developer, as provided herein.

(Ord. 39-81. Passed 10-7-81.)

1115.02 STREETS, ALLEYS AND SIDEWALKS.

(a) Design. Maximum allowable grades, minimum requirements for vertical curves, and all other design standards shall meet the requirements of the City Engineer and, where applicable, the County Engineer. The City of Ashland Standard Specifications shall apply to all improvements constructed in accordance with the provisions herein.

The following standards are given as a general guide only and are subject to approval in specific application:

(1) Curves (horizontal and vertical), sight distance and speed.

A. A tangent of at least 100 feet shall be provided between reverse curves.

B.

	Minimum Radius of Centerline (ft.)	Minimum Stopping Sight Distance (ft.)	Design Speed (m.p.h.)
Primary streets	As specified	As specified	As specified
Secondary streets	500	350	50
Collector streets	400	300	40
Rural streets	150	235	35
Minor streets	150	235	35
Cul-de-sacs and loop streets	50	150	25
Alleys	50	150	20

C. All changes in grade shall be connected by a vertical curve to provide the required sight distance specified above as well as a smooth riding surface and shall be not less than twenty-five times the algebraic difference in grades for primary, secondary and collector streets and not less than twenty times the difference in grade in all other streets.

(2) Street grades.

Street Type	Percent Grade	
	Max. Allowable (in percent)	Max. Desirable (in percent)
Primary streets	5	4
Secondary street	7	5
Collector	8	6
Rural streets	9	7
Minor streets	9	7
Cul-de-sacs and loop streets	15	10
Alleys	15	10

Minimum allowable grade for any street or alley 0.4

- (3) Street elevations. The Planning Commission shall not approve streets which will be subject to inundation of flooding. All streets shall be located at elevations which shall make them flood-free in order that such portions of the subdivision shall not be isolated by floods. Where flood conditions exist, the Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.
- (4) Intersections. Detailed intersection drawings shall be submitted for the approval of the City Engineer and, where applicable, the County Engineer. The minimum curb radius at intersections shall be twenty-five feet unless otherwise approved. The minimum angle of intersections shall be 75° (90° preferred), and this alignment shall not change for a minimum distance of 100 feet beyond the point of intersection of the centerlines. Intersection design shall be commensurate with the classification of streets.
- (5) Design load and vertical clearance. The design load for all structures shall be HS-20, and the minimum vertical clearance above all roadways shall be fourteen and one-half feet.

(b) Minimum Widths. The minimum width of the improved or traveled portion (face to face curb, where applicable) required shall be as follows:

Street Type	Minimum Width (in feet)
Primary street	48
Secondary streets	40
Collector streets	34
Rural street	24
Minor streets	30
Loop streets	26
Cul-de-sacs	26 with 80 foot minimum diameter at turn-around joined to pavement edge by a tangent radius of 65 feet
Alleys	18
Crosswalkways	6
Sidewalks, minimum	4 (a greater width may be required by the City Engineer)

(c) Pavement, Typical Section.

- (1) Surface and base. The surface and base of all streets and alleys shall be in accordance with the standard typical sections on file in the office of the City Engineer.
- (2) Curbing or curb and gutter. Curbing or curb and gutter shall be constructed on all streets, excluding alleys; however, on streets where adequate drainage can be provided without curbs or curb and gutter and where the minimum lot frontage is 150 feet or, where justified by Section 1115.06, the Commission may waive this requirement.

(d) Street Name or Number Signs. The developer shall pay to the City or, where applicable, the County the entire cost of constructing street name or number signs. This cost shall be paid before the final plat is approved.

(e) Streets for Commercial Subdivisions. Streets serving business developments and accessory parking areas shall be planned to connect with primary or secondary streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with primary, secondary or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets and shall be located not less than 100 feet from the intersection of a primary, secondary or collector street with any other street and shall be spaced not less than 200 feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

(f) Streets for Industrial Subdivisions. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with primary or secondary streets so that no industrial traffic shall be directed into any residential streets. The intersections of service streets from parking areas with primary, secondary or collector streets shall not be less than 100 feet from the intersection of the primary, secondary or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

(Ord. 39-81. Passed 10-7-81.)

- (g) (1) Sidewalks. Sidewalks shall be constructed along the entire frontage and sideyard adjacent to side streets. An occupancy certificate shall not be issued unless a sidewalk is constructed, unless construction thereof is waived, or the time for construction is extended, as hereinafter provided. In the event no waiver is granted, sidewalks shall be installed not later than four years after acceptance by Council of the plat pertaining to such property or within one year after eighty percent (80%) of the lots within the platted area have been issued occupancy permits, whichever is earlier. All sidewalks shall be of concrete and shall be five feet wide and four inches thick, except that sidewalks shall be six inches thick across driveways. All sidewalks shall be situated with the outside edge twelve inches from the street right-of-way line and shall be constructed in accordance with the standards, specifications and requirements established by the City Engineer and, where applicable, the County Engineer. The area between the top of the curb and the sidewalk, or property line where a sidewalk is not required, shall be fine graded with a slope of one-half inch per foot toward the curb. All drives shall be constructed to conform to the sidewalk or future sidewalk grade. (See Section 1115.03(a).

(Ord. 17-89. Passed 4-18-89; Ord. 58-03. Passed 6-3-03.)

- (2) Waiver. A waiver of the requirement as set forth in the preceding subsection (g)(1) hereof may be obtained pursuant to the following provisions:
- A. An application for a sidewalk waiver shall be submitted to and upon the form as provided by the Division of Engineering, which application must be accompanied by diagrams and a complete explanation of reasons for the waiver request.
 - B. Application shall be considered by Council and a determination shall be made by a majority thereof.
(Ord. 17-89. Passed 4-18-89.)
 - C. Factors to be considered in determining whether a waiver shall be granted shall include, but not be limited to, terrain, engineering difficulties, dimensions of lot, absence of adjacent sidewalks (only in areas platted before 1988 - "Platted," for this purpose, means that the lots and streets of an allotment plan have been approved by the Planning Commission and Director of Engineering, offered for dedication, accepted by Council for dedication and recorded in the office of the County Recorder as so dedicated and accepted), any unusual circumstances and any other matters which may be relevant to a determination of the application.
(Ord. 55-92. Passed 10-6-92.)
 - D. Council may grant either a complete waiver of the sidewalk requirement, may grant a temporary extension of time for compliance with the sidewalk requirement or may modify the construction specifications upon the recommendation of the Director of the Engineering Division.
(Ord. 17-89. Passed 4-18-89.)

(h) Crosswalkways. Crosswalkways shall conform to the requirements for sidewalks except for width, grade and alignment.
(Ord. 39-81. Passed 10-7-81.)

1115.03 PRIVATE DRIVES AND PARKING LOTS.

(a) Drives. Private drives on curbed or uncurbed streets servicing one or more multiple dwellings or commercial or industrial buildings shall be not less than twenty feet wide. All drive approaches onto dedicated curbed streets shall be paved from the edge of pavement to the back of the future sidewalk (one foot from the street property line) using one of the pavement typical sections listed below. The grade elevation at the back edge of the future sidewalk shall conform to the future sidewalk grade and the centerline of the drive shall make an angle of seventy to ninety degrees with the centerline of the street. Curb cutting and removal, etc., shall conform to the City standard drawings for same.

- (1) Five inches of 301 bituminous aggregate base on an approved subgrade with one inch of 404 asphaltic concrete surface course.
- (2) Six inches of 304 aggregate base on an approved subgrade with one and three-quarter inches of 402 asphaltic concrete intermediate course and one and one-quarter inches of 404 asphaltic concrete surface course.

- (3) Six inches of 452 unreinforced Portland cement concrete pavement on an approved subbase.
- (4) A typical section equal to the above as approved by the City Engineer and, where applicable, the County Engineer.

(b) Parking Lots. Parking lots of more than two vehicle capacity shall have a size, design and typical section approved by the City Engineer or, where applicable, the County Engineer. (Ord. 39-81. Passed 10-7-81.)

1115.04 WATER SYSTEM.

(a) Within the City. Water shall be provided from the City water system wherever reasonably possible, and waterlines, hydrants, valves and all other appurtenances shall be extended throughout the subdivision by the developer in accordance with plans submitted to and approved by the City Engineer in accordance with the City of Ashland Standard Specifications and Water Department Rules and Regulations. The maximum spacing for hydrants shall be 500 feet and valves shall be placed as directed by the City Engineer to adequately control and service the area. All waterlines shall have a minimum diameter of six inches; however, the pipe installed shall be of the size specified or approved by the City Engineer. If the specified or approved pipe size exceeds eight inches in diameter, the City may pay the difference between the cost of the larger size specified or approved and an eight inch diameter pipe. These costs shall be determined by the estimate of the City Engineer. The City may, at its option, furnish materials to satisfy its participation in the cost of the increased size of the waterlines and appurtenances. All building services shall be installed in accordance with the current Water Department Rules and Regulations. Where the City water system is not reasonably accessible, a private or individual system shall be developed for each lot in accordance with the requirements of the City County Health Department and the Ohio E.P.A., or where required by either of the above agencies or at the option of the subdivider, a group or community system shall be constructed.

(b) Outside of the City, but Within Three Miles Thereof. Subdivisions in this area shall develop a private or individual system for each lot in accordance with the regulations of the City-County Health Department and the Ohio E.P.A. Where required by either of the above agencies or at the option of the subdivider, a group or community system shall be constructed.
(Ord. 39-81. Passed 10-7-81.)

1115.05 SANITARY SEWERS.

(a) Within the City. Subdivisions shall, where the City sanitary sewer system is reasonably available as determined by the City Engineer, connect to and extend throughout the subdivision a complete sanitary sewer system in accordance with the Standard Drawing and Standard Specifications of the City of Ashland, all in accordance with accepted engineering practice and subject to the approval of the City Engineer. The maximum manhole spacing shall be 400 feet.

Where the City sanitary sewer system is not reasonably available, as determined by the City Engineer, the subdivider shall construct a private or individual system for each lot in accordance with the regulations of the City-County Health Department and the Ohio E.P.A. Where required by either of the above agencies or at the option of the subdivider, a group or community system shall be constructed. If a private, individual, group or community system is constructed, the subdivider and each subsequent lot owner shall agree in writing to pay the appropriate cost of and connect to and use the City sanitary sewer system immediately upon the availability of same as determined by the City Engineer.

Council shall approve each individual septic tank or community system prior to construction.

All sanitary sewers, mains, laterals, manholes and appurtenances shall conform to the City of Ashland Standard Drawings and Specifications. The minimum size lateral shall be four inches, unless otherwise specified by the City Engineer, and the main shall have a minimum diameter of eight inches. However, the pipe installed shall be of the size specified or approved by the City Engineer. If the specified or approved pipe size exceeds eight inches in diameter, the City may pay the difference between the cost of the larger size specified or approved and an eight inch diameter pipe. These costs shall be determined by the estimate of the City Engineer. The City may furnish materials to satisfy its participation in the increased cost of sanitary sewers and appurtenances.

(b) Outside of the City, but Within Three Miles Thereof. Subdivisions in this area shall develop a private or individual system for each lot in accordance with the requirements of the City-County Health Department and the Ohio E.P.A. Where required by either of the above agencies or at the option of the subdivider, a group or community system shall be constructed. All materials and workmanship shall conform to the Standard Drawings and Standard Specifications of the City of Ashland, Ohio. (Ord. 39-81. Passed 10-7-81.)

1115.06 STORM DRAINAGE AND GRADING.

(a) General. These standards, specifications and requirements shall serve to supplement Chapter 921 of the Codified Ordinances and the City of Ashland Standard Drawings and Standard Specifications, and all workmanship and materials shall conform to all of the above. All systems shall be designed and constructed in accordance with accepted engineering practice and shall incorporate stormwater management and control, including the conveyance of surface water to an adequate outlet which is capable of carrying the flow, all to the complete satisfaction of the City Engineer and, where applicable, the County Engineer. (See subsection (b) hereof for exceptions.) In addition, in the City within identified flood hazard areas, the subdivider is also subject to Chapter 1333.

(b) Scope and General Requirements. All subdividers or developers shall construct a complete storm sewer and drainage system to ensure complete drainage in and adjacent to the subdivision or development.

All subdividers or developers of areas ten acres or more in aggregate shall conform to all requirements of subsection (i) hereof, except that subdividers or developers of areas for which "preliminary plats" have been approved previously by the Planning Commission may request the Commission to waive or reduce any or all requirements. Where the Commission determines that conformation would pose an unusual hardship, it may waive or reduce the requirements after considering a recommendation by the City Engineer or, where applicable, the County Engineer. Within rights-of-way existing prior to subdivision or development, the City Engineer and, where applicable, the County Engineer may vary and waive these requirements.

(c) Drainage and Grading Plan.

- (1) Preliminary. A complete new or revised drainage and grading plan for the entire subdivision or development shall be submitted to and approved by the City Engineer and, where applicable, the County Engineer and the Commission prior to the submission of the preliminary plat. The plan shall show the general runoff pattern of the entire area to be improved, as well as the runoff pattern of adjacent areas which affect, or may be affected, by the proposed improved area. The plan shall also show flood boundaries and base flood elevation data determined by the National Flood Program adopted by the City and other appropriate subdivisions. Sufficient data shall be included for the City Engineer and, where applicable, the County Engineer to check and approve the feasibility of the drainage system and Stormwater Management and Control proposed by the developer.
- (2) Final. A final drainage and grading plan showing the entire drainage system and grading plan shall be submitted to the City Engineer and, where applicable, the County Engineer for final approval. The final drainage and grading plan shall conform to these regulations and to any special conditions that were required by the Commission in approving the preliminary plat. The final plan shall include engineering calculations used in determining the design of the drainage courses, the drainage structures, and stormwater runoff control structures and shall include the complete final stormwater management and control plan.

The following shall serve as a minimum requirement for plans and engineering calculations for the on-site drainage:

- A. The total tributary drainage areas entering the improved area;
- B. Times of concentration, intensity and runoff coefficients used for determining runoff;
- C. Discharge volume in cubic feet per second, velocity and additional data needed to establish that the drainage system shall convey the flow to the approved adequate outlet;
- D. The plan, profile and capacity of all drainage courses to where the system discharges into the adequate outlet;
- E. Size and type of all drainage improvements, including all drainage structures; and
- F. Sufficient contours and grading details to show that the proposed improvements shall function adequately.

All drainage construction plans shall be sealed with the stamp of a professional engineer registered in the State of Ohio as required by Ohio R.C. Chapter 4733. The drainage plan shall be submitted to and approved by the City Engineer and, where applicable, the County Engineer prior to the preparation of detailed construction plans for any portion of the drainage system.

Under no circumstances shall any storm drainage system, spouting drain or footer drain be allowed to empty into a sanitary sewer.

(d) Design Criteria and Specific Requirements.

- (1) Runoff Coefficients shall be determined in accordance with O.D.O.T. Location and Design Manual, and development of the drainage area for uses and purposes which the City Engineer and, where applicable, the County Engineer determine may be reasonably expected within the next fifty years, allowing for stormwater management and control where appropriate.
- (2) Design frequencies shall be as follows:

Description	Frequency (years)
Spacing and sizing of basins, inlets, laterals, branches and drive pipes	5
Longitudinal pipes, structures, mains and open ditches	10
Crossroad culverts, bridges and sump areas	50
Flood plain structures and areas where overflow or backup could cause property damage (See subsection (i) hereof for possible exceptions.)	100

- (3) Quantity and velocity of flow shall be calculated in accordance with O.D.O.T. Location and Design Manual.
- (4) All storm sewers shall be designed with hydraulic slopes sufficient to give a mean velocity when flowing full of not less than three feet per second based on value of $N = 0.015$ for sewers up to and including twenty-seven inches and $N = 0.013$ for sewers greater than twenty-seven inches. (Clay and concrete pipes.)
- (5) Where velocities in conduits exceed fifteen feet per second, special provisions shall be made to protect against erosion and displacement.
- (6) Pipe shall be of the size, kind and class to meet the loading requirement and shall conform to all other provisions of these Regulations.
- (7) No storm sewer shall be less than ten inches in diameter. Single family house spouting and footer drain connections shall be not less than four inches in diameter. Service connections from other sources shall be of adequate capacity as designed by the Engineer. The minimum grade for all such connections shall be one percent (1%), unless otherwise approved.
- (8) Storm sewers constructed within five feet, center-to-center of sanitary sewers, shall have premium joints, that is, meeting A.S.T.M. C433 or C425. This criteria shall apply to mains, as well as connections.
- (9) Storm manhole joints shall be of the same type as its incoming sewer, that is, premium joint sewer A.S.T.M. C443 or C425, hence premium joint manhole A.S.T.M. C443.

- (10) Manholes or catch basins shall be installed at all changes in grade, size and/or alignment. Radius pipe may be considered for use in changes of alignment of pipe of forty-eight inch diameter and larger.
- (11) Maximum spacing for manholes and catch basins shall be 400 feet, as measured horizontally along the centerline of the pipe.
- (12) The minimum cover for drainage pipes under pavement shall be twelve inches from the bottom of the pavement base to the crown of the pipe.
- (13) A maximum of 200 feet of open trench in advance of pipe laying shall be permitted, unless otherwise approved by the City Engineer and, where applicable, the County Engineer.
- (14) All drainage pipes shall be laid and maintained to the required lines and grades, as shown on the plans. Manholes and catch basins shall be installed with the main line, unless otherwise approved by the City Engineer and, where applicable, the County Engineer.
- (15) Where connections are to be made to existing sewers, the contractor shall make suitable provisions for handling flow in the existing sewer until the completion of the connection.
- (16) All drainage pipes laid by open cut methods under pavement or within two feet of the edge of pavement, shall be bedded and back filled with approved granular material and mechanically compacted.
- (17) Where a storm sewer system is being constructed within a roadway where curbs are installed, catch basins with curb inlets shall be required in accordance with the City of Ashland Specifications and Standard Drawings.
- (18) Where a storm sewer system is being constructed and there are no curbs being installed or the sewer system is being installed away from the roadway, there shall be an approved drainage swale over the storm sewer system draining to the inlet basin. All such inlet basins shall be spaced as specified in these regulations and of a type approved by the City Engineer and, where applicable, the County Engineer.

(e) Subsurface Drainage. Adequate facilities shall be constructed to control the flow of ground water to the complete satisfaction of the City Engineer and, where applicable, the County Engineer.

(f) Open Ditches. Ditches shall have a minimum slope of one percent (1%) and shall have a minimum depth of one and one-half feet and a minimum bottom width of two feet. Adequate channel protection shall be provided to accommodate the estimated velocities in accordance with these regulations and O.D.O.T. Location and Design Manual.

(g) Building Drainage. All building roof drainage and building subsurface drainage shall be conducted in closed conduits to a storm sewer or other approved natural outlet. The conduit shall conform to specifications for A.S.T.M. 3033 (SDR-35) or approved equal and shall be sized in accordance with the following table:

SIZE OF HORIZONTAL STORM DRAINS			
Diameter of Drain	Maximum Projected Roof Area For Drains of Various Slopes		
	1/8 Inch Slope (sq. ft.)	1/4 Inch Slope (sq. ft.)	1/2 Inch Slope (sq. ft.)
3	822	1,160	1,644
4	1,880	2,650	3,760
5	3,340	4,720	6,680
6	5,350	7,550	10,700
8	11,500	16,300	23,000
10	20,700	29,200	41,400
12	33,300	47,000	66,600
15	59,500	84,000	119,000

An approved clean-out shall be installed at the end of all lines within the right of way and at intervals of 400 feet or less.

Collector lines within the street right of way shall have a minimum inside diameter of six inches. (See subsection (i) hereof for possible exceptions.)

(h) Drainage Easements and Rights of Way. Where ditches, storm sewers or other drainage structures exist or are constructed outside of the dedicated street right of way, written easements of sufficient width, but not less than twenty feet wide, shall be provided to the applicable City, Township or County to ensure proper maintenance and reconstruction.

Where structures are situated essentially within a street right of way, but additional right of way is required to accommodate the structure or provide for proper maintenance, repair, or reconstruction, additional right of way shall be dedicated.

When it is required of the developer to convey surface water outside the limits of the proposed improved area in order to discharge into an approved adequate outlet, it shall be the responsibility of the developer to obtain easements and/or right of way for construction and/or maintenance of such drainage course.

All drainage easements shall be shown on the plat and construction plans. The written drainage easements shall be recorded for public use forever.

(i) Stormwater Management and Control. Stormwater Management and Control for the entire project shall ensure that the peak rate of runoff from the area after development shall not exceed the peak rate of runoff from the same area before development for all storms from a one year to a 100 year frequency, twenty-four hour storm.

- (1) The designer shall first determine the total volume of runoff from a one year frequency, twenty-four hour storm, occurring on the area before and after development.
- (2) Next, the designer shall determine the percent increase in volume of runoff due to development, and using this percentage, pick the critical storm from the following table:

Table 1

If the percentage of increase in volume of runoff is:		
Equal to or greater than:	And less than:	The critical storm for discharge limitation shall be: (years)
–	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	–	100

- (3) The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area shall not exceed the peak rate of runoff from a one year frequency, twenty-four hour storm occurring on the same area under pre-development conditions. Storms of less frequent occurrence (longer return periods) than the critical storm up to the 100 year storm shall have peak runoff rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. As an example, if the total volume of runoff is shown to be increased by fifty-eight percent (58%), the critical storm is a ten year storm. The peak rate of runoff for the one, two, five and ten year storms shall be controlled so as not to exceed the peak rate of runoff from a one year frequency storm on the area under pre-development conditions. The runoff from the twenty-five, fifty and 100 year storms need only be controlled to the peak rate of runoff from equivalent size storms under pre-development conditions.
- (4) Storage volume does not have to be provided for runoff from off-site upstream areas. Upstream runoff waters should be conveyed through the site in accordance with current runoff conditions.
- (5) The following and other approved means may be employed to accomplish the desired Stormwater management and control:
- A. Construction of on-site and off-site retention basins or detention basins with restricted outlets or pumps. These basins should, where possible, be constructed to provide for multiple purposes including stormwater control, sedimentation control, fire protection, aesthetics and recreation facilities;
 - B. Construction of surface storage basins such as backyard and roadway drainage ditches, parking lots, rooftops, etc., with restricted outlets;
 - C. Construction of subsurface storage structures such as oversized drainage pipes, subbasements, etc;

- D. Direct discharge of roof drainage to lawn areas where the flow can be adequately accommodated by an orderly and comprehensive stormwater management program;
 - E. Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, or grass and rock-lined drainage channels;
 - F. Grading and use of grade control structures to provide a level of control in flow paths and stream gradients;
 - G. Induced infiltration of increased stormwater runoff into the soil where practical; for example, constructing special infiltration areas where veils are suitable, retaining topsoil for all areas to be vegetated or providing good infiltration areas with proper emergency overflow facilities;
 - H. On-stream retention basins with gravity operation of regulated outlets;
 - I. Side-stream retention basins with gravity operation by regulated outlets or pumped return;
 - J. Large retention basins with permanent recreation basins either on stream or side-stream with gravity operation by regulated outlets or pumped return with or without drainage area diversion;
 - K. Stream flow regulation and/or control devices, backwater retention weirs, etc;
- (6) The purpose of these required procedures is to:
- A. Permit development without increasing the flooding of other lands;
 - B. Minimize damage to receiving streams caused by accelerated runoff;
 - C. Provide a basis for design of storm drainage systems or lands above or below undeveloped areas which shall preserve the rights and options of both contributing and receiving property owners and assure the long-term adequacy of storm drainage systems; and
 - D. Eliminate the need for oversizing storm drainage facilities in anticipation of what may be developed upstream in the future.
- (7) A final stormwater management and control plan shall be submitted to the City Engineer and, where applicable, the County Engineer for final approval. Before the final plan is completed, it is encouraged that the design engineer consult the appropriate Engineers so that the plan can be developed in accordance with currently accepted policy and criteria. The final plan shall include all the engineering data required in subsection (a) through (i)(6) hereof, and shall also include:
- A. The predevelopment rate of runoff and intensity for the various rainfall frequencies used in the analysis;
 - B. The hydrologic data of the tributary area, including time of concentration, intensity and runoff coefficients;
 - C. The location of the proposed retention or detention facility in relation to the tributary area;
 - D. The inflow hydrographs for the tributary area prior to development for the various rainfall frequencies used in the analysis outlined herein;

- E. The critical storm hydrograph based on the criteria outlined herein;
 - F. The storm hydrographs of the less frequent occurrences to check peak runoff rates;
 - G. The maximum permitted release rate from the retention or detention facility, that is the outflow hydrograph;
 - H. The storage volume required for the retention or detention facility;
 - I. The design of a spillway or other means for release of stored water and for bypassing excess flows of exceedingly rare rainfalls that cannot be accommodated by the storage facility;
 - J. Provide method for complete and timely drainage of stored runoff by provision of sufficient basin slope, adequate pumping facilities and/or alternate release mechanisms for stored runoff without causing secondary problems;
 - K. Types of facility for retention or detention such as rooftop, parking lot, park pond, etc; and
 - L. Safety precautions which shall include fencing, guard railing, maximum side slopes, vegetation and control.
- (8) The appropriate County, Township or City shall assume responsibility for permanent maintenance of the major structures and facilities designed to control and manage stormwater runoff. The maintenance of minor detention areas, generally grassed areas which are portions of individual lots, shall be the responsibility of individual owners. Special covenants shall be written into the title of individual lots so that the owners are aware that portions of their property shall be used for temporary water storage.
- (9) Ownership and/or easements for the purpose of maintenance shall be granted to the appropriate governmental subdivision for access to all major stormwater control structures and facilities for which the subdivision is assuming permanent maintenance responsibility.
- (10) Financing of the permanent maintenance of the major stormwater control structures and facilities shall be handled through a "perpetual maintenance agreement" whereby all *benefitting property owners in the drainage area shall be assessed their proportionate share of the maintenance costs. These assessments shall be certified in accordance with appropriate sections of the Ohio Revised Code. (Ord. 39-81. Passed 10-7-81.)

1115.07 EROSION AND SEDIMENTATION CONTROL.

(a) Purpose. This section is specifically intended to be used in conjunction with Section 1115.06 to regulate and control earth-disturbing activities to minimize erosion and sedimentation.

(b) Scope. These regulations shall apply to earth-disturbing activities on areas designated below which are within the jurisdiction of the City, unless otherwise excluded herein:

*Legal definition.

- (1) Land used or being developed for commercial, industrial or residential purposes. This includes nonfarm commercial, industrial or residential land in rural areas;
- (2) Land used or being developed for streets, roads, highways, railroads, airports, other transportation facilities and utilities and associated areas; and
- (3) Land used or being developed for private or public recreation, wildlife or natural purposes. This includes agricultural land converted or being converted to such uses.
- (4) Exceptions. The scope does not include:
 - A. Those areas managed jointly as farming or silvicultural operations and for other activities such as a campground in a commercial forest or recreational trails on a farm;
 - B. Strip mining operations regulated by Ohio R.C. Chapter 1513; or
 - C. Surface mining operations regulated by Ohio R.C. Chapter 1514.

(c) General Requirement. No person owning or responsible for a development area shall cause or allow earth-disturbing activities except in compliance with the standards and criteria enumerated herein.

- (1) When a proposed development area involves less than ten acres, all earth-disturbing activities shall be subjected to surveillance and site investigation by the approving agent to determine compliance with the standards and regulations.
- (2) When a proposed development area involves more than ten acres, the responsible person shall develop and obtain approval of a sediment control plan prior to any earth-disturbing activity. Such a plan shall include specific requirements established by the approving agency and be filed with the approving agency. Exception: A statement of policy for sediment control (a continuing narrative plan) in conjunction with standard type operations, such as the installation of transmission lines by utility companies or road and highway construction or maintenance and stream channel improvement or maintenance by public entities or agencies, may be approved by the approving agency in lieu of a specific plan for each development.

(d) Standards and Criteria.

- (1) Sheet and rill erosion. To control pollution of public waters by soil sediment from accelerated sheet and rill erosion on development areas, the owners or person responsible for the development area shall:
 - A. Construct and maintain sediment basins sized in accordance with the current United States Soil Conservation Service handbook, "Water Management and Sediment Control for Urbanizing Areas", and these Subdivision Regulations;

- B. Apply and maintain a level of management and conservation practices such that the predicted average annual soil loss, accumulative monthly in accordance with the procedure in the current United States Soil Conservation Service handbook is less than fifteen tons per acre the first year, commencing from the time of initial earth disturbance, ten tons per acre the second year and five tons per acre for any other year of the development process. The management and conservation practices shall be designed, applied and maintained so that the entire development area, and any part thereof, is protected from accelerated erosion in accordance with the stated criteria; or
 - C. Use other methods to control sediment pollution including, but not limited to, a combination of subsections (d)(1)A. and B. hereof, provided those methods are acceptable to the approving agency.
- (2) Concentrated water erosion. To control pollution of public waters by soil sediment from accelerated erosion in drainageways and grassed waterways and in streams and ditches disturbed or modified in conjunction with the development process, the owner or person responsible for the development area shall:
- A. Design, construct and maintain concentrated water flow channels such that the velocity of flow does not exceed the permissible velocities listed in the ODOT Location and Design Manual.
 - B. Design, construct and maintain sediment basins sized in accordance with the current United States Soil Conservation Service handbook; or
 - C. Use other methods to control sediment pollution including, but not limited to, a combination of subsections (d)(2)A. and B. hereof, provided those methods are acceptable to the approving agency.
- (3) Sloughing, landsliding and dumping. To control sediment pollution of public waters caused by sloughing, landsliding or dumping of earth material, or placing of earth material into such proximity that it may readily slough, slide or erode into public waters by natural forces, no person shall: A. Cause such sediment pollution unless such dumping or placing is authorized by the approving agency for such purposes as, but not limited to, constructing bridges, culverts, erosion control structures and other instream or channel bank improvement works; or
- B. Grade, excavate, fill or impose a load upon any soil or slope known to be prone to slipping or landsliding, thereby causing it to become unstable, unless qualified engineering assistance has been employed to explore the stability problems and make recommendations to correct, eliminate or adequately address the problems. Grading, excavating, filling or construction on development areas of ten acres or more shall commence only after the approving agency has reviewed and approved the exploratory work and recommendations. Development areas of less than ten acres shall not be exempt, however, from other provisions of this section.

- (4) Stream channel and flood plain erosion. To control pollution of public and private waters by soil sediment from accelerated stream channel erosion and flood plain erosion caused by stormwater runoff from development areas, the requirements of this section shall be applied in conjunction with the requirements of Section 1115.06 (i).
- (5) Maintenance. The maintenance requirements are the same as listed in Section 1115.06 (i) (8) to (10).

(e) Erosion and Sedimentation Plan. In compliance with this section, a plan of a proposed development area, with maps drawn to an appropriate scale, shall contain the following information to set forth how the standards and criteria established by subsection (d) hereof shall be met. (Although many required items are contained on the erosion and sedimentation plan described in Section 1115.06, a separate plan is required.)

- (1) Location of the area and its relation to its general surroundings including, but not limited to:
 - A. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff; and
 - B. Off-site areas affecting potential accelerated runoff and erosion control.
- (2) Existing topography of the development area and adjacent land within approximately 100 feet of the boundaries. A topographic map should contain an appropriate contour interval to clearly portray the conformation and drainage pattern of the area.
- (3) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas such as streets, roads, driveways, sidewalks, etc. and other significant natural or manmade features on the development area and adjacent land within approximately 100 feet of the boundaries.
- (4) A general description of the predominant soil types, their location and their limitations for the proposed use.
- (5) Proposed use of the development area, including present development and ultimate utilization with detail on soil cover, both vegetative and impervious.
- (6) All proposed earth disturbance including:
 - A. Areas of excavation, grading and filling;
 - B. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
 - C. Kinds of utilities and proposed areas of installation;
 - D. Proposed paved and covered areas in square feet or to scale on a plan map.
 - E. Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement. Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc; and
 - F. Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: lawn turfgrass, shrubbery, trees, forest cover, rip-rap, mulch, etc.

- (7) Provisions for temporary and permanent erosion control.
- (8) Provisions for the management of stormwater, including the control of accelerated runoff, to a stable receiving outlet.
- (9) Provisions for maintenance of control facilities, including easements to insure short, as well as long term, erosion and sediment pollution control and stormwater management.
- (10) Proposed construction sequence and time schedule for all earth-disturbing activities and installation of provisions for erosion and stormwater management.
- (11) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance.
- (12) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (13) Permitted maximum velocities for waterways and stream channels shall meet the requirements of Section 1115.06 (f).
- (14) Estimate of cost of erosion and sediment control and water management structures and features.
- (15) Title, scale, direction, legend and date of all plan maps.
- (16) Name (s) and address(es) of the person(s) preparing the plan, the owner and the person responsible for the development area.
- (17) Certification that all earth disturbance, construction and development shall be done pursuant to the plan.
- (18) The approving agency may either waive specific requirements for plan detail or require additional information, if needed, to show that the work shall conform to the basic requirements of this regulation.

(f) Plan Review, Approval and Alteration. The plan and appurtenant information shall be thoroughly reviewed by the Ashland County Soil and Water Conservation District, the City Engineer and, where applicable, the County Engineer, and approval or disapproval shall include the plan deficiencies and the provision for filing and revised plan. Earth-disturbing activities shall not commence until approval is given.
(Ord. 39-81. Passed 10-7-81.)

1115.08 DAMS, PONDS, BASINS, GAS WELLS, GUARDRAILS, SEEDING, ETC.

(a) Dams, Ponds, Retention Basins and Detention Basins. Proposed dams, ponds, retention basins and detention basins which are to be a part of the subdivision shall have plans submitted to the City Engineer or, where applicable, the County Engineer for approval. Structures which fall within the jurisdiction of Ohio R.C. 1521.06 shall also be submitted by the developer to the State of Ohio, Department of Natural Resources, Division of Water, for approval. These structures are encouraged within subdivisions for use for fire protection, stormwater control, sedimentation control, fire protection, aesthetics and recreation facilities.

(b) Gas Wells. All existing abandoned gas wells shall be located and satisfactorily plugged.

(c) Guardrails, Seeding, Etc. The necessary guardrails, seeding and other special construction features shall be determined with the assistance of the City Engineer or, where applicable, the County Engineer.
(Ord. 39-81. Passed 10-7-81.)

1115.09 UTILITIES.

(a) Underground Installation Required. All utilities shall be installed underground in the street right of way or within easements outside of the street right of way before the construction of the street pavement. This requirement may be waived by the Planning Commission.

(b) Street Lighting. All street lighting shall be provided by private post lamps with a minimum of a one hundred watt white bulb on a post at least five feet above pavement level, situated outside of, but within twenty feet of, the street right-of-way line. Underground power shall be provided to each such lamp and all lamps shall be energized via an approved photoelectric switch. These lamps shall be installed and operating before an occupancy permit will be granted on all newly developed lots. All post lamps shall be adequately maintained so as to ensure satisfactory operation at all times; however, an infrequent maximum period of thirty days outage shall be permitted for maintenance purposes. The City recommends that these requirements be included in the deeds for new developed lots. These requirements do not apply when subsection (a) hereof is waived.

All streets which are intended to be dedicated to the City shall also have a base level of street lighting at intersections which shall be furnished and installed at the expense of the developer. All intersection street lighting equipment shall conform to the Ohio Edison Company's most current streetlighting material/equipment specifications and construction standards.

The following criteria represents the base level of intersection lighting required:

Minium size of luminaire	9500 lumens
Intensity (avg.)	1.0 - 1.2 foot candles
Uniformity (avg./min.) (max./min.)	4:1 - 3.1 < 10:1

Upon dedication of the street, the City shall assume responsibility for operation and maintenance of the street lighting system within the street right of way.
(Ord. 2-01. Passed 1-2-01.)

1115.10 OVER-SIZE AND OFF-SITE.

The utilities, pavements and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer or, where applicable, the County Engineer.
(Ord 39-81. Passed 10-7-81.)

1115.11 EXTENSIONS TO BOUNDARIES.

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Planning Commission. (Ord. 39-81. Passed 10-7-81.)

1115.12 OFF-SITE EXTENSION.

If streets or utilities are not available at the boundary of a proposed subdivision, and if the City Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights of way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

(Ord. 39-81. Passed 10-7-81.)

1115.13 FINAL INSPECTION.

Upon completion of all the improvements, the subdivider shall request in writing a final inspection by the City Engineer or, where applicable, the County Engineer, as required under Ohio R.C. 711.091.

(Ord 39-81. Passed 10-7-81.)

1115.14 BONDS.

(a) Construction Performance Bond. In lieu of the completion of the improvements as required, prior to the approval of the dedication plat by Council or, where applicable, the County Commissioners, the developer shall deposit a construction performance bond executed by a surety or sureties, satisfactory to the appropriate fiscal officers of the City or County, or a certified check guaranteeing the completion of the unfinished improvements within one year or a reasonable period of time, as fixed by the Planning Commission. This bond or check shall be deposited with such fiscal officers and shall be in an amount equal to the total cost of completing the improvements, as estimated by the City Engineer or, where applicable, the County Engineer. If not completed as agreed upon, the bond shall be forfeited. The money collected from the bond shall be used for no other purpose. Any funds remaining after completion of the work shall be returned to the original depositor or surety company.

(b) Maintenance Bond or Cash Deposit. A maintenance bond executed by a surety or sureties, satisfactory to the appropriate fiscal officers of the City or County, in the amount of ten percent (10%) of the estimated cost of improvements and for a period of one year after satisfactory completion of such improvements shall be submitted to and accepted by the appropriate fiscal officers prior to acceptance of improvements or the release of the performance bond. Cash in the amount of five percent (5%) of such estimated cost of improvements may be deposited in lieu of the maintenance bond. This bond shall be released at the termination of such maintenance period, subject to the final inspection and approval of the improvements by the City Engineer or, where applicable, the County Engineer.

(Ord. 39-81. Passed 10-7-81.)

1115.15 FEES.

(a) Inspection Fee. The developer shall pay to the City or, where applicable, the County a reasonable fee, as may be prescribed by the Engineering Division thereof, to defray the cost of any inspection and whatever engineering services may be involved in the installation of the improvements. These payments shall be made in advance, based upon the estimate of the appropriate engineer.

(b) Filing Fee.

- (1) The developer of subdivisions with a plat required shall pay a filing fee at the time of submitting a final plat. The amount of such fee shall be determined from the following schedule:

<u>Number of Lots, Dwelling Units, Building Sites or Trailer Sites in Plat</u>	<u>Amount of Fee</u>
1 - 5	\$ 40.00
6 - 10	50.00
11 - 15	60.00
16 - 20	70.00
21 - 25	80.00
26 - 30	90.00
31 - 35	100.00
36 and over	100.00 plus \$1.00 for each lot or site in excess of 35

- (2) The filing fee shall be legal tender or certified check or money order made payable to the City of Ashland and deposited with the City Engineer. The fee shall be payable to the City, regardless of the location of the subdivision. (See subsection (b)(4) hereof for exception.)
- (3) In the event that a plat is disapproved by the City Planning Commission before any physical inspection of the site has been made, the Commission may at its discretion order that all, or a portion of, the fee be returned to the developer.
- (4) The filing fee for a division of land for which a plat is not required, in accordance with Section 1111.06 (c), shall be ten dollars (\$10.00) for each new lot or parcel and shall be deposited at the office of the appropriate Planning Commission (City or Regional).
(Ord. 39-81. Passed 10-7-81.)

1115.16 PREPARATION AND APPROVAL OF PLANS AND PLATS.(a) Qualifications Size and Material.

- (1) All plans for improvements shall be prepared by a registered professional engineer and stamped by him.
- (2) All plats shall be prepared by a registered professional surveyor and stamped by him. All surveying shall conform to the standards adopted by the Ashland County Engineer.
- (3) Size and material.
A. Construction Plans. All "construction plans", except cross-section sheets, shall be fifty scale (1" = 50') or larger on sheets twenty- four by thirty-six inches of India ink on linen or Milar. Cross-section sheets may be penciled on paper of the same size.

- B. Grading and Drainage Plan.
 - 1. Preliminary grading and drainage plans shall be of approved appropriate scale on sheets not larger than thirty-six by thirty-six inches of pencil on paper.
 - 2. Final grading and drainage plans shall be of approved appropriate scale on sheets not larger than thirty-six inches by thirty-six inches of India ink on linen or Milar.
 - C. Erosion and Sedimentation Control Plan. The erosion and sedimentation plans shall be of approved appropriate scale on sheets not larger than thirty-six inches by thirty-six inches of pencil on paper.
 - D. Plats shall be 100 scale (1" = 100') or larger of India ink on linen or Milar eighteen inches by twenty-four inches.
- (4) Reproduced Milar tracings may be furnished in lieu of India ink on linen or Milar in all cases.
- (b) Submittal (In Triplicate).
- (1) Preliminary. All preliminary planning and design information shall be submitted to the agencies having jurisdiction at least thirty days in advance of submission of the preliminary plat to the Planning Commission.
 - (2) Final. All completed final planning and design information shall be submitted to the agencies having jurisdiction at least thirty days in advance of submission of the final plat to the Commission.
- (c) Approval. All plans and plats submitted to the City Engineer or, where applicable, the County Engineer for review and approval shall be reviewed and approved or disapproved within thirty days of submission.
- (d) Official Jurisdiction. Official jurisdiction involving approval of plans, tests and inspection shall be upon request and submission by the developer in accordance with the following:

OFFICIAL JURISDICTION (INVOLVING APPROVAL OF PLANS, TESTS, INSPECTIONS AND INSTALLATION)		
TYPE OF IMPROVEMENT	WITHIN THE CITY	UNINCORPORATED AREA WITHIN 3 MILES OF THE CITY
STREET IMPROVEMENTS (Grading, paving, sidewalks, bridges, etc.)	City Engineer	County Engineer after consultation with City Engineer
STORM DRAINAGE, GRADING, EROSION AND SEDIMENTATION CONTROL	*City Engineer	*County Engineer after consultation with City Engineer
WATER SUPPLY Public system	City Engineer	O.E.P.A. and County Engineer after consultation with City Engineer
Community system	City Engineer	O.E.P.A. and County Engineer after consultation with City Engineer
Private wells	City-County Board of Health and registration with City Water Dept.	City-County Board of Health
SANITARY SEWAGE Public system	City Engineer	County Engineer after consultation with City Engineer
Community system	City Engineer	County Engineer after consultation with City Engineer
Private septic tanks	City Engineer, Council and City- County Board of Health	City-County Board of Health and County Engineer after consultation with City Engineer
GAS, ELECTRIC, TELEPHONE, CABLE TV, ETC.	Appropriate Utility Company and City Engineer	Appropriate Utility Company and County Engineer
STREET SIGNS AND MONUMENTS	City Engineer	County Engineer

* Approval by Ashland County Soil and Water Conservation District is also required.
(See Section 1115.07(f).)

(Ord. 39-81. Passed 10-7-81.)

1115.17 SUBDIVIDER'S COSTS.

The subdivider shall pay all costs for recording, engineering, design, surveying, layout, materials, labor and inspection of all improvements, except as otherwise noted in this chapter. (Ord 39-81. Passed 10-7-81.)

1115.18 TREE PLANTING REQUIREMENTS FOR NEW DEVELOPMENTS.

(a) Plan Required. Each proposed development shall include a plan for shade trees and landscaping in conformity with the following guidelines:

- (1) There shall be not less than one tree per fifty feet of frontage on any public street of any residential, commercial or industrial development and such trees shall be planted such as to enhance the frontage of the development.
- (2) Trees shall be a minimum of ten feet high and a minimum diameter at ground level of one and three-fourths inches.
- (3) The owner of landscaping approved and required shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance free from refuse and debris. The owners shall make provision for the adequate watering of live plant material.
- (4) Trees in a commercial or industrial area shall be located in such manner as to divide and break up the expanse of pavement and shall be distributed upon the area so as to enhance the appearance of the structure and/or area.
- (5) In all proposed commercial and industrial developments, there shall not be less than two trees for up to ten parking spaces required; not less than three trees for up to the next twenty parking spaces; and not less than two trees for up to each twenty additional parking spaces. Tree plantings required by this subsection are to be in addition to those required under subsection (a)(1) hereof.
- (6) All trees planted shall be from the approved tree list of the Ashland Tree Commission.
- (7) To enable the developer to complete his excavation and work procedures without damage to the trees, if installation of plantings is not completed in a planting season, the landscaping must be installed during the next planting season.

(b) Approval of Plans and Appeals.

- (1) All plans required by this section shall be approved by the Planning Commission and shall be submitted to the Tree Commission and the Engineering Division for review at least thirty days prior to submission of the plan to the Planning Commission.
- (2) Appeals may be taken to and before the Tree Commission by any person aggrieved by filing a notice of appeal within sixty days after his plan has been rejected and specifying the grounds thereof. The Tree Commission shall fix a time not to exceed sixty days from the date of appeal for the hearing of the appeal or other matters referred to it, and shall give notice of such hearing. A decision of the Tree Commission on the appeal shall be reached within thirty days. Upon the hearing, any party may appeal in person or agent or by attorney. The Tree Commission may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed from and shall make such recommendation as in its opinion ought to be made.

(c) Penalty. Whoever violates any of the provisions of the Tree Planting Code shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The owner of any premises or part thereof, where anything in violation of this Tree Planting Code is placed or exists, and any architect, builder, contractor or agent or person employed in connection therewith and who may have assisted in the commission of such offense, shall be guilty of a separate offense.

(Ord. 14-89. Passed 4-18-89.)

CHAPTER 1116
Sketch

1116.01 Filing.

1116.02 Contents required.

1116.03 Key Map.

1116.04 Approval.

1116.01 FILING.

(a) Number of Copies. Seven copies of the sketch shall be submitted to the City Planning Commission along with the standard application form.

(b) Where and When to File. These copies shall be officially filed with the Secretary of the Commission or his authorized agent at least five days prior to a regular meeting in order to receive consideration thereof at that meeting.

(c) Who Shall File. A sketch shall be prepared and filed for all subdivisions and all residential, commercial and industrial development of land involving more than one main building or building site.
(Ord. 39-81. Passed 10-7-81.)

1116.02 CONTENTS REQUIRED.

The sketch shall contain the following:

(a) Identification and Description.

- (1) Proposed name of subdivision;
- (2) The sketch shall be a rough sketch which may be drawn freehand, in pencil;
- (3) Names and addresses of owner, developer and registered surveyor and registered engineer that shall be used;
- (4) Approximate scale of sketch (not more than one inch equals 500 feet);
- (5) Date; and
- (6) North point.

(b) Delineation of Existing Conditions.

- (1) Boundary line of the entire proposed subdivision, when completed, by solid heavy lines and the total approximate acreage encompassed thereby;
- (2) Location and names of existing or prior platted streets or other public ways, railroad and utility rights of way, parks, or other open spaces, permanent buildings and structures, and section and corporation lines within, or adjacent to, the subdivision;

- (3) Existing sewers, water mains, culverts or other underground facilities within, or adjacent to, the subdivision;
 - (4) Boundary lines of adjacent properties and the names of owners of undeveloped properties; and
 - (5) Existing and proposed zoning of the subdivision.
- (c) Delineating of Proposed Conditions. The approximate layout of proposed streets and lots for the entire subdivision.
(Ord. 39-81. Passed 10-7-81.)

1116.03 KEY MAP.

A print of the appropriate tax map, City map or the equivalent, at a scale of not more than one inch equals 500 feet, with the boundaries of the entire property proposed to be eventually subdivided indicated thereon, and covering the area with a half-mile radius thereof. This key map shall be attached to all copies of the sketch, or the sketch may be superimposed upon the key map. (Ord. 39-81. Passed 10-7-81.)

1116.04 APPROVAL.

The Planning Commission shall consider the sketch at their regular meeting and give tentative approval of the sketch subject to all necessary details being satisfactorily resolved.

If the Commission desires to visit the site or to further consider the sketch for any reason, ample time shall be permitted for them to do so and to consider the plan again at a subsequent meeting held approximately one month later. In considering the sketch, the Commission may suggest other layouts which it considers to be superior to those suggested on the sketch or in the best interest of the general public.
(Ord. 39-81. Passed 10-7-81.)

**CHAPTER 1117
Preliminary Plat**

1117.01 Filing.	1117.04 Approval.
1117.02 Contents required.	1117.05 Submission to Director of ODOT.
1117.03 Key Map.	

CROSS REFERENCES
Plats required - see CHTR. 98
Final plat - see P. & Z. Ch. 1119
Plat rejection - see P. & Z. Ch. 1121

1117.01 FILING.

(a) Number of Copies. Ten prints of a preliminary plat of the proposed subdivision, together with the application for tentative approval (see Appendix "B"), shall be submitted to the Planning Commission.

(b) Where and When to File. These prints shall be officially filed with the Secretary of the Commission at least five days prior to the regular meeting of the Commission in order to receive consideration thereon at that meeting.

(c) Who Shall File. A preliminary plat shall be prepared and filed for all residential, commercial and industrial allotments, subdivisions or developments involving more than one main building or building site on a property.
(Ord. 39-81. Passed 10-7-81.)

1117.02 CONTENTS REQUIRED.

The preliminary plat shall contain the following:

- (a) Identification and Description.
- (1) Proposed name of the subdivision;
 - (2) Location by section, town and range, and City or Township, or by other legal description;
 - (3) Names and addresses of owner, developer and registered surveyor who prepared the plat, and registered engineer who designed the improvements,
 - (4) Scale of plat, one inch to not more than 100 feet;
 - (5) Date; and
 - (6) North point.

- (b) Delineation of Existing Conditions.
- (1) Boundary line of the proposed subdivision by solid heavy lines and the total approximate acreage encompassed thereby;
 - (2) Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures, and section and corporation lines within, or adjacent to, the tract;
 - (3) Existing sewers, water mains, culverts or other underground facilities within, or adjacent to, the tract indicating pipe size, grades and exact location, as obtained from public records;
 - (4) Boundary lines of adjacent tracts of unsubdivided lands with the names of the owners thereof, and boundary lines of adjacent subdivided lands shall be shown, but the names of the owners shall not be required;
 - (5) The zoning classification of the proposed subdivision and of adjacent tracts;
 - (6) Contours of five foot intervals, as obtained from U.S.G.S. maps, or its equivalent, and other land features; and
 - (7) Flood plains.
- (c) Delineation of Proposed Conditions.
- (1) Layout of streets, their names, right -of-way and pavement widths, and also the widths of alleys, crosswalkways and easements;
 - (2) Layout, numbers and approximate dimensions of lots;
 - (3) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside by deed covenant for use of all property owners in the subdivisions;
 - (4) Building setback lines with dimensions for all proposed buildings or sites and all yard dimensions, including distances between buildings for properties containing more than one main building or building site on a property being developed under single ownership; and
 - (5) A preliminary plat for a subdivision which is intended to be platted and developed in sections shall be for the entire total subdivision. This preliminary plat may, however, be revised from time to time, subject to the approval of the Planning Commission.
- (d) Attendant Items.
- (1) Certification of approval of all applicable public agencies (see Section 1111.11);
 - (2) Description of proposed zoning changes, if any;
 - (3) Statement of proposed use of lots, giving number and type of dwelling, business or industrial units;
 - (4) Location and approximate dimensions of all existing buildings;
 - (5) For commercial and industrial development, the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development; and
 - (6) Description of proposed covenants and restrictions.
(Ord. 39-81. Passed 10-7-81.)

1117.03 KEY MAP.

The key map shall accompany each preliminary plat and shall be a print of the appropriate tax map, the City map, or the equivalent at a scale of not more than one inch equals 500 feet, with the boundaries of the entire property proposed to be eventually subdivided indicated thereon and covering the area with a half-mile radius thereof. (Ord. 39-81. Passed 10-7-81.)

1117.04 APPROVAL.

The following qualifications shall govern approval of the preliminary plat:

- (a) Approval is Tentative. The approval of a preliminary plat by the Planning Commission is tentative, involving the acceptability of the layout as submitted.
- (b) Changes and Revisions. The Commission on further evidence may introduce such changes or revisions as are deemed necessary to the interest and needs of the community.
- (c) Engineering Details, Etc. If improvement plans are prepared by the owner, realtor, developer, promoter, allotter or any other unofficial person, the engineering details and standards of the streets, sewer and water system, and other proposed public facilities are subject to such modification as the City or County engineering officials may deem necessary to the public interest or maintenance of established standards.
- (d) Effective for Twelve Months. Tentative approval shall be effective for a maximum period of twelve months unless within that time and upon the application of the developer the Commission grants an extension. (Ord. 39-81. Passed 10-7-81.)

1117.05 SUBMISSION TO DIRECTOR OF ODOT.

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director, of any land within a radius of 500 feet from the point of intersection of such centerline with any public road or highway, the Planning Commission shall give notice by registered or certified mail to the Director. The Commission shall not approve the plat for 120 days from the date the notice is received by the Director. If the Director notifies the Commission that acquisition at this time is not in the public interest or, upon the expiration of the 120 day period or any extension thereof agreed upon by the Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat. (Ord. 39-81. Passed 10-7-81.)

CHAPTER 1118
Trees, Landscaping and Land Use

<p>1118.01 Intent.</p> <p>1118.02 Scope of application; compliance necessary for site plat or plat approval.</p> <p>1118.03 Landscaping requirements in areas zoned as residential.</p> <p>1118.04 Landscaping requirements in areas zoned for special uses.</p>	<p>1118.05 Landscaping requirements for areas zoned as commercial.</p> <p>1118.06 Landscaping requirements for areas zoned as industrial.</p> <p>1118.07 Installation and maintenance.</p> <p>1118.08 Performance bond.</p> <p>1118.09 Exceptions, variances and appeals.</p> <p>1118.99 Penalty.</p>
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CROSS REFERENCES

Tree Commission - see P. & Z. Ch. 1103

Tree planting requirements - see P. & Z. 1115.18

1118.01 INTENT.

This chapter is intended to:

- (a) Through appropriate landscaping, promote and enhance the general welfare and beauty of the City, and in this way make it attractive for residences, special uses, commerce and industry.
- (b) Establish individual criteria for landscaping the different kinds of land use in the City. (Ord. 76-99. Passed 11-2-99.)

1118.02 SCOPE OF APPLICATION; COMPLIANCE NECESSARY FOR SITE PLAT OR PLAT APPROVAL.

(a) No building permit, zoning certificate or occupancy permit shall be issued for any new construction of or for any substantial alteration or expansion of vehicular use areas within the City unless the requirements of this chapter are provided for. An alteration or expansion is substantial when it involves twenty-five percent (25%) or more of vehicular use area.

(b) A landscape plan or plat shall be submitted to the Building Inspector and/or to the Tree Commission for any new construction, substantial alteration or expansion in special use, commercial or industrial areas, and in residential areas where five or more parking spaces are required. This submission shall be included in the application for the building permit and/or occupancy permit.

(c) The requirements of this chapter are minimum, and existing trees may help fulfill landscaping requirements.
(Ord. 76-99. Passed 11-2-99.)

1118.03 LANDSCAPING REQUIREMENTS IN AREAS ZONED AS RESIDENTIAL.

(a) There shall be at least one approved tree within each fifty feet of property abutting any public street. The tree or trees shall be in or within fifteen feet of the public right of way.

(b) In residential areas requiring five or more off-street parking spaces, there shall be at least one approved tree associated with the parking area for each five parking spaces. When there are more than fifteen parking spaces, the trees shall be within the parking area.

(c) In residential areas requiring five or more off-street parking spaces, at least five percent (5%) of the developed parking area shall be landscaped.
(Ord. 76-99. Passed 11-2-99.)

1118.04 LANDSCAPING REQUIREMENTS IN AREAS ZONED FOR SPECIAL USES.

(a) There shall be at least one approved tree within fifty feet of property abutting any public street. The tree or trees shall be in the public right of way.

(b) In special use areas requiring five or more off-street parking spaces, there shall be at least one approved tree associated with the parking area for each five parking spaces. When there are more than fifteen parking spaces, the trees shall be within the parking area.

(c) None of the above requirements except subsection (a) hereof need be met for parking spaces for the exclusive use of staff and employees.

(d) In special use areas requiring five or more off-street parking spaces, at least five percent (5%) of the developed parking area shall be landscaped.
(Ord. 76-99. Passed 11-2-99.)

1118.05 LANDSCAPING REQUIREMENTS FOR AREAS ZONED AS COMMERCIAL.

(a) There shall be at least one approved tree within each fifty feet of property abutting any public street. The tree or trees shall be in the public right of way.

(b) In commercial areas requiring five or more off-street parking spaces, there shall be at least one approved tree associated with the parking area for each five parking spaces. At least five percent (5%) of the developed parking area shall be landscaped. If there are more than fifteen parking spaces, landscaped areas shall be dispersed in parking lots to define aisles and break up the expanse of paving. Unbroken rows of parking shall not exceed 100 feet in length. Plantings shall consist of shade trees or ornamental trees having a clear trunk height of at least six feet.

(c) None of the above requirements except subsection (a) hereof need be met for parking spaces for the exclusive use of employees.

(d) Screening is required where commercial property abuts residential property. This shall be dense enough to screen activities on the commercial property from view from the adjoining property.
(Ord. 76-99. Passed 11-2-99.)

1118.06 LANDSCAPING REQUIREMENTS FOR AREAS ZONED AS INDUSTRIAL.

This section shall apply to all new developments and to alterations that cause an increase of twenty-five percent (25%) or more of the parking area.

- (a) There shall be at least one approved tree within each fifty feet of property abutting any public street. The tree or trees shall be in the public right of way.
- (b) Landscaping is not required in industrial parking lots used primarily by employees and not subject to general vehicular traffic.
- (c) In parking lots specially provided for visitors and separate from employee parking lots there shall be at least one approved tree associated with the parking area for each five parking spaces. When there are more than fifteen parking spaces, the trees shall be within the parking area.
- (d) Screening is required where industrial property abuts residential property. This shall be dense enough to screen activities on the industrial property from view from the adjoining property.
(Ord. 76-99. Passed 11-2-99.)

1118.07 INSTALLATION AND MAINTENANCE.

(a) The trees planted shall be selected from the City of Ashland's Master Street Tree and Shrub Plan and shall be of appropriate size. If installation of plantings is not completed in a planting season, then landscaping must be installed during the next planting season.

(b) The owner of landscaping required by this Code shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. The owner should make provision for the adequate watering of live plant material and, within six months, replace trees and shrubs that die or have been removed for any other reason. The perpetual maintenance of these plantings shall be the responsibility of the owner.
(Ord. 76-99. Passed 11-2-99.)

1118.08 PERFORMANCE BOND.

(a) If the landscaping has not already been completed at the time a City permit for occupancy is granted, the applicant shall deposit a landscaping performance bond executed by a surety or sureties satisfactory to the appropriate fiscal officers of the City, or a certified check guaranteeing the completion of the installation within six months of landscaping required by this chapter. This bond or check shall be deposited with such fiscal officers and shall be in an amount equal to the requirements set up in Section 1315.03, Landscape Performance Bond. If not completed as agreed upon, the bond shall be forfeited. The money collected from the bond shall be deposited in an appropriate fund and used for the tree plantings. Any funds remaining after completion of the work shall be returned to the original depositor or surety company.

(b) Upon satisfactory completion of the landscaping improvements, said bond or check surety shall be returned to the applicant.
(Ord. 76-99. Passed 11-2-99.)

1118.09 EXCEPTIONS, VARIANCES AND APPEALS.

(a) In view of the purpose of this chapter, which is to enhance the general welfare and beauty of the City, after review of the submitted plans, the Tree Commission may grant exceptions to the above requirements.

(b) Any submitted landscape plan that is disapproved may be appealed according to the procedure provided for in Chapter 1135 for appeal from decisions of administrative officers and the Ashland City Planning Commission.

(c) If the person submitting the plan is dissatisfied with the decision of the Planning Commission, he may appeal directly to the Council. Council may override the disapproval with four or more votes.

(d) Whenever the Zoning Board of Appeals or Council makes a decision such decision shall be forwarded to the Tree Commission and the Building Department. (Ord. 76-99. Passed 11-2-99.)

1118.99 PENALTY.

Whoever violates any of the provisions of the Landscaping and Land Use Code shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. This penalty applies to the owner of the premises in violation and to any builder, contractor, agent or person employed in connection therewith who has assisted in the commission of such offense. Each shall be guilty of a separate offense. (Ord. 76-99. Passed 11-2-99.)

CHAPTER 1119
Final Plat

1119.01 Filing.	1119.04 Approval.
1119.02 Contents required.	1119.05 Release.
1119.03 Key map.	

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
Preliminary plat - see P. & Z. Ch. 1117
Plat rejection - see P. & Z. Ch. 1121

1119.01 FILING.

(a) Description and Where to File. After approval of the preliminary plat by the Planning Commission and the fulfillment of the requirements of these regulations and any other requirements specified by the Commission, two tracings of the final plat of the subdivision or section thereof proposed to be developed and platted, together with the application for approval (see Appendix "B"), shall be submitted to the Secretary of the Commission for referral to the Commission. The tracings shall be eighteen inches by twenty-four inches drawn with India ink on Milar or approved reproduced tracing on Milar.

(b) Time. The tracings of the final plat which have been previously reviewed and approved by the appropriate Engineering Divisions shall be submitted to the Secretary of the Commission at least five days prior to a regular Commission meeting in order to receive consideration thereof at that meeting.

(c) Recording. Upon approval by the Commission, Council or, where applicable, the County Commissioners, and certification of the approval by the City Engineer and, where applicable, the County Engineer, the tracings shall be deposited with the City Engineer, together with the necessary moneys to pay the cost of recording the same; and thereupon the City Engineer shall cause the plat to be recorded in the office of the Recorder of Ashland County, Ohio, at the expense of the developer.

(d) Retention of Tracings. One tracing of the final plat, after it has been recorded, shall be retained by the County Recorder and the other tracing shall be filed and retained by the City Engineer or, where applicable, the County Engineer, and shall become the property of such officials. (Ord. 39-81. Passed 10-7-81.)

1119.02 CONTENTS REQUIRED.

The final recorded plat shall contain the following:

- (a) Identification and Description.
- (1) Name of subdivision;
 - (2) Location by section, town and range, and City or Township, or by other legal description;
 - (3) Scale indicated and shown graphically one inch to not more than 100 feet;
 - (4) Date;
 - (5) North point;
 - (6) Certification by a registered surveyor to the effect that the plat represents a survey made by him, that the monuments shown thereon exist as located, that all dimensional and geodetic details are correct and that stakes, as described in subsection (b)(8) hereof, have been placed at all corners of lots and the change in direction of any line, except where monuments have been placed. All surveying shall conform to the standards adopted by the Ashland County Engineer;
 - (7) Notarized certification by the owner of the adoption of the plat and the dedication of streets and other public areas;
 - (8) Space for the recommendation of the Township Trustees: where applicable;
 - (9) Space for the certification of the appropriate Zoning Inspector that the proper zoning is now in effect to accommodate the uses, lot sizes, etc.;
 - (10) Space for recommendation of the Ashland Regional Planning Commission: where applicable;
 - (11) Proper form for the approval of the Planning Commission, with space for signatures;
 - (12) Proper form for approval by signature of City and County officials concerned with the plans, specifications and inspection of utility installations and improvements;
 - (13) Proper form for certification by the County Auditor that there are no unpaid taxes on the property involved;
 - (14) Proper form for plat approval and acceptance of dedications by Council or, where applicable, the County Commissioners: where necessary; and
 - (15) Proper form for certification by the County Recorder that the plat has been recorded.
- (b) Delineation.
- (1) Boundary of plat based on an accurate traverse, with angular and linear dimensions and bearings;
 - (2) Exact location, width and names of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks. The name of a street shall not duplicate that of any existing street in the City or in the County, or any existing street in the unincorporated part of the County;
 - (3) Municipal, Township, County, grant, tract or section lines which are accurately tied to the lines of the subdivision by distances and angles;
 - (4) Radii, internal angles, points of curvature, tangent bearings and lengths of arcs;
 - (5) All easements for rights of way provided for public services or utilities;

- (6) Building setback lines;
 - (7) All lot numbers and lines, with accurate dimensions in feet and hundredths;
 - (8) Total area in plat, area in lots, area in streets, etc.;
 - (9) All lot corners shall be accurately staked with one-half inch by thirty-six inch iron pipe with caps identifying the surveyor or approved equal; and
 - (10) Accurate location of all monuments at each change in direction of the boundary, at the intersection of all street centerlines, and at the beginning and end of all curves. Final approval of the plat by Council or, where applicable, the County Commissioners, is conditioned upon the monuments being in place and a certification to that effect to the City Engineer or, where applicable, the County Engineer.
- (c) Attendant Items.
- (1) Protective covenants or private restrictions shall be recorded on the final plat or, in lieu thereof, filed in the County Recorder's office at the time of filing the plat. A copy of the same shall be submitted to the Planning Commission with the final plat;
 - (2) Easements, properly executed upon the forms furnished by the applicable utility, City, County or Township, shall be provided where services and utilities are located outside of the limits of public dedicated streets. Examples of public services and utilities would be electric lines, telephone lines, cable TV lines, waterlines, sanitary sewer lines, storm sewer lines and ditches and retention and detention basins, flood plains, etc., and all appurtenances to the above. All easements shall be recorded, along with the final plat, at the developer's expense;
 - (3) Certification of approval of all applicable public agencies. (See Section 1111.11.);
 - (4) Completed submissions, requirements and fees prescribed in these regulations must have been submitted in accordance with the deadlines prescribed therein. (Ord. 39-81. Passed 10-7-81.)

1119.03 KEY MAP.

A key map shall appear on all final plats at a scale of not more than one inch equals 500 feet. This key map shall show the approximate layout for the entire completed subdivision and adjacent streets and roads with the portion covered by the particular final plat shaded to indicate its relative location.
(Ord. 39-81. Passed 10-7-81.)

1119.04 APPROVAL.

(a) Planning Commission.

- (1) The Planning Commission shall take action on the final plat within thirty days after the same has been officially filed, as stated in Ohio R.C. 711.09; otherwise, such plat shall be deemed to have been approved. The certificate of the Commission as to the date of the submission of the plat for approval and the failure to take action within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required.

- (2) All plats and attendant items, including plans, etc., shall have been reviewed and approved prior to the official filing of the final plat.
- (b) Council or County Commissioners.
- (1) Approval and acceptance of dedications by Council or, where applicable, the County Commissioners shall not be made until all required improvements have been completed and a maintenance bond submitted and approved or a performance bond guaranteeing the completion of such improvements has been submitted and approved as herein specified.
- (2) Tentative approval. Tentative approval by Council or, where applicable, the County Commissioners shall be secured before starting construction where required improvements are to be completed prior to submission to the above for approval and acceptance of dedications.
(Ord. 39-81. Passed 10-7-81.)

1119.05 RELEASE.

After approval and acceptance of dedications, but where improvements have not been completed, building permits shall be issued only upon submission and approval of documents releasing the City or, where applicable, the County Commissioners of any obligation to provide access or services or any liability resulting therefrom. This document shall be judged satisfactory by the Director of Law or, where applicable, the County Prosecutor.

(Ord. 39-81. Passed 10-7-81.)

CHAPTER 1121
Rejection of Plats; Validity; Penalty

1121.01	Rejection of plats; appeal.	1121.03	Civil penalty.
1121.02	Validity.	1121.99	Criminal penalty.

CROSS REFERENCES

Preliminary plat - see P. & Z. Ch 1117
 Validity of zoning regulations - see P. & Z. 1133.03
 Final plat - see P. & Z. Ch 1119

1121.01 REJECTION OF PLATS; APPEAL.

In the event the Planning Commission shall reject any plat or plan of a proposed allotment, development or subdivision, they shall set forth the reasons for the rejection in writing and certify same to the party proposing such plat or plans. Any party desiring to appeal the ruling of the Commission may do so by filing written notice with the Clerk of Council of his intention to appeal within thirty days from the rejection of the plat or plan by the Commission. Council shall then set a time for hearing the matter which shall be not later than sixty days from the rejection of the plat or plan by the Commission. Notice of the time and place of hearing shall be given to the party proposing the plan or plat. In order for Council to reverse the Commission, a two-thirds vote of the members elected to Council shall be required. If reversed, Council shall certify to the Commission the fact that it has reversed the Commission and that the Commission shall approve that plat or plan. (Ord. 39-81. Passed 10-7-81.)

1121.02 VALIDITY.

Each section and part thereof of this Title Three is declared to be a separate and distinct enactment, and should any section or part thereof of this Title Three be found or declared to be ineffective or invalid for any reason whatsoever, the other sections and parts thereof shall not thereby be impaired. (Ord. 39-81. Passed 10-7-81.)

1121.03 CIVIL PENALTY.

(a) Whoever violates any provision of these Subdivision Regulations or fails to comply with any order pursuant hereto shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Ashland County.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of the City.

(c) Whoever, being the owner or agent of the owner of any land within or without the Municipality transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeitures provided in this section.

If such land is within the Municipality, such sum may be recovered in a civil action, brought in any court of competent jurisdiction by the Director of Law or other corresponding official of the Municipality in the name of the Municipality and for the use of the street repair fund thereof.

If the land is situated outside the Municipality, such sum may be recovered in a civil action, brought by the Prosecuting Attorney, other corresponding official, or Planning Commission of the County in which the land is situated, in the name of the county and for the use of the road repair fund thereof.

(d) Any person who disposes of, offers for sale or leases for a time exceeding five years any lot or any part of a lot which is a subdivision before provisions of these Regulations are complied with shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action in the name of the City Clerk for the use of the City.

(Ord. 39-81. Passed 10-7-81.)

1121.99 CRIMINAL PENALTY.

Whoever violates any provision of these Subdivision Regulations is guilty of a misdemeanor of the first degree.

(Ord. 39-81. Passed 10-7-81.)

APPENDICES

EDITOR'S NOTE: Appendix A "Suggested Forms for Statement and Signatures to be Official on the Final Plat (Record Plat)" and Appendix B "Sample Documents" are on file with the Director of the Division of Engineering.

TITLE FIVE - Zoning Administration

Chap. 1131. Zoning Definitions.

Chap. 1133. Enforcement; Occupancy Certificate; Penalty.

Chap. 1135. Zoning Board of Appeals.

CHAPTER 1131 Zoning Definitions

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1131.27	Group living accommodations.	1131.59	Street line.
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1131.29	Hotel.	1131.61	Structural alterations.
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1131.31	Junk.	1131.63	Trailer.
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1131.33	Lane.	1131.65	Yard.
		1131.66	Yard, front.

1131.67 Yard, rear.
1131.68 Yard, side.

1131.69 Zoning code.
1131.70 Zoning ordinance.

CROSS REFERENCES

Alley defined - see TRAF. 301.03
Subdivision definitions - see P. & Z. Ch. 1111

1131.01 DEFINITIONS; TENSES.

For the purpose of this Zoning Code, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.
(Ord. 24-66. Passed 4-5-66.)

1131.02 ACCESSORY BUILDINGS AND USES.

"Accessory building" means a subordinate building or a part of the main building, the use of which is incidental to that of the dominant use of the main building or land. An "accessory use" is one which is incidental to the main use of the premises.
(Ord. 24-66. Passed 4-5-66.)

1131.03 ALLEY.

"Alley" means a public or private thoroughfare which affords a secondary means of access to property abutting thereon.
(Ord. 24-66. Passed 4-5-66.)

1131.04 APARTMENT.

"Apartment" means a room or suite of rooms intended or designed for use as a residence by a single family.
(Ord. 24-66. Passed 4-5-66.)

1131.05 APARTMENT HOUSE.

"Apartment house" shall be the same as "multiple dwelling".
(Ord. 24-66. Passed 4-5-66.)

1131.06 BASEMENT.

"Basement" means a story having not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, janitors or watchman quarters or other utilities common for the rest of the building. A basement used for the purposes herein shall not be counted as a story.
(Ord. 24-66. Passed 4-5-66.)

1131.07 BOARDING HOUSE.

"Boarding house" means a building, other than a hotel, where for compensation and by prearrangement for definite periods, meals and lodging or meals are provided for three or more persons, but not exceeding twenty persons.
(Ord. 24-66. Passed 4-5-66.)

1131.08 BUILDING.

"Building" means a structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels. A covered basement shall, under no conditions, be considered as a building.
(Ord. 24-66. Passed 4-5-66.)

1131.09 BUILDING HEIGHT.

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (Ord. 24-66. Passed 4-5-66.)

1131.10 CLINIC.

"Clinic" means an establishment where patients are admitted for examination and treatment by a group of physicians practicing medicine together.
(Ord. 24-66. Passed 4-5-66.)

1131.11 CLUB.

"Club" means buildings and facilities owned or operated by a corporation, association or person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
(Ord. 24-66. Passed 4-5-66.)

1131.12 COMMISSION.

"Commission" means the Ashland City Planning Commission.
(Ord. 24-66. Passed 4-5-66.)

1131.13 CONDOMINIUM.

"Condominium" means a building or buildings in which title to the land and multi-unit improvements on the land are acquired by any two or more persons in any manner whereby each person is vested with title to:

- (a) Some form of undivided ownership in one or more units, such as apartments, offices, suites or the like; and
- (b) An interest as tenant in common in the land and all the improvements, except the units, but including easements of right of way to access drives, garages, off-street parking spaces and other common areas.

All requirements set forth in this Zoning Code for multiple dwellings shall also apply to condominium developments.
(Ord. 24-66. Passed 4-5-66.)

1131.14 DISTRICT.

"District" means any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

(Ord. 24-66. Passed 4-5-66.)

1131.15 DWELLING.

"Dwelling" means a building or portion thereof which is designed for or used as living quarters. (Ord. 24-66. Passed 4-5-66.)

1131.16 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a building designed for or occupied exclusively by one family. (Ord. 24-66. Passed 4-5-66.)

1131.17 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a building designed for or occupied exclusively by two families. (Ord. 24-66. Passed 4-5-66.)

1131.18 DWELLING, MULTIPLE.

"Multiple dwelling" means a building designed for or occupied exclusively by three or more families.

(Ord. 24-66. Passed 4-5-66.)

1131.19 EFFICIENCY APARTMENT.

"Efficiency apartment" means a living unit comprised of a combined living-sleeping area together with a kitchen or kitchenette, a bath, and closet. The minimum size for such a living unit is 300 square feet.

(Ord. 24-66. Passed 4-5-66.)

1131.20 FAMILY.

"Family" means one or more persons occupying the premises and living as a single housekeeping unit. (Ord. 24-66. Passed 4-5-66.)

1131.21 FLOOR AREA - RESIDENTIAL.

"Residential floor area" means the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements and open porches, measured from the exterior faces of the exterior walls of a dwelling.

(Ord. 24-66. Passed 4-5-66.)

1131.22 FRONTAGE - LOT; FRONTAGE - STREET.

(a) "Lot frontage" means the distance between adjacent property lines, measured along the street line.

(b) "Street frontage" means all the property fronting on one side of a street between the two nearest intersecting streets or other barriers.

(Ord. 24-66. Passed 4-5-66.)

1131.23 GARAGE, PRIVATE.

"Private garage" means a garage on the same lot as the residence, designed to house one or more motor vehicles. A private garage may house more than two motor vehicles if the area of the lot on which the garage is located contains 3000 square feet or more for each motor vehicle to be stored there.

(Ord. 24-66. Passed 4-5-66.)

1131.24 GARAGE, PUBLIC.

"Public garage" means any garage used for sale of cars, equipment, motor fuel and the storage or repair of any motor vehicle.

(Ord. 24-66. Passed 4-5-66.)

1131.25 GARAGE, STORAGE.

"Storage garage" means a garage for housing or storage of motor vehicles by the hour, day, month or any other rate method desired. No sales, repairing or storage of wrecks shall be allowed in this type of a garage.

(Ord. 24-66. Passed 4-5-66.)

1131.26 GRADE.

(a) For buildings having walls adjoining one street only, the "grade" is the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the "grade" is the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the "grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk exists, the "grade" shall be established by the City Engineer.

(Ord. 24-66. Passed 4-5-66.)

1131.27 GROUP LIVING ACCOMMODATIONS.

"Group living accommodations" means residential accommodations provided in dormitories, fraternity houses, sorority houses, rooming houses, boarding houses, homes for the aged, family boarding homes for aged persons, nursing homes and similar uses, but not including hospitals, hotels or automobile courts.

(Ord. 24-66. Passed 4-5-66.)

1131.28 HOME OCCUPATION.

"Home occupation" means an occupation or activity carried on as an accessory to a residence as permitted by this Zoning Code.

1131.29 HOTEL.

"Hotel" means a building in which lodging or boarding and lodging are provided for more than twenty persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by persons in charge. (Ord. 24-66. Passed 4-5-66.)

1131.30 INSTITUTION.

"Institution" means a nonprofit corporation or a nonprofit establishment for public use. (Ord. 24-66. Passed 4-5-66.)

1131.31 JUNK.

"Junk" as used in this Zoning Code, shall be considered as any personal property which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes. (Ord. 24-66. Passed 4-5-66.)

1131.32 JUNK BUILDINGS; JUNK SHOPS; JUNK YARDS.

"Junk buildings, "junk shops" or "junk yards" mean any land, property, structure, building or combination of the same, on which junk is stored or processed. (Ord. 24-66. Passed 4-5-66.)

1131.33 LANE.

"Lane" means a public or private thoroughfare permanently reserved as the principal means of access to abutting property. (Ord. 24-66. Passed 4-5-66.)

1131.34 LODGING HOUSE.

"Lodging house" means a building other than a hotel where lodging for not more than twenty persons is provided for definite periods for compensation. (Ord. 24-66. Passed 4-5-66.)

1131.35 LOT.

"Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including the main building or buildings, limited to one main building in residential districts, together with its accessory buildings, the yard areas and parking spaces required by this Zoning Code, and having its principal frontage upon a public street or upon a place which has been officially approved by resolution of the Planning Commission. Where one or more lots, or parts of lots, have been combined for residential construction, the combined areas as designated on the building permit shall be considered as one lot in the interpretation of area regulations. (Ord. 24-66. Passed 4-5-66.)

1131.36 LOT AREA.

"Lot area" means the total horizontal area within the boundary lines of a lot. (Ord. 24-66. Passed 4-5-66.)

1131.37 LOT, CORNER.

"Corner lot" means a lot situated at the intersection of two or more streets. (Ord. 24-66. Passed 4-5-66.)

1131.38 LOT DEPTH.

"Lot depth" means the mean horizontal distance between the front and rear lot line. (Ord. 24-66. Passed 4-5-66.)

1131.39 LOT LINES.

"Lot lines" mean the boundary lines of the lot.
(Ord. 24-66. Passed 4-5-66.)

1131.40 LOT, THROUGH.

"Through lot" means an interior lot having frontage on more than one street.
(Ord. 24-66. Passed 4-5-66.)

1131.41 LOT WIDTH.

"Lot width" means the distance between the side lot lines, measured along the front building line. (Ord. 24-66. Passed 4-5-66.)

1131.42 LOT OF RECORD.

"Lot of record" means a lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of Ashland County, or a parcel of land, the deed of which was recorded in the office of the County Recorder of Ashland County.
(Ord. 24-66. Passed 4-5-66.)

1131.43 MEDICAL CENTER.

"Medical center" means a building or group of buildings in which one or more doctors, dentists etc., maintain their offices for the examination and treatment of patients.
(Ord. 24-66. Passed 4-5-66.)

1131.44 MOBILE HOME.

"Mobile home", including "house trailer" and "trailer coach" means a vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or living quarters, and so designed that it may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

The character of its foundation, means of support or the permanent nature in which a mobile home is affixed to or incorporated with other structures or to the land, shall not serve to change its classification as a mobile home.
(Ord. 24-66. Passed 4-5-66.)

1131.45 MOBILE HOME PARK.

"Mobile home park" means a tract or parcel of land which has been developed in accordance with the applicable requirements for the accommodation of mobile homes.
(Ord. 24-66. Passed 4-5-66.)

1131.46 MOBILE HOME PLOT.

"Mobile home plot" means space designated for the exclusive use of a single mobile home unit within a mobile home park.
(Ord. 24-66. Passed 4-5-66.)

1131.47 MOTOR COURT OR MOTEL.

"Motor court" or "motel" means a building or group of buildings on the same lot, usually around a court, containing sleeping accommodations which are provided and constructed primarily for transient guests: including auto courts, motels and motor lodges.
(Ord. 24-66. Passed 4-5-66.)

1131.48 NAMEPLATE .

"Nameplate" means a plaque not exceeding one square foot in area which shall not be considered a sign.

(Ord. 24-66. Passed 4-5-66.)

1131.49 NONCONFORMING USE.

"Nonconforming use" under this Zoning Code means a use which existed lawfully at the date of the adoption of Ordinance 24-66 passed April 5, 1966, but does not conform with the use regulations of the zone in which it is located in this Zoning Code.

(Ord. 24-66. Passed 4-5-66.)

1131.50 NOTICE, PUBLIC.

"Public notice" of any hearing or proceeding means thirty days notice of the time and place of such hearing or proceeding published in one newspaper of general circulation in the Municipality. (Ord. 24-66. Passed 4-5-66.)

1131.51 PARKING SPACE.

"Parking space" means a space within a building or a private or public parking area for the parking of one automobile.

(Ord. 24-66. Passed 4-5-66.)

1131.52 PLACE.

"Place" means an open, unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

(Ord. 24-66. Passed 4-5-66.)

1131.53 SIGN.

"Sign" means any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, such as those used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity or a product, which are visible from any public highway or street and used to attract attention, with the following exceptions:

- (a) Painted or lettered signs on the surface of windows or doors;
- (b) Traffic signs pertaining to the City, County, State or Federal Government;
- (c) Municipal signs pertaining to the City;
- (d) House numbers;
- (e) Nameplates;
- (f) Legal notices;
- (g) Railroad crossing signs;
- (h) Danger signs;
- (i) Temporary, emergency nonadvertising signs approved by the Zoning Inspector;
- (j) Memorial tablets, name of building, date of erection; use of building, when built into or attached to the walls of the building, and constructed of bronze, brass, marble, stone or other incombustible material.

(Ord. 11-86. Passed 3-4-86.)

1131.531 SIGN, GROUND OR FREE STANDING.

"Ground or free standing sign" means a sign erected on a free standing frame, mast or pole and not attached to any building, etc.

(Ord. 11-86. Passed 3-4-86.)

1131.54 SIGN, PROJECTING.

"Projecting sign" means any sign other than a roof sign, which is attached to or projects from a structure or building face.

(Ord. 11-86. Passed 3-4-86.)

1131.55 SIGN, ROOF.

"Roof sign" means any sign upon or against a roof.

(Ord. 11-86. Passed 3-4-86.)

1131.56 SIGN, WALL OR FASCIA.

"Wall or fascia sign" means any sign attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot therefrom.

(Ord. 11-86. Passed 3-4-86.)

1131.57 STORY.

"Story" means that portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above, then the space between the floor and the ceiling next above it.

(Ord. 24-66. Passed 4-5-66.)

1131.58 STORY, HALF.

"Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker, or his family, or by a family occupying the floor immediately below it, shall be considered a full story.

(Ord. 24-66. Passed 4-5-66.)

1131.59 STREET LINE.

"Street line" means the street right-of-way line.

(Ord. 24-66. Passed 4-5-66.)

1131.60 STRUCTURE.

"Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the land; or attached to something having a permanent location on the land. (Ord. 24-66. Passed 4-5-66.)

1131.61 STRUCTURAL ALTERATIONS.

"Structural alteration" means any change or replacement of the supporting members of any building or structure, such as bearing walls, columns, joists, beams, girders, etc., or any substantial change in the roof or in the exterior walls.

(Ord. 24-66. Passed 4-5-66.)

1131.62 TOURIST HOME.

"Tourist home" means a private home where rooms are rented for overnight use only.
(Ord. 24-66. Passed 4-5-66.)

1131.63 TRAILER.

"Trailer", "house trailer", "camping trailer", "mobile home", "trailer coach" and "concession trailer", mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters, or the conduct of any business, trade or occupation, or use as a selling or advertising device, and so designed that it may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power. The character of its foundation or means of support or the permanent nature in which a trailer is affixed to or incorporated with other structures or to the land shall not serve to change its classification as a trailer. (Ord. 24-66. Passed 4-5-66.)

1131.64 TRAILER PARK.

(See MOBILE HOME PARK). (Ord. 24-66. Passed 4-5-66.)

1131.65 YARD.

"Yard" means an open space, at ground grade, between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (Ord. 24-66. Passed 4-5-66.)

1131.66 YARD, FRONT.

"Front yard" means a yard extending across the front of a lot between the side lot lines, which is the minimum horizontal distance between the street line and the main building or any projections thereof. Uncovered balconies, roof overhangs, sills, belt courses, cornices and ornamental features, but not including chimneys, may project into the front yard a maximum of twenty-four inches. Uncovered steps, uncovered porches, or paved terraces may extend a maximum of twelve feet into the front yard. On corner lots the front yard may be considered as parallel to either street. (Ord. 24-66. Passed 4-5-66.)

1131.67 YARD, REAR.

"Rear yard" means a yard extending across the rear of a lot between the side lot lines which is the minimum horizontal distance between the main building or any projections thereof. Uncovered balconies, roof overhangs, sills, belt-courses, cornices, ornamental features, chimneys and open or lattice enclosed fire escapes or stairways may project into the rear yard a maximum of six feet. Uncovered steps, uncovered terraces and uncovered porches may occupy the rear yard. Accessory buildings may occupy portions of the rear yard as hereafter provided.
(Ord. 24-66. Passed 4-5-66.)

1131.68 YARD, SIDE.

"Side yard" means a yard between the main building and the side line of the lot extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and the side of the main buildings or any projections thereto.
(Ord. 24-66. Passed 4-5-66.)

1131.69 ZONING CODE.

"Zoning Code" means Sections 1131.01 et seq. of this Planning and Zoning Code.
(Ord. 24-66. Passed 4-5-66.)

1131.70 ZONING ORDINANCE.

"Zoning Ordinance" means Ordinance 24-66, passed April 5, 1966.
(Ord. 24-66. Passed 4-5-66.)

CHAPTER 1133
Enforcement; Occupancy Certificate; Penalty

1133.01	Interpretation, purpose and conflict.	1133.03	Validity.
1133.02	Enforcement; Zoning Inspector.	1133.04	Occupancy certificate.
		1133.99	Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Validity of subdivision regulations - see P. & Z. 1121.02
Occupancy certificates in M-3 Districts - see P. & Z. 1166.12
Home occupation - see P. & Z. 1171.07

1133.01 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

It is not intended by this Zoning Code to interfere with, abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or land, or to any easements, covenants or other agreements between private parties. However, where this Zoning Code imposes greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permit or by easements, covenants or agreements, the provisions of this Zoning Code shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or structure, or require larger open spaces than are required under the regulations of this Zoning Code, such provisions shall govern.

(Ord. 24-66. Passed 4-5-66.)

1133.02 ENFORCEMENT; ZONING INSPECTOR.

The duty of administering and enforcing the provisions of this Zoning Code is conferred upon the Building Inspector, who shall also be known as the Zoning Inspector, and for this purpose he shall have such powers as are conferred upon him by this Zoning Code and as reasonably as may be implied. The City Engineer or his appointed agent shall be the Building Inspector and Zoning Inspector. It shall be the duty of the Police Division and the Fire Division to assist the Building Inspector and Zoning Inspector by reporting to him new construction, reconstruction, land use or seeming violations. The Police Division shall assist the Inspector by serving notices, etc., when requested to do so by the Inspector.

(Ord. 24-66. Passed 4-5-66.)

1133.03 VALIDITY.

Should any section or provision of this Zoning Code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Zoning Code as a whole or any part thereof other than the part so declared to be invalid. (Ord. 24-66. Passed 4-5-66.)

1135.04 OCCUPANCY CERTIFICATE.

(a) General. No vacant land shall be occupied or used, and no buildings hereafter erected or altered shall be occupied or used until a certificate of occupancy has been issued by the administrative officer.

(b) Certificate for Vacant Land. A certificate of occupancy for the use of vacant land, except for farming land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(c) Certificate for Building. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit; when the erection or alteration of such structure or part has been completed in conformity with the provisions of this Zoning Code, the administrative officer shall issue such certificate of occupancy within three days after written request has been made.

Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued for a period not exceeding six months during the completion of the alterations, or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises, or any other matter covered by this Zoning Code; and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(d) Application for Certificate; Fee. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances, and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the administrative officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for at the same time as the application for a building permit. However, in the event that any excavation, construction or alteration has been started prior to the application for a certificate of occupancy, a fee of five dollars (\$5.00) shall be charged for such certificate. For copies of an original certificate, there shall be a charge of one dollar (\$1.00) each.

(e) Excavation Permit. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy. (Ord. 24-66. Passed 4-5-66.)

1133.99 PENALTY.

Whoever violates any provision of this Zoning Code for which no other penalty is provided shall be fined not less than five dollars (\$5.00) nor 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. The owner of any buildings or premises or part thereof, where anything in violation of this Zoning Code is placed or exists, and any architect, builder, contractor, agent or person employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense. (Ord. 24-66. Passed 4-5-66.)

CHAPTER 1135
Zoning Board of Appeals

1135.01	Membership.	1135.04	Appeal procedure.
1135.02	Hearings; rules of procedure.	1135.05	Powers and duties.
1135.03	Witnesses, oaths, contempt proceedings.	1135.06	Standards.
		1135.07	Fee for appeal.

CROSS REFERENCES

Appeal from zoning regulations - see Ohio R.C. 713.11
 Planning Commission - see P. & Z. Ch. 1101
 Nonconforming uses - see P. & Z. Ch. 1181
 Special permits - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185

1135.01 MEMBERSHIP.

An administrative board called the Zoning Board of Appeals is hereby established and the word "Board" when used in this Zoning Code shall mean the "Ashland City Zoning Board of Appeals".

The Planning Commission, with the exception of the Mayor and City Engineer, shall be the Zoning Board of Appeals.

The City Engineer shall serve as secretary to the Board. The secretary will not be a voting member and no member shall receive a fee for his services but shall be paid all expenses incurred while on business of the Board, upon approval of the Board.

(Ord. 24-66. Passed 4-5-66.)

1135.02 HEARINGS; RULES OF PROCEDURE.

The hearings of the Zoning Board of Appeals shall be public; however, the Board may go into executive session for discussion and vote on any case before it. The Board shall organize annually and elect a President and a Vice-President. The Board shall act by resolution in which three members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.

The Board shall hear the intervention of any owner of property adjacent to, in the rear of or across the street from a lot to which the granting of any building permit is pending, and shall also hear any other interested parties.

(Ord. 24-66. Passed 4-5-66.)

1135.03 WITNESSES, OATHS, CONTEMPT PROCEEDINGS.

The Zoning Board of Appeals shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents under such regulations as it may establish.
(Ord. 24-66. Passed 4-5-66.)

1135.04 APPEAL PROCEDURE.

Appeals may be taken to and before the Zoning Board of Appeals by any person aggrieved, or by an officer, department, board or bureau of the City. Such appeal shall be taken within such time as is prescribed by the general rules of the Board, by filing, with the officer from whom the appeal is taken and with the Board, a notice of appeal, and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer shall certify to the Board, after the notice of appeal has been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a time, not to exceed sixty days from the date of appeal, for the date of hearing of the appeal or other matters referred to it, and shall give public notice of such hearing. A decision of the Board on the appeal shall be reached within a reasonable time. Upon the hearing, any party may appeal in person or agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises, and to that end shall have all powers of the administrative officer from whom the appeal is taken.
(Ord. 24-66. Passed 4-5-66.)

1135.05 POWERS AND DUTIES.

(a) The Zoning Board of Appeals shall have as its duty the hearing and deciding of appeals where it is alleged that a building permit has been refused the person appealing. In hearing and deciding appeals, the Board shall have the power to grant an exception or variation in the following instances:

- (1) Interpret the provisions of this Zoning Code in such a way as to carry out the intent and purpose of the plan as shown upon the map fixing the several districts accompanying and made a part of this Zoning Code, where the street layout actually on the ground varies from the street layout as shown on the aforesaid map.
- (2) Permit the remodeling or expanding of a nonconforming building or reconstruction when damaged by explosion, fire, act of God or the public enemy, to the extent of more than seventy-five percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.

- (3) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (4) Permit land within 300 feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.
- (5) Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.
- (6) Permit an industry or business in a B-2 or B-3 Business District or in an M-1 Light Industrial District by reason of its nonobjectionable nature or effect upon the surrounding area.

(b) The Board shall have the authority to evaluate and determine whether the character or magnitude of an occupation conducted in a residence is such that it may be classified or continued to be classified as a home occupation.
(Ord. 24-66. Passed 4-5-66.)

(c) The Board shall have the authority to permit a variation in the sign requirements in any zoning district where there are unusual and practical difficulties or unnecessary hardships in complying with such requirements, provided that any such variation shall not unreasonably affect any adjoining property or the general welfare and further provided that the purpose and intent of the sign requirements not be diminished any more than is reasonably necessary to permit the variation. (Ord. 31-82. Passed 6-15-82.)

1135.06 STANDARDS.

(a) In considering all appeals and all proposed exceptions or variations to this Zoning Code, the Zoning Board of Appeals shall, before making any exceptions or variations from this Zoning Code in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.
(Ord. 24-66. Passed 4-5-66.)

(b) The Zoning Board of Appeals shall have the authority to evaluate and determine whether the character or magnitude of any home occupation is such that it may be classified as a professional, light or heavy home occupation as defined in this Zoning Code and to perform all other duties and responsibilities described in Chapter 1171, "Home Occupations".

1135.07 FEE FOR APPEAL.

A fee of thirty dollars (\$30.00) shall be paid to the administrative officer at the time the notice of appeal is filed, which the officer shall forthwith pay over to the Finance Director to the credit of the General Revenue Fund of the City.

TITLE SEVEN - Zoning Districts and Map; Amendments.

Chap. 1141. Use Districts and Map.

Chap. 1143. Changes and Amendments.

**CHAPTER 1141
Use Districts and Map**

1141.01 Use districts.	1141.05 Vacated public ways; classification.
1141.02 District Map.	1141.06 Use district; general regulations.
1141.03 Boundaries of districts.	
1141.04 Annexed land; classification.	

CROSS REFERENCES

Basis of districting and zoning - see Ohio R.C. 713.10

Dedication of streets - see CHTR. 104

Vacation of land - see CHTR. 105

Vacation of streets and alleys - see PRELIM. Table C

Zoning map changes - see PRELIM. Table I

Changes and amendments- see P. & Z. Ch. 1143

1141.01 USE DISTRICTS.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking spaces and the density of population, the City is hereby divided into thirteen districts, known as:

- R-L Residential Districts
- RL-2 Residential Districts
- RL-3 Residential Districts
- R-A Residential Districts
- R-S Residential Districts
- R-M Mobile Home Residential Districts
- S-U Special Use Districts
- B-1 Neighborhood Business Districts
- B-2 General Business Districts

- B-3 Highway Service Business Districts
- M-1 Light Industrial Districts
- M-2 Heavy Industrial Districts
- M-3 Industrial Park Districts.
- M-4 Industrial and Business Park District.

(Ord. 24-66. Passed 4-5-66; Ord. 29-69. Passed 4-29-69; Ord. 57-69. Passed 6-24-69; Ord. 44-81. Passed 12-1-81.)

1141.02 DISTRICT MAP.

The boundaries of the districts are shown upon the Map which is made a part of this Zoning Code and is designated as the District Map. The District Map with all the notations, references and other information which is shown thereon shall have the same force as if it were fully set forth or described herein. The District Map is properly attested and is on file with the City Clerk. (Ord. 24-66. Passed 4-5-66.)

1141.03 BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Zoning Code, the following rules apply:

- (a) The district boundaries are either streets or alleys, unless otherwise shown; and where the districts designated on the Map accompanying and made a part of this Zoning Code are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district;
 - (b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; and where the districts, designated on the Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Map; and
 - (c) In unsubdivided property, the district boundary lines on the Map shall be determined by use of the scale appearing on the Map.
- (Ord. 24-66. Passed 4-5-66.)

1141.04 ANNEXED LAND; CLASSIFICATION.

Upon annexation of territory to the existing Municipal corporation of the City, the zoning regulations then in effect shall remain in full force, administered by the Building Inspector or his authorized representative, until Council shall either officially adopt the existing zoning regulations or enact new regulations for such territory.

1141.05 VACATED PUBLIC WAYS; CLASSIFICATION.

Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and be subject to all appropriate regulations of the extended districts. (Ord. 24-66. Passed 4-5-66.)

1141.06 USE DISTRICT; GENERAL REGULATIONS.

Except as hereinafter provided:

- (a) No land may be used except for a purpose permitted in the district in which it is located.
- (b) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered:
 - (1) To be used except for a purpose permitted in the district in which the building or land is located;
 - (2) To exceed the height limit herein established for the district in which the building is located; and
 - (3) Except in conformity with the regulations of such district.
- (c) The minimum yards, parking space and open spaces, including lot area per family, required by this Zoning Code, or required for any building hereafter erected shall not be encroached upon or considered as required yard or open space for any building, nor shall any lot area be reduced below the requirements of this Zoning Code except as specifically provided in this Zoning Code.
- (d) In residential districts, there shall be no more than one main building located on one lot or tract, except as hereinafter provided, and when plans and plot plans for the entire complex are submitted and approved by the Planning Commission.
- (e) Trailers are permitted to be permanently placed or occupied only in the R-M Residential District and only for the uses permitted in that District, except as provided in Section 1155.02(d).
(Ord. 29-69. Passed 4-29-69.)

CHAPTER 1143
Changes and Amendments

1143.01	Requirements for change.	1143.05	Disapproval; appeal to Council.
1143.02	Application for or initiation of change.	1143.06	Deposit required.
1143.03	Petition and hearing by Planning Commission.	1143.07	Amendment of the District Map.
1143.04	Decision by Planning Commission and Council.		

CROSS REFERENCES

Changes of zoning classifications - see Ohio R.C. 713.10 to 713.12
Nonconforming uses created by zoning changes - see P. & Z. 1181.04
Additional use regulations - see P. & Z. Ch. 1183

1143.01 REQUIREMENTS FOR CHANGE.

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the Planning Commission, Council may by ordinance change the regulations set forth in this Zoning Code and may change the zoning districts as established on the District Map.
(Ord. 24-66. Passed 4-5-66.)

1143.02 APPLICATION FOR OR INITIATION OF CHANGE.

A proposed change of district or of text may be initiated by the Planning Commission, the City Council or by an application of one or more owners of property within the area proposed to be changed.

Any communication purporting to be an appeal shall be regarded as mere notice to seek relief, until it is made in the form required. Upon receipt of any such communication, the applicant shall be supplied with the proper form for presenting his appeal.
(Ord. 24-66. Passed 4-5-66.)

1143.03 PETITION AND HEARING BY PLANNING COMMISSION.

A petition and accompanying map, being a part of every application for changes in the district lines, shall be circulated by the applicant in the vicinity of the lot for which a change of zoning is requested. It shall be circulated to the owners of all property adjacent to, in the rear of, or across the street from the property for which a change of zoning is requested, and shall be checked by the administrative officer as to validity of signatures. Obtaining the signatures of adjacent property owners shall be merely indicative of their feeling in the matter and shall not be binding on the Planning Commission in any way.

If there appears to be doubt that all affected owners were canvassed with the petition, or if opposition to the change has been expressed by affected owners, then the Commission may hold a public hearing on the request after notifying all affected owners who had not signed the petition, by publication in one newspaper of general circulation in the Municipality, fifteen days in advance of the date set for the hearing.

The same procedure, rules and regulations, shall apply in the case of property owners protesting a change of zoning, except that the reasons for such protest shall be clearly stated on the petition prior to its circulation.
(Ord. 24-66. Passed 4-5-66.)

1143.04 DECISION BY PLANNING COMMISSION AND COUNCIL.

The Planning Commission may recommend that the change of zoning be approved as requested, or the Commission may recommend that a change of zoning be made other than that requested in the application and petition. This recommendation shall be forwarded to Council. Council shall then hold a public hearing within ninety days and take such action as it believes to be in the best interest of the City.
(Ord. 24-66. Passed 4-5-66.)

1143.05 DISAPPROVAL; APPEAL TO COUNCIL.

If the requested change of zoning is denied by the Planning Commission, any person whose property is included in the proposed change, or who is affected by a proposed change in text, may appeal to Council within twenty days of the time that action was taken by the Commission denying the requested zoning change. After Council has held a public hearing upon the application, it may overrule the recommendation of the Commission, but only by a three-fourths vote of the full membership of Council.
(Ord. 24-66. Passed 4-5-66.)

1143.06 DEPOSIT REQUIRED.

Before any action is taken upon application as provided in this chapter either by the Planning Commission or Council, the applicant shall deposit with the Commission the sum of ten dollars (\$10.00) to cover the approximate cost of the procedure, and the Commission shall then deposit this amount with the City Treasurer, where it shall be credited to the General Revenue Fund of the City. The failure of either the Commission or Council to approve the change shall not be construed as any reason for refunding the deposit to the applicant.

1143.07 AMENDMENT OF THE DISTRICT MAP.

Not less than once a year following the effective date of Ordinance 24-66, passed April 5, 1966, all district changes recommended by the Planning Commission and established by ordinance of Council shall be incorporated into a revision of the District Map and established by ordinance after required notice and public hearing.
(Ord. 24-66. Passed 4-5-66.)

TITLE NINE - Zoning Districts

- Chap. 1150. R-L Residential District.
- Chap. 1151. RL-2 Residential District.
- Chap. 1152. RL-3 Residential District.
- Chap. 1153. R-A Residential District.
- Chap. 1154. R-S Residential District.
- Chap. 1155. R-M Mobile Home Residential District.
- Chap. 1156. S-U Special Use District.
- Chap. 1157. B-1 Neighborhood Business District.
- Chap. 1159. B-2 General Business District.
- Chap. 1161. B-3 Highway Service Business District.
- Chap. 1163. M-1 Light Industrial District.
- Chap. 1165. M-2 Heavy Industrial District.
- Chap. 1166. M-3 Industrial Park District.
- Chap. 1167. M-4 Industrial and Business Park District.

CHAPTER 1150 R-L Residential District

- | | | | |
|----------------|---|----------------|--|
| 1150.01 | General provision. | 1150.06 | Front yard. |
| 1150.02 | Uses permitted. | 1150.07 | Side yard. |
| 1150.03 | Storage and parking regulations. | 1150.08 | Rear yard. |
| 1150.04 | Height regulations. | 1150.09 | Residential floor area regulations. |
| 1150.05 | Lot size. | 1150.10 | Signs. |

CROSS REFERENCES

- Nonconforming and existing uses - see P. & Z. Ch. 1181
- Additional use regulations - see P. & Z. Ch. 1183
- Exceptions and modifications - see P. & Z. Ch. 1185
- Home occupations - see P. & Z. Ch. 1171
- Annexed lands to be R-L District - see P. & Z. 1141.04
- Signs - see P. & Z. Ch. 1184

1150.01 GENERAL PROVISION.

The regulations of this chapter shall apply to all R-L Residential Districts.
(Ord. 29-69. Passed 4-29-69.)

1150.02 USES PERMITTED.

The following uses are permitted:

- (a) Single-family dwellings to be used only for living quarters;
- (b) Public and private recreation areas and parks, no part of which is operated for profit;
- (c) Agriculture, horticulture and truck gardening, provided no agricultural buildings shall be located nearer than 100 feet to any side lot line or rear lot line, and provided that produce is not offered for sale on the premises; and
- (d) Accessory buildings, including a private garage, which are not a part of the main building, may occupy thirty percent of the rear yard and shall be located not less than three feet from side or rear lot lines, except for the side yard line adjacent to a side street, (see Section 1150.07(c)). A building attached to a dwelling shall be considered a part of the main building for determining yard requirements. A private garage may exceed a two vehicle capacity, provided the area of the lot contains not less than 3,000 square feet for each vehicle stored thereon, and all yard requirements are fulfilled.
(Ord. 29-69. Passed 4-29-69.)
- (e) Home occupations, as permitted by this Zoning Code. (See Chapter 1171)

1150.03 STORAGE AND PARKING REGULATIONS.

In an R-L Residential District, storage and parking regulations are as follows:

- (a) Off-street parking space shall be provided for each vehicle regularly in use by the residents of the premises, but not less than two spaces shall be provided for each dwelling unit;
- (b) Off-street storage space shall not be used to store commercial vehicles of more than one ton capacity; and
- (c) Parking areas of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the front setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking area will not be a detriment to the neighborhood.
(Ord. 29-69. Passed 4-29-69.)

1150.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories nor shall it exceed thirty-five feet in height. (Ord. 29-69. Passed 4-29-69.)

1150.05 LOT SIZE.

(a) Every dwelling shall be located on a lot not less than 10,000 square feet in area and which has a width of not less than seventy-five feet, except that if a lot has less area or width than herein required and was a lot of record on the effective date of Ordinance 24-66, passed April 5, 1966, such lot may be used for purposes permitted in this district.

(b) All structures, including accessory buildings, shall not cover more than thirty-five percent of the area of the lot.
(Ord. 29-69. Passed 4-29-69.)

1150.06 FRONT YARD.

There shall be a front yard having a minimum depth of forty feet, except:

- (a) Where a uniform setback line has been established or observed on one side of a street between two intersecting streets or for a distance of 600 feet on both sides of the lot in question at the time of the effective date of Ordinance 24-66 passed April 5, 1966, no building hereafter erected or structurally altered shall project beyond such setback line; and
- (b) Where twenty-five percent or more of all the property, according to front feet, abutting upon one side of a street between two intersecting streets or for a distance of 600 feet on both sides of the lot in question is built up with buildings having an average setback of more or less than forty feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established. (Ord. 29-69. Passed 4-29-69.)

1150.07 SIDE YARD.

(a) Every dwelling shall have two side yards with a combined width, at any point between the front and rear yard, of not less than twenty-five percent of the distance between the side lot lines, as measured through the corresponding point, parallel to the front building line.

The side yards shall be measured perpendicular to the side lot lines and shall in no case be less than eight feet in width.

(b) Existing two-family dwellings shall have two side yards and neither side yard shall be less than twelve feet in width.

(c) The side yard on the street side of a corner lot shall, when practical, be the same as the setback required on the side street, but in no case less than twenty-five feet, and no accessory buildings shall project beyond the yard lines on either street.
(Ord. 29-69. Passed 4-29-69.)

1150.08 REAR YARD.

There shall be a rear yard of not less than thirty-five feet in depth.
(Ord. 29-69. Passed 4-29-69.)

1150.09 RESIDENTIAL FLOOR AREA REGULATIONS.

The main residential structure erected upon any lot shall have:

- (a) A ground area of not less than 1,000 square feet if less than two stories in height; and
- (b) A ground floor area of not less than 800 square feet and a total floor area of not less than 1,100 square feet if such structure is two stories in height.
(Ord. 29-69. Passed 4-29-69.)

1150.10 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance I 1-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

**CHAPTER 1151
RL-2 Residential District**

1151.01	General provision.	1151.08	Rear yard.
1151.02	Uses permitted.	1151.09	Court dimensions.
1151.03	Storage and parking regulations.	1151.10	Residential floor area regulations.
1151.04	Height regulations.	1151.11	Conversion to two-family residence.
1151.05	Lot size.	1151.12	Signs.
1151.06	Front yard.		
1151.07	Side yard.		

CROSS REFERENCES

Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Home occupations - see P. & Z. Ch. 1171
 Parking commercial vehicles - see TRAF. 351.13
 Signs - see P. & Z. Ch. 1184

1151.01 GENERAL PROVISION.

The regulations of this chapter shall apply to all RL-2 Residential Districts.
 (Ord. 29-69. Passed 4-29-69.)

1151.02 USES PERMITTED.

The following uses are permitted:

- (a) Single-family dwellings to be used only for living quarters;
- (b) Two-family dwellings to be used only for living quarters;
- (c) Public and private recreation areas and parks, no part of which is operated for profit;
- (d) Agriculture, horticulture and truck gardening, provided no agricultural buildings shall be located nearer than 100 feet to any side lot line or rear lot line, and provided that produce is not offered for sale on the premises; and
- (e) Accessory buildings, including a private garage, which are not a part of the main building, may occupy thirty percent of the rear yard and shall be located not less than three feet from side or rear lot lines except for the side yard adjacent to a side street (see Section 1152.07(d)). A building attached to a dwelling shall be considered a part of the main building for determining yard requirements.
 (Ord. 29-69. Passed 4-29-69.)
- (f) Home occupations as permitted by this Zoning Code. (See Chapter 1171)

1151.03 STORAGE AND PARKING REGULATIONS.

In an RL-2 Residential District, storage and parking regulations are as follows:

- (a) For residential dwellings off-street storage facilities or space shall be provided for the full number of motor vehicles regularly in use by the families occupying the premises, but not less than two parking spaces for each dwelling unit;
 - (b) Off-street storage space shall not be used to store commercial vehicles of more than one ton capacity; and
 - (c) Parking areas of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the front setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking area will not be a detriment to the neighborhood.
- (Ord. 29-69. Passed 4-29-69.)

1151.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories nor shall it exceed thirty-five feet in height. (Ord. 29-69. Passed 4-29-69.)

1151.05 LOT SIZE.

(a) Every building shall be located on a lot not less than 10,000 square feet in area and a width of not less than seventy-five feet, except that if a lot has less area or width than herein required and was of record on the effective date of Ordinance 24-66 passed April 5, 1966, such lot may be used for a single-family dwelling but not for a two-family dwelling.

(b) All structures, including accessory buildings, shall not cover more than thirty-five percent of the area of the lot.
(Ord. 29-69. Passed 4-29-69.)

1151.06 FRONT YARD.

There shall be a front yard having a minimum depth of forty feet, except:

- (a) Where a uniform setback line has been established or observed on one side of a street between two intersecting streets, or for a distance of 600 feet on both sides of the lot in question at the time of the effective date of Ordinance 24-66 passed April 5, 1966, no building hereafter erected or structurally altered shall project beyond such setback line; and
 - (b) Where twenty-five percent or more of all the property, according to front feet, abutting upon one side of a street, between two intersecting streets or a distance of 600 feet on both sides of the lot in question is built up with buildings having an average setback of more or less than forty feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established.
- (Ord. 29-69. Passed 4-29-69.)

1151.07 SIDE YARD.

(a) Every dwelling shall have two side yards with a combined width at any point between the front and rear yard, of not less than twenty-five percent of the distance between the side lot lines as measured through the corresponding point, parallel to the front building line.

(b) Single-family dwellings shall have a minimum side yard of eight feet in width.

(c) Two-family dwellings shall have a minimum side yard of twelve feet.

(d) The side yard on the street side of a corner lot shall, when practical, be the same as the setback required on the side street, but in no case less than twenty-five feet, and no accessory buildings shall project beyond the yard line on either street.
(Ord. 29-69. Passed 4-29-69.)

1151.08 REAR YARD.

There shall be a rear yard of not less than thirty-five feet in depth.
(Ord. 29-69. Passed 4-29-69.)

1151.09 COURT DIMENSIONS.

The width of any court shall not be less than the height of the highest opposing wall forming the court and the depth shall not be greater than one and one-half times the width of the court. One side or one end of any court must be open. If no windows face the court, these requirements do not apply.
(Ord. 29-69. Passed 4-29-69.)

1151.10 RESIDENTIAL FLOOR AREA REGULATIONS.

(a) Single-family: The requirements of Section 1150.09 shall apply.

(b) Two-family:

- (1) One story. A ground area of not less than 1,000 square feet for each dwelling unit; and
- (2) Two or more stories. A ground area of not less than 800 square feet with a total floor area of not less than 1,100 square feet.
(Ord. 29-69. Passed 4-29-69.)

1151.11 CONVERSION TO TWO-FAMILY RESIDENCE.

A single-family residence existing on a lot of fifty feet or more in width at the time of the enactment of this Zoning Code may be altered or enlarged for two-family occupancy, provided that existing conforming yards shall not be diminished to a depth or width of less than is required by this Zoning Code for RL-2 Residential Districts, except that such yards, when of less depth or width than is required for RL-2 Residential Districts, shall not be further reduced in depth or width, provided, however, that the minimum floor area and lot area requirements are fulfilled. (Ord. 29-69. Passed 4-29-69.)

1151.12 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

**CHAPTER 1152
RL-3 Residential District**

1152.01	General provision.	1152.07	Side yard.
1152.02	Uses permitted.	1152.08	Rear yard.
1152.03	Storage and parking regulations.	1152.09	Court dimensions.
1152.04	Height regulations.	1152.10	Residential floor area regulations.
1152.05	Lot size and lot area per family.	1152.11	Conversion to multiple family residence.
1152.06	Front yard.	1152.12	Signs.

CROSS REFERENCES

Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Home occupations - see P. & Z. Ch. 1171
 Signs - see P. & Z. Ch. 1184

1152.01 GENERAL PROVISION.

The regulations in this chapter shall apply in all RL-3 Residential Districts.
 (Ord. 29-69. Passed 4-29-69.)

1152.02 USES PERMITTED.

- (a) Single-family dwellings to be used only for living quarters.
- (b) Two-family dwellings to be used only for living quarters.
- (c) Multiple family dwellings for three or more families to be used only for living quarters.
- (d) Public and private recreation areas and parks, no part of which is operated for profit.
- (e) Agriculture, horticulture and truck gardening, provided no agricultural buildings shall be located nearer than 100 feet to any side lot line or rear lot line, and provided that produce is not offered for sale on the premises.

(f) Accessory buildings, including a private garage, which are not a part of the main building, may occupy thirty percent of the rear yard and shall be located not less than three feet from side or rear lot lines except for the side yard adjacent to a side street. (See Section 1152.07(d)). A building attached to a dwelling shall be considered a part of the main building for determining yard requirements.
(Ord. 29-69. Passed 4-29-69.)

(g) Home occupations as permitted by this Zoning Code. (See Chapter 1171)

1152.03 STORAGE AND PARKING REGULATIONS.

Off-street parking space shall be provided for each vehicle regularly in use by residents of the premises, but not less than the following:

- (a) Single-family and two-family dwellings, two parking spaces for each dwelling unit.
- (b) Multiple-family dwellings for three families or more, two parking spaces for each dwelling unit and an access drive a minimum of twenty feet wide.
- (c) Parking lots of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the front setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking lot will not be a detriment to the neighborhood.

(Ord. 29-69. Passed 4-29-69.)

1152.04 HEIGHT REGULATIONS.

No building shall exceed four stories nor more than fifty feet in height. Buildings shall be set back from all side and rear lines herein established an additional distance of not less than one foot for every two feet of building height above twenty-eight feet.

(Ord. 29-69. Passed 4-29-69.)

1152.05 LOT SIZE AND LOT AREA PER FAMILY.

(a) Every lot shall have a minimum width of seventy-five feet and a minimum area of 10,000 square feet, except, that if a lot has less area or width then herein required, and was of record on the effective date of Ordinance 24-66 passed April 5, 1966, such lot may be used for a single-family dwelling.

(b) Lot area per family shall be as follows:

- (1) Single-family dwellings - 10,000 square feet.
- (2) Two-family dwellings - 5,000 square feet.
- (3) Multiple-family dwellings for three families or more, the following lot area requirements shall apply:
 - A. Apartments - one or two bedroom - 10,000 square feet for the first two units and 3,000 additional square feet for each unit in addition to two.
 - B. Apartments - three or more bedrooms - 10,000 square feet plus 3,500 additional square feet for each unit in addition to two.

(c) All structures, including accessory buildings, shall not cover more than thirty-five percent of the lot.

(Ord. 29-69. Passed 4-29-69.)

1152.06 FRONT YARD.

There shall be a front yard having a minimum depth of forty feet from the front property line, except:

- (a) Where a uniform setback line has been established or observed on one side of a street between two intersecting streets, for a distance of 600 feet on either side of the lot in question, at the time of the effective date of Ordinance 24-66 passed April 5, 1966, no building hereafter erected or structurally altered shall project beyond such setback lines.
- (b) Where twenty-five percent or more of all the property, according to front feet, abutting one side of a street between two intersecting streets or for a distance of six hundred feet on both sides of the lot in question, is built up with buildings having an average setback line of more or of less than forty feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established. (Ord. 29-69. Passed 4-29-69.)

1152.07 SIDE YARD.

(a) Every dwelling shall have two side yards with a combined width, at any point between the front and rear yard, of not less than twenty-five percent of the distance between the side lot lines as measured through the corresponding point, parallel to the front building line. The side yards shall be measured perpendicular to the side lot line.

(b) For single-family dwellings, the minimum side yard shall be eight feet.

(c) For two-family dwellings and multiple-family dwellings for three or more families, the minimum side yard shall be twelve feet.

- (d) On a corner lot, the side yard adjoining the side street shall be as follows:
- (1) For single-family and two-family dwellings the side yard shall, when practical, be the same width as the front setback required on the side street, but in no case less than twenty-five feet in width.
 - (2) For multiple-family dwellings for three or more families, the side yard shall be the same width as the front setback required on the side street but in no case less than thirty feet in width.
(Ord. 29-69. Passed 4-29-69.)

1152.08 REAR YARD.

The rear yard shall be not less than thirty-five feet in depth, plus the additional distance required in Section 1152.04.
(Ord. 29-69. Passed 4-29-69.)

1152.09 COURT DIMENSIONS.

The width of any court shall not be less than the height of the highest opposing wall forming the court and the depth shall not be greater than one and one-half times the width of the court. One side or one end of any court must be open. If no windows face the court, these requirements do not apply.
(Ord. 29-69. Passed 4-29-69.)

1152.10 RESIDENTIAL FLOOR AREA REGULATIONS.

- (a) A single-family dwelling shall have:
- (1) Not less than 1,000 square feet of living space, at ground level, if less than two stories in height.
 - (2) A ground floor area of 800 square feet and a total floor area of 1,100 square feet if two stories in height.
- (b) A two-family dwelling shall have:
- (1) A ground floor area of not less than 750 square feet, per family, if less than two stories in height.
 - (2) A ground floor area of not less than 550 square feet with a total floor area of not less than 850 square feet, per family, if two stories or more in height.

(c) A multiple family dwelling for three families or more shall have not less than 500 square feet of living space, for each dwelling unit, plus 100 square feet for each bedroom in excess of one.

(Ord. 29-69. Passed 4-29-69.)

1152.11 CONVERSION TO MULTIPLE-FAMILY RESIDENCE.

A single-family residence existing on a lot of fifty feet or more in width at the time of the enactment of this Zoning Code may be altered or enlarged for multiple-family occupancy, provided that existing conforming yards shall not be diminished to a depth or width less than is required by this Zoning Code for RL-3 Residential Districts, except that such yards, when of less depth or width than is required for RL-3 Residential Districts, shall not be further reduced in depth or width, provided however, that the minimum floor area and lot area requirements are fulfilled. (Ord. 29-69. Passed 4-29-69.)

1152.12 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

**CHAPTER 1153
R-A Residential District**

1153.01	General provision.	1153.07	Side yard.
1153.02	Uses permitted.	1153.08	Rear yard.
1153.03	Storage and parking regulations.	1153.09	Residential floor area regulations.
1153.04	Height regulations.	1153.10	Court dimensions.
1153.05	Lot size and lot area per family.	1153.11	Conversion to multiple-family dwelling.
1153.06	Front yard.	1153.12	Signs.

CROSS REFERENCES

R-L Districts uses - see P. & Z. 1150.02, 1151.02, 1152.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Home occupations - see P. & Z. Ch. 1171
 Signs - see P. & Z. Ch. 1184

1153.01 GENERAL PROVISION.

The regulations of this chapter shall apply in all R-A Residential Districts.
 (Ord. 24-66. Passed 4-5-66.)

1153.02 USES PERMITTED.

The following uses are permitted:

- (a) Any uses permitted in R-L Districts;
- (b) Multiple-family dwellings;
- (c) Churches;
- (d) Schools, public and private, including colleges;
- (e) Libraries and museums;
- (f) Home occupations as permitted by this Zoning Code. (See Chapter 1171)
- (g) Accessory uses or building and uses customarily incidental to any of the above uses, including storage garages on a lot occupied by a multiple-family dwelling, or any private or storage garage or accessory building that is not a part of the main structure, may occupy thirty percent of the rear yard and shall be not less than three feet from any lot line; and

- (h) The permitted accessory uses shall specifically prohibit the establishment of a retail salesroom, and shall be restricted to such uses as are not offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration or otherwise objectionable, such as by reason of the accumulation of materials or debris. (See "Home Occupation", Section 1131.28.)
(Ord. 24-66. Passed 4-5-66.)

1153.03 STORAGE AND PARKING REGULATIONS.

Off-street parking space shall be provided for each vehicle regularly in use by residents of the premises, but not less than the following:

- (a) Single-family and two-family dwellings, two parking spaces for each dwelling unit.
- (b) Multiple-family dwellings for three families or more, two parking spaces for each dwelling unit and an access drive a minimum of twenty feet wide.
- (c) Churches and temples, one parking space for every six seats in the main auditorium.
- (d) Schools and public buildings, one parking space for every six seats in the auditorium or in similar places of public assembly.
- (e) Home occupation, parking space with adequate ingress and egress from a public way, place or street that is equal to twice the area within the structure which is devoted to such activities, but in no instance less than two parking spaces in addition to the parking space required for the dwelling.
- (f) Parking lots of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the front setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking lot will not be a detriment to the neighborhood.
(Ord. 29-69. Passed 4-29-69.)

1153.04 HEIGHT REGULATIONS.

No building shall exceed four stories nor more than fifty feet in height. Buildings shall be set back from all side and rear lines herein established an additional distance of not less than one foot for every two feet of building height above twenty-eight feet.
(Ord. 24-66. Passed 4-5-66.)

1153.05 LOT SIZE AND LOT AREA PER FAMILY.

(a) Every lot shall have a minimum width of sixty feet and a minimum area of 7,500 square feet, except, that if a lot has less area or width than herein required, and was of record on the effective date of Ordinance 24-66 passed April 5, 1966, such lot may be used for the purposes permitted in this district.

- (b) Lot area per family shall be as follows:
 - (1) Single-family dwellings, 7,500 square feet;
 - (2) Two-family dwellings, 7,500 square feet;
 - (3) Multiple-family dwellings, for each dwelling unit in excess of two, the following lot area requirements shall apply:

- A. Efficiency apartments, 7,500 square feet for the first two units and 800 additional square feet for each unit in addition to two.
- B. One bedroom apartments, 7,500 square feet for the first two units, and 1,000 additional square feet for each unit in addition to two.
- C. Two bedroom apartments, 7,500 square feet for the first two units and 2,000 additional square feet for each unit in addition to two.
- D. Three bedroom apartments, 7,500 square feet for the first two units and 2,500 additional square feet for each unit in addition to two.

(c) All structures, including accessory buildings, shall not cover more than fifty percent of the lot.
(Ord. 24-66. Passed 4-5-66.)

1153.06 FRONT YARD.

There shall be a front yard having a minimum depth of thirty feet from the front property line, except:

- (a) Where a uniform setback line has been established or observed on one side of a street, between two intersecting streets or for a distance of 600 feet on either side of the lot in question at the time of the effective date of Ordinance 24-66 passed April 5, 1966, no building hereafter erected or structurally altered shall project beyond such setback line.
- (b) Where twenty-five percent or more of all the property, according to front feet, abutting one side of a street between two intersecting streets or for a distance of 600 feet on both sides of the lot in question, is built up with buildings having an average setback line of more or less than thirty feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established. (Ord. 24-66. Passed 4-5-66.)

1153.07 SIDE YARD.

(a) Every dwelling shall have two side yards with a combined width, at any point between the front and the rear yard, of not less than twenty-five percent of the distance between the side lot lines as measured through the corresponding point parallel to the front building line. The side yards shall be measured perpendicular to the side lot line.

(b) For single-family dwellings, the minimum side yard shall be six feet.

(c) For multiple-family dwellings, the minimum side yards shall be twelve feet on one side and ten feet on the other.

(d) Churches, schools, libraries and museums are permitted only if they are located at least twenty-five feet from all side lot lines.

(e) On a corner lot, the side yard adjoining the side street shall, when practicable, be the same width as the setback required on the side street, but in no case shall there be a side yard of less than twenty feet in width. No accessory building shall project beyond the setback line on either street. (Ord. 29-69. Passed 4-29-69.)

1153.08 REAR YARD.

The rear yard shall be not less than thirty-five feet in depth.
(Ord. 24-66. Passed 4-5-66.)

1153.09 RESIDENTIAL FLOOR AREA REGULATIONS.

- (a) A single-family dwelling:
- (1) Shall have not less than 800 square feet of living space at ground level, if less than two stories in height; and
 - (2) A ground floor area of 575 square feet with a total floor area of 900 square feet if two stories in height.
- (b) A two-family dwelling shall have not less than 600 square feet of living space per family.
- (c) A multiple-family dwelling shall have not less than 500 square feet of living space per family.
- (d) An efficiency apartment shall have not less than 300 square feet of living space per family. (Ord. 24-66. Passed 4-5-66.)

1153.10 COURT DIMENSIONS.

The width of any court shall not be less than the height of the highest opposing wall forming the court and the depth shall not be greater than one and one-half times the width of the court. One side or one end of any court must be open. If no windows face the court, these requirements do not apply.
(Ord. 29-69. Passed 4-29-69.)

1153.11 CONVERSION TO MULTIPLE-FAMILY DWELLING.

A single-family residence existing on a lot of fifty feet or more in width at the time of the enactment of this Zoning Code may be altered or enlarged for multiple-family occupancy, provided that existing conforming yards shall not be diminished to a depth or width less than is required by this Zoning Code for R-A Residential Districts, except that such yards, when of less depth or width than is required for R-A Residential Districts, shall not be further reduced in depth or width and provided that the minimum floor area and lot area requirements are fulfilled.
(Ord. 29-69. Passed 4-29-69.)

1153.12 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance I 1-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

**CHAPTER 1154
R-S Residential District**

1154.01	General provision.	1154.07	Side yard.
1154.02	Uses permitted.	1154.08	Rear yard.
1154.03	Storage and parking regulations.	1154.09	Court dimensions.
1154.04	Height regulations.	1154.10	Residential floor area regulations.
1154.05	Lot size and lot area per family.	1154.11	Conversion to multiple family dwelling.
1154.06	Front yard.	1154.12	Signs.

CROSS REFERENCES

Group living accommodation defined - see P. & Z. 1131.27

R-A District uses - see P. & Z. 1153.02

Nonconforming and existing uses - see P. & Z. Ch. 1181

Additional use regulations - see P. & Z. Ch. 1183

Exceptions and modifications - see P. & Z. Ch. 1185

Home occupations - see P. & Z. Ch. 1171

Signs - see P. & Z. Ch. 1184

1154.01 GENERAL PROVISION.

The regulations in this chapter shall apply to all R-S Residential Districts.
(Ord. 24-66. Passed 4-5-66.)

1154.02 USES PERMITTED.

The following uses are permitted:

- (a) All uses permitted in R-A Residential Districts;
- (b) Group living accommodations;
- (c) Tourist homes;
- (d) Medical offices and centers;
- (e) Hospitals and clinics other than a hospital for persons suffering from insanity or other mental diseases or such diseases commonly isolated in a separate building;
- (f) Public and semipublic institutions, educational and charitable, but not including a jail, reformatory or other correctional institution, nor a mental or contagious hospital;

- (g) Private clubs, fraternities, sororities, lodges, social and recreational centers, excepting those the chief activity of which is a service customarily carried on as a business;
- (h) Public garages and commercial parking lots, for storage purposes only and where no repair facilities are maintained and no vehicles are offered for sale.
 - (1) A petition signed by the owners of seventy-five percent of the property within 300 feet of any part of the premises and not separated therefrom by more than one street or one alley;
 - (2) No portion of the building shall be within twenty feet of any residence;
 - (3) No public garage shall have an entrance or exit for motor vehicles within 300 feet of a public or private school, playground, public library, church, hospital, children's or old people's home or other similar public or semipublic institutions.
(Ord. 29-69. Passed 4-29-69.)

1154.03 STORAGE AND PARKING REGULATIONS.

Off-street parking space shall be provided in the rear yard or within that portion of the side yard which lies between a main building and the side lot line, as follows:

- (a) R-A parking regulations shall apply to the same uses in this district;
- (b) Hospitals or institutions, one parking space for every four beds contained in the structure, plus one space for each employee;
- (c) Tourist homes, one parking space for each guest room, plus one space for each employee;
- (d) Lodging houses, one parking space for every two guest rooms contained in the structure, plus one space for each employee;
- (e) Private clubs or lodges, one parking space for every ten members, plus one space for each employee;
- (f) Parking lots of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the front setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking lot will not be a detriment to the neighborhood; and
- (g) An access drive of at least twenty feet in width shall be provided except for a single or two-family dwelling.
(Ord. 29-69. Passed 4-29-69.)

1154.04 HEIGHT REGULATIONS.

No building shall exceed six stories or seventy-five feet in height. Buildings shall set back from all side and rear lines herein established an additional distance of not less than one foot for every two feet of building height above twenty-eight feet.
(Ord. 29-69. Passed 4-29-69.)

1154.05 LOT SIZE AND LOT AREA PER FAMILY.

(a) Every lot shall have a minimum width of fifty feet and a minimum area of 6,000 square feet, except, that if a lot has less area or width than herein required, and was of record on the effective date of Ordinance 24-66 passed April 5, 1966, such lot may be used for the purposes permitted in this district.

- (b) Lot area per family shall be as follows:
- (1) Single-family dwellings, 6,000 square feet.
 - (2) Two-family dwellings, 6,000 square feet.
 - (3) Multiple-family dwellings, for each dwelling unit in excess of two, the following lot area requirements shall apply:
 - A. Efficiency apartments, 6,000 square feet for the first two units and 800 additional square feet for each unit in addition to two.
 - B. One bedroom apartments, 6,000 square feet for the first two units and 1,000 additional square feet for each unit in addition to two.
 - C. Two bedroom apartments, 6,000 square feet for the first two units and 2,000 additional square feet for each unit in addition to two.
 - D. Three bedroom apartments, 6,000 square feet for the first two units and 2,500 additional square feet for each unit in addition to two.

(c) All structures, including accessory buildings, shall not cover more than fifty percent of the lot. (Ord. 24-66. Passed 4-5-66.)

1154.06 FRONT YARD.

There shall be a front yard having a minimum depth of twenty-five feet, unless the exceptions listed in Section 1153.06 are applicable. (Ord. 24-66. Passed 4-5-66.)

1154.07 SIDE YARD.

(a) Every dwelling shall have two side yards with a combined width, at any point between the front and rear yard, of not less than twenty percent of the distance between the side lot lines as measured through the corresponding point, parallel to the front building line. The side yards shall be measured perpendicular to the side lot lines and shall in no case be less than five feet in width.

(b) For multiple-family dwellings, the minimum side yard shall be six feet if less than three stories in height or ten feet if three or more stories in height.

(c) Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall be not less than fifteen feet. No accessory building shall project beyond the setback line on either street. (Ord. 29-69. Passed 4-29-69.)

1154.08 REAR YARD.

The rear yard shall be not less than twenty-five feet in depth. (Ord. 24-66. Passed 4-5-66.)

1154.09 COURT DIMENSIONS.

The width of any court shall not be less than the height of the highest opposing wall forming the court and the depth shall not be greater than one and one-half times the width of the court. One side or one end of any court must be open. If no windows face the court, these requirements do not apply. (Ord. 29-69. Passed 4-29-69.)

1154.10 RESIDENTIAL FLOOR AREA REGULATIONS.

(a) Floor area regulations for single-family and two-family dwellings shall be the same as in an R-A Residential District.

(b) Each multiple-family dwelling unit shall have a floor area of not less than 300 square feet for each family.
(Ord. 29-69. Passed 4-29-69.)

1154.11 CONVERSION TO MULTIPLE-FAMILY DWELLING.

A single-family residence existing on a lot of fifty feet or more in width at the time of the enactment of this Zoning Code may be altered or enlarged for multiple occupancy, provided that existing conforming yards shall not be diminished to a depth or width less than is required by this Zoning Code for R-S Residential Districts, except that such yards, when of less depth or width than is required for R-S Residential Districts, shall not be further reduced in depth or width, but provided, however, that the minimum floor area and lot area requirements are fulfilled.
(Ord. 29-69. Passed 4-29-69.)

1154.12 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1155
R-M Mobile Home Residential District

1155.01	General provision.	1155.06	Front yard.
1155.02	Uses permitted.	1155.07	Side yard.
1155.03	Storage and parking regulations.	1155.08	Rear yard.
1155.04	Height regulations.	1155.09	Residential floor area regulations.
1155.05	Lot size and lot area per family.	1155.10	Signs.

CROSS REFERENCES

Mobile home definitions - see P. & Z. 1131.44 et seq.
 R-L uses- see P. & Z. 1150.02, 1151.02, 1152.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Trailers - see P. & Z. 1141.06(e)
 Flood control provision - see BLDG. 1333.06
 Signs - see P. & Z. Ch. 1184

1155.01 GENERAL PROVISION.

The regulations of this chapter shall apply to all R-M Mobile Home Residential Districts. (Ord. 24-66. Passed 4-5-66.)

1155.02 USES PERMITTED.

The following uses are permitted:

- (a) Any uses permitted in R-L Residential Districts.
- (b) Mobile home park requirements:
 - (1) Each lot or tract used for a mobile home park shall have not less than 150 foot frontage and shall contain not less than two acres of land, and shall provide a separate mobile home plot for each trailer. This mobile home plot shall have a minimum width of forty feet and a minimum of 3,000 square feet of area.

- (2) All drives within the park shall be a minimum of twenty-six feet wide and all entrances to the park shall be at least 200 feet from the intersection of a street or highway, school, public playground, church, hospital, library or institution for dependents or children, except where such a building or property is in another block or fronts on a street or highway on which the park will have no entrance or exit. Drives from individual living units to streets or highways are prohibited.

Drives must be constructed with a minimum of six inch crushed limestone base, Item 304, and a double seal. All work and materials shall be in accordance with the specifications on file in the office of the City Engineer.
 - (3) All utilities and improvements, including power, lighting, water lines and storm and sanitary sewers shall be provided to serve the entire park, in accordance with the specifications on file in the office of the City Engineer.
 - (4) A detailed plat and complete construction drawings for all improvements and grading operations must be approved by the Planning Commission and City Engineer before construction of a mobile home park may be started.
 - (5) One paved off-street parking space must be provided for each mobile home plot, plus one additional space for every two plots for guest parking. Required minimum drive areas may not be used to satisfy the off-street parking requirements, except that drives at least thirty feet wide may be used for parallel parking on one side and drives at least thirty-eight feet wide may be used for parallel parking on both sides.
 - (6) All other requirements of this chapter, including the required yards, must be met.
 - (7) The Planning Commission shall impose any additional restrictions or requirements which it feels necessary to carry out the full intent of this chapter, and which are in the best interest of the community.
- (c) Trailer sales lot.
- (d) This is the only district in which trailers may be permanently located. In all other districts, including the industrial districts, trailers are prohibited, except:
- (1) One unoccupied trailer may be temporarily stored in the rear yard of any lot in a residential district. The trailer must be located three feet from all lot lines.
 - (2) Unoccupied trailers may be stored indefinitely in trailer sales lots in R-M Mobile Home Residential Districts, B-3 Business Districts or M-1 and M-2 Industrial Districts within the buildable area of the lots for extended periods of time.
 - (3) Nonconforming mobile homes in any district, except M-2 Heavy Industrial Districts, used for residential purposes as of May 5, 1966, may, for residential purposes only, remain at the same premises on which they were located on such date, subject to the conditions set forth in Section 1181.09. (Ord. 49-67. Passed 8-15-67.)

1155.03 STORAGE AND PARKING REGULATIONS.

Off-street parking shall be provided as follows:

- (a) Single-family dwellings - same as R-L Residential District.
- (b) Mobile home parks - one and one-half parking spaces for each unit.
- (c) Trailer sales lot - one parking space for every five trailers displayed for sale, plus one space for each employee.
- (d) Parking space may not occupy the required front yard.
(Ord. 24-66. Passed 4-5-66.)

1155.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories or thirty-five feet in height.

(Ord. 24-66. Passed 4-5-66.)

1155.05 LOT SIZE AND LOT AREA PER FAMILY.

- (a) Single-family dwellings - same as R-L Residential District.

(b) Mobile home park - mobile homes may be located only on a "mobile home plot" within an approved mobile home park. The plot shall have a minimum width of forty feet and a minimum area of 3,000 square feet.
(Ord. 24-66. Passed 4-5-66.)

1155.06 FRONT YARD.

All buildings and structures, including trailers and mobile homes, shall have a front yard of at least thirty feet along all public streets and highways.

(Ord. 24-66. Passed 4-5-66.)

1155.07 SIDE YARD.

Single-family dwellings shall have side yards the same as R-S Residential. Mobile home parks and trailer sales lots shall have minimum side yards of fifteen feet on each side.

(Ord. 24-66. Passed 4-5-66.)

1155.08 REAR YARD.

Single-family dwellings shall have rear yards the same as R-S Residential. Mobile home parks and trailer sales lots shall have minimum rear yards of fifteen feet.

(Ord. 24-66. Passed 4-5-66.)

1155.09 RESIDENTIAL FLOOR AREA REGULATIONS.

No requirements.

(Ord. 24-66. Passed 4-5-66.)

1155.10 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance I 1-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1156
S-U Special Use District

1156.01	General provision.	1156.05	Lot area.
1156.02	Uses permitted.	1156.06	Front yard.
1156.03	Storage and parking regulations.	1156.07	Side yard.
1156.04	Height regulations.	1156.08	Rear yard.
		1156.09	Signs.

CROSS REFERENCES

Parking in R-A Districts - see P. & Z. 1153.03
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulation - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185

1156.01 GENERAL PROVISION.

The regulations in this chapter shall apply to all S-U Special Use Districts. Only lands owned by colleges, universities, hospitals and other similar nonprofit organizations shall be eligible for classification as a S-U Special Use District.
 (Ord. 24-66. Passed 4-5-66.)

1156.02 USES PERMITTED.

The following uses are permitted:

- (a) Group living accommodations. (See Section 1131,27)
- (b) Hospitals and clinics, including dormitories for nurses and attendants, other than a hospital for persons suffering from insanity or other mental diseases or such diseases commonly isolated in a separate building.
- (c) Colleges, universities and theological schools, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers including eating and snack facilities, athletic facilities but not including colleges or trade schools operated for profit.
 (Ord. 24-66. Passed 4-5-66.)

1156.03 STORAGE AND PARKING REGULATIONS.

Off-street parking space shall be provided in the rear yard or within that portion of the side yard which lies between a main building and the side lot line, as follows:

- (a) R-A parking regulations shall apply to the same uses in this district.
- (b) Hospitals or institutions - one parking space for every four beds contained in the structure, plus one space for each employee.
- (c) Group living accommodations - one parking space for every two beds occupied at maximum occupancy.
- (d) Colleges, universities, etc. - one parking space for every five students, plus one additional space for each employee.
- (e) Private club or lodge - one parking space for every ten members, plus one space for each employee.
- (f) Parking lots of more than two vehicle capacity may be provided in the required side, rear or front yards, but shall in no case project beyond the setback requirements. Definite artistic barriers and landscaping shall be placed in the front area so that the parking lot will not be a detriment to the neighborhood.

(Ord. 24-66. Passed 4-5-66.)

1156.04 HEIGHT REGULATIONS.

No building shall exceed six stories or seventy-two feet in height. Buildings shall be set back from all side and rear lines herein established an additional distance of not less than one foot for every two feet of building height above twenty-eight feet.

(Ord. 24-66. Passed 4-5-66.)

1156.05 LOT AREA.

All structures, including accessory buildings, shall not cover more than fifty percent of the lot. (Ord. 24-66. Passed 4-5-66.)

1156.06 FRONT YARD.

Regulations governing R-S Residential Districts shall govern.
(Ord. 24-66. Passed 4-5-66.)

1156.07 SIDE YARD.

Side yards are not required except as follows:

- (a) Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall be not less than fifteen feet.
- (b) In no case shall a building be located closer than twenty-five feet from a residential district. (Ord. 24-66. Passed 4-5-66.)

1156.08 REAR YARD.

A rear yard is not required except adjacent to a residential district, in which instance a twenty-five foot rear yard is required.

(Ord. 24-66. Passed 4-5-66.)

1156.09 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1157
B-1 Neighborhood Business District

1157.01	General provision.	1157.06	Front yard.
1157.02	Use regulations.	1157.07	Side yard.
1157.03	Parking and loading regulations.	1157.08	Rear yard.
1157.04	Height regulations.	1157.09	Lot area per family.
1157.05	Residential lot size and lot area per family.	1157.10	Residential floor area regulations.
		1157.11	Signs.

CROSS REFERENCES

R-S District uses - see P. & Z. 1154.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Signs - see P. & Z. Chapter 1184

1157.01 GENERAL PROVISION.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the B-1 Neighborhood Business Districts.

(Ord. 24-66. Passed 4-5-66.)

1157.02 USE REGULATIONS.

A building or premises shall be used for the following purposes:

- (a) Any use permitted in R-S Residential Districts.
- (b) Amusement place or theater, except open-air drive-in theater; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within 300 feet thereof within this district, a space for off-street parking, which contains an area adequate to accommodate one automobile for every five seats in the theater.
- (c) Bank.
- (d) Bakery employing not more than five persons where products are sold only at retail on the premises.
- (e) Barber shop, beauty parlor, chiropody, massage or similar personal service shop.
- (f) Bicycle sales and repair shop.
- (g) Business or commercial schools or dancing or music academies.
- (h) Catering and delicatessen business.
- (i) Custom dressmaking, millinery, tailoring or similar retail trade employing not more than five persons on the premises.

- (j) Garage, storage.
- (k) Laundromats.
- (l) Locksmith shop.
- (m) Medical and dental clinic, veterinary clinic excluded.
- (n) Messenger and telegraph service stations.
- (o) Offices.
- (p) Parking space and lots for parking automobiles.
- (q) Photographer's studio.
- (r) Receiving store for wet, dry or steam cleaning, which cleaning shall be done elsewhere.
- (s) Restaurant.
- (t) Shoe repairing shop employing not more than five persons.
- (u) Shop for the repair of electrical and radio equipment and other similar commodities, employing not more than five persons on the premises, and not involving the conduct of any manufacturing on the premises.
- (v) Store or shop for the conduct of retail business.
- (w) Undertaking establishment; provided, however, that no undertaking establishment shall be erected or reconstructed unless there is provided on the same lot, or within 300 feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate three cars for every 100 square feet of floor space in the chapel or parlor.
- (x) Accessory buildings and uses customarily incident to the above listed uses. (Ord. 24-66. Passed 4-5-66.)

1157.03 PARKING AND LOADING REGULATIONS.

(a) The parking regulations for dwellings, schools, institutions and similar uses are the same as those in an R-S Residential District.

(b) Where any building is erected, reconstructed or converted for any of the business purposes permitted in this chapter, there shall be provided off-street parking for customers use at the rate of not less than one space for each 200 square feet of business floor area, but not less than two spaces. Theaters and other places of assembly shall provide off-street parking for customers at the rate of not less than one space for each eight patrons for which the building was designed. Where the principal building is used for a combination of business and residence uses, additional space shall be provided for the storage of not less than one motor vehicle for each dwelling unit. In addition to the above, one parking space shall be provided for each employee. Such parking space may be located within the required side, rear or front yards but in no case less than ten feet from the street property lines.

(c) Any building hereafter erected or converted for any of the commercial uses permitted in this district shall provide one space, with minimum dimensions of ten by twenty-five feet, for the loading and unloading of trucks, either within the building or upon the lot, for every building of 10,000 square feet or less. One additional loading space shall be provided for each additional 10,000 square feet of gross floor area or fraction thereof. (Ord. 24-66. Passed 4-5-66.)

1157.04 HEIGHT REGULATIONS.

No building shall exceed five stories or exceed sixty feet in height, except as hereinafter provided. (Ord. 24-66. Passed 4-5-66.)

1157.05 RESIDENTIAL LOT SIZE AND LOT AREA PER FAMILY.

The requirements for dwellings are the same as those in R-S Residential Districts. When a lot is used for commercial purposes these requirements do not apply. (Ord. 24-66. Passed 4-5-66.)

1157.06 FRONT YARD.

There shall be a front yard having a minimum depth of twenty feet, unless forty percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have provided a front yard, in which case no building shall project beyond the average of the established front yards. (Ord. 24-66. Passed 4-5-66.)

1157.07 SIDE YARD.

The side yard regulations for dwellings are the same as those in R-S Residential Districts. When a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a residential district or a side street, in which case there shall be a side yard of not less than ten feet. (Ord. 24-66. Passed 4-5-66.)

1157.08 REAR YARD.

The rear yard regulations for dwellings are the same as those in the R-S Residential Districts. In all other cases, a rear yard of ten feet is required except where a lot abuts upon a residential district, in which case there shall be a rear yard of not less than twenty feet in depth, which shall be enclosed with a suitable fence to obscure any refuse or other materials which may be temporarily allowed to accumulate in this area. (Ord. 24-66. Passed 4-5-66.)

1157.09 LOT AREA PER FAMILY.

(See Section 1157.05.)

1157.10 RESIDENTIAL FLOOR AREA REGULATIONS.

The residential floor area regulations are the same as those for the R-S Residential District. (Ord. 24-66. Passed 4-5-66.)

1157.11 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1159
B-2 General Business District

1159.01	General provision.	1159.07	Rear yard.
1159.02	Use regulations.	1159.08	Lot area per family.
1159.03	Parking and loading regulations.	1159.09	Residential floor area regulations.
1159.04	Height regulations	1159.10	Signs.
1159.05	Front yard.	1159.11	Awnings, canopies, etc.
1159.06	Side yard.		

CROSS REFERENCES

B-1 uses - see P. & Z. 1157.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Within fire limits - see BLDG. 1311.01
 Signs - see P. & Z. Ch. 1184

1159.01 GENERAL PROVISION.

The regulations set forth in this chapter or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the B-2 General Business District. (Ord. 24-66. Passed 4-5-66.)

1159.02 USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the B-1 Neighborhood Business District.
- (b) Amusement place or theater, except open-air drive-in theaters.
- (c) Dyeing and cleaning works, and laundries employing not more than ten persons on the premises exclusive of owners, drivers or employees who spend the major part of their time outside rather than on the premises, and using a cleaning fluid whose base is of a material other than petroleum or one of its derivatives.
- (d) Garage, public and storage.
- (e) Used car lot.
- (f) Plumbing, printing and tinsmithing shop employing not more than ten persons on the premises.
- (g) Recreational facilities including bowling alleys and pool halls.

- (h) Shop for the repair of electrical and radio equipment and other similar commodities employing not more than ten persons on the premises and not involving the conduct of any manufacturing on the premises.
- (i) General service and repair establishments similar in character to those enumerated in this chapter, but employing not more than ten persons on the premises.
- (j) Accessory buildings and uses customarily incident to the uses listed in this section.
(Ord. 24-66. Passed 4-5-66.)

1159.03 PARKING AND LOADING REGULATIONS.

(a) Storage and parking space requirements shall be the same as in B-1 Business Districts, except where undue hardship will result from such a regulation. The application for a permit to build on the lot shall be submitted to the Zoning Board of Appeals for its approval of the amount of space required for parking and storage.

(b) Any buildings hereafter erected or converted for any of the commercial uses permitted in this district shall provide one space with minimum dimensions of ten feet by twenty-five feet, for the loading and unloading of trucks, either within the building or upon the lot, for every building containing 10,000 square feet or less. One additional loading space shall be provided for each additional 20,000 square feet of gross floor area or fraction thereof.
(Ord. 24-66. Passed 4-5-66.)

1159.04 HEIGHT REGULATIONS.

There are no height regulations.
(Ord. 24-66. Passed 4-5-66.)

1159.05 FRONT YARD.

No front yard is required.
(Ord. 24-66. Passed 4-5-66.)

1159.06 SIDE YARD.

The side yard regulations for residential uses are the same as in the R-S Residential District. In all other cases a side yard is not required except on the side of a lot adjoining a Residential District, in which case there shall be a side yard of not less than ten feet. However, where the B-2 Business District is separated from a residential district by a street or alley, no side yard shall be required.
(Ord. 24-66. Passed 4-5-66.)

1159.07 REAR YARD.

The rear yard regulations for dwellings are the same as in the R-S Residential District. In all other cases the rear yard shall be of such size as to satisfy the loading and unloading requirements specified above.
(Ord. 24-66. Passed 4-5-66.)

1159.08 LOT AREA PER FAMILY.

When a lot is improved with a single-family dwelling, two-family dwelling or multiple dwelling, or when living facilities are erected above other uses, the lot area per family regulations are the same as those required in the R-S Residential District.
(Ord. 24-66. Passed 4-5-66.)

1159.09 RESIDENTIAL FLOOR AREA REGULATIONS.

The residential floor area regulations are the same as those for the R-S Residential District.

(Ord. 24-66. Passed 4-5-66.)

1159.10 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

1159.11 AWNINGS, CANOPIES, ETC.

No part of any awning or canopy projecting over the sidewalk shall be less than eight feet above the sidewalk level.

(Ord. 24-66. Passed 4-5-66.)

CHAPTER 1161
B-3 Highway Service Business District

1161.01	General provision.	1161.06	Front yard.
1161.02	Use regulations.	1161.07	Side yard.
1161.03	Parking and loading regulations.	1161.08	Rear yard.
1161.04	Height regulations.	1161.09	Lot area per family.
1161.05	Residential lot size and lot area per family.	1161.10	Residential floor area regulations.
		1161.11	Signs.

CROSS REFERENCES

B-2 uses - see P. & Z. 1159.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185

1161.01 GENERAL PROVISION.

The regulations set forth in this chapter or set forth elsewhere in this Zoning Code when referred to in this chapter are the regulations in the B-3 Highway Service Business District.

(Ord. 24-66. Passed 4-5-66.)

1161.02 USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the B-2 General Business Districts.
- (b) Drive-in eating establishments, if located not less than 100 feet from any residential district.
- (c) Farm implement or contractor's equipment display, hire and sales establishments, service and repair shops; provided, that no portion of a building used for repair shall have any opening, other than stationary windows within fifty feet of any residential district.
- (d) Commercial greenhouses and plant nurseries, including offices and sales yards; provided that no building for any such use shall have any heating plant, ventilating flue or other opening except stationary windows within fifty feet of any residential district.
- (e) Animal hospital, veterinary clinic or kennel; provided, that any structure or area used for such purposes, including pens or exercise runways, shall be at least 300 feet from any residential district.

- (f) Ice storage, three tons or less in capacity.
- (g) Trailer sales lot.
- (h) Service stations, provided that no portion of the same or any of its equipment shall be located:
 - (1) Less than eighteen feet behind the street property line.
 - (2) Less than fifteen feet from any lot line.
 - (3) Less than fifty feet from any residential district.
- (i) Truck terminal; provided that no vehicular entrance to or exit from any truck terminal shall be within less than 200 feet, along a street or highway, from any school, public playground, church, hospital, library or institution for dependents or children, except where such building or property is in another block or fronts on a street or highway on which the truck terminal will have no entrance or exit.
- (j) Accessory buildings and permitted uses in the B-2 General Business District and accessory uses and structures customarily incident to the above listed uses.
(Ord. 24-66. Passed 4-5-66.)

1161.03 PARKING AND LOADING REGULATIONS.

(a) The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the R-S Residential District.

(b) Parking regulations for any of the business purposes permitted in this chapter shall be the same as those in the B-1 Neighborhood Business District.

(c) Any building hereafter erected or converted for any of the commercial uses permitted in this district shall provide one space with minimum dimensions of ten by twenty-five feet, for the loading and unloading of trucks, either within the building or upon the lot, for every building containing 10,000 square feet or less. One additional loading space shall be provided for each additional 20,000 square feet of gross floor area or fraction thereof.
(Ord. 24-66. Passed 4-5-66.)

1161.04 HEIGHT REGULATIONS.

No building shall exceed five stories or sixty feet in height, except as hereinafter provided.
(Ord. 24-66. Passed 4-5-66.)

1161.05 RESIDENTIAL LOT SIZE AND LOT AREA PER FAMILY.

The requirements for dwellings are the same as those in R-S Residential Districts. When a lot is used for commercial purposes these requirements do not apply.
(Ord. 24-66. Passed 4-5-66.)

1161.06 FRONT YARD.

There shall be a front yard of not less than fifty feet which shall be restricted as follows: (a) A definite approach and exit shall connect the highway and the front yard.

(b) A ten foot section immediately back of the street line and extending the full width of the lot shall at all times be clear of any obstruction, sign or display, nor shall this section be used for parking purposes, except as provided in Section 1161.11.

(c) No fence or planting of shrubbery over three feet in height shall extend into the above ten foot section.
(Ord. 24-66. Passed 4-5-66.)

1161.07 SIDE YARD.

The side yard regulations for dwelling uses are the same as those in the R-S Residential District. In all other cases, only one side yard shall be required, which shall be a minimum of fifteen feet in width, except on the side of a lot adjoining a residential district, in which case there shall be a side yard of not less than twenty feet.

Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall be not less than fifteen feet. No accessory building shall project beyond the yard line on either street.

(Ord. 24-66. Passed 4-5-66.)

1161.08 REAR YARD.

The rear yard regulations for dwellings are the same as those in the R-S Residential District. In all other cases, a rear yard is not required, except where a lot abuts upon a residential district, in which case there shall be a rear yard of not less than twenty feet in depth.

(Ord. 24-66. Passed 4-5-66.)

1161.09 LOT AREA PER FAMILY.

(See Section 1161.05.)

1161.10 RESIDENTIAL FLOOR AREA REGULATIONS.

The residential floor area regulations are the same as those for R-S Residential District. (Ord. 24-66. Passed 4-5-66.)

1161.11 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

**CHAPTER 1163
M-1 Light Industrial District**

1163.01	General provision.	1163.05	Front yard.
1163.02	Use regulations.	1163.06	Side yard.
1163.03	Parking and loading regulations.	1163.07	Rear yard.
1163.04	Height regulations.	1163.08	Lot area per family.
		1163.09	Signs.

CROSS REFERENCES

B-3 uses - see P. & Z. 1161.02
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185
 Signs - see P. & Z. Ch. 1184

1163.01 GENERAL PROVISION.

The regulations set forth in this chapter or set forth elsewhere in this Zoning Code when referred to in this chapter, are the district regulations in the M-1 Light Industrial District.

(Ord. 24-66. Passed 4-5-66.)

1163.02 USE REGULATIONS.

A building or premises may be used only for the following purposes:

- (a) Any use permitted in the B-3 Highway Service District.
(Ord. 24-66. Passed 4-5-66.)
- (b) Blacksmith shop or metal fabricating and the manufacturing and fabricating of the following rubber and plastic products but specifically excluding the chemical formulating or manufacturing of raw materials:
 - Rubber syringe bags - dipped latex
 - Rubber bottles
 - Bulbs for medicine droppers - syringe usage
 - Rubber drug sundries
 - Fountain syringes
 - Rubber gloves - surgeons' and household (dipped)
 - Molded rubber products
 - Nipples- rubber
 - Sponge rubber
 - Pharmaceutical rubber stoppers

- Surgical tubing - rubber
Plastic gloves - household
Plastic surgical tubing
Plastic biomedical stoppers
Closures - plastic
(Ord. 10-74. Passed 2-19-74.)
- (c) Bottling works.
 - (d) Contractor's storage yard.
 - (e) Dyeing and cleaning establishments.
 - (f) Laundry.
 - (g) Lumber yard.
 - (h) Milk distributing station.
 - (i) Printing plant.
 - (j) Plumbing shop.
 - (k) Public utility substation and facilities.
 - (l) Warehouses and storage plants.
 - (m) Wholesale establishments.
 - (n) Feed and coal yards.
 - (o) Service stations, provided that no portion of the same or any of its equipment shall be located:
 - (1) Less than twenty-eight feet behind the street property line.
 - (2) Less than fifteen feet from any property line.
 - (3) Less than fifty feet from any residential district.
(Ord. 24-66. Passed 4-5-66.)
 - (p) Towers to accommodate equipment for the purpose of transmission and/or reception of radio, television, telephone and microwave signals.
(Ord. 74-95. Passed 11-7-95.)

1163.03 PARKING AND LOADING REGULATIONS.

(a) The parking and loading regulations for uses permitted in the B-3 Highway Service Business District regulations shall apply to such uses when located in the M-1 Light Industrial District.

(b) Parking space shall be provided on the lot adequate to accommodate one car for every three employees on any one working shift, as well as the trucks and other vehicles owned by or in the custody of the industry.

(c) One space for the loading or unloading of trucks, either within the building or upon the lot, with a minimum dimension of ten by twenty-five feet, and having a vertical clearance of fourteen feet, shall be provided for every 10,000 square feet of gross floor area or fraction thereof. (Ord. 24-66. Passed 4-5-66.)

1163.04 HEIGHT REGULATIONS.

No building shall exceed three stories or fifty feet in height, unless it is set back one foot from all required yard lines for each two feet of additional height above fifty feet, but in no event shall it exceed six stories or seventy-five feet in height.
(Ord. 24-66. Passed 4-5-66.)

1163.05 FRONT YARD.

There shall be a front yard having a minimum depth of not less than twenty feet. Where the frontage on the opposite sides of the street is occupied by a residential district, the front yard requirements of the residential district shall apply to the M-1 Light Industrial District. Where the frontage on one side of the street, between two intersecting streets, is located partly in the M-1 Light Industrial District and partly in a residential or any business district, the front yard requirements of the residential or business district shall apply to the M-1 Light Industrial District. (Ord. 24-66. Passed 4-5-66.)

1163.06 SIDE YARD.

The side yard regulations for uses permitted in the R-S Residential District shall apply to such uses when located in the M-1 District. In all other cases a side yard is not required except on the side of a lot adjoining a residential district, or adjoining a side street, in which case there shall be a side yard of not less than twenty feet. (Ord. 24-66. Passed 4-5-66.)

1163.07 REAR YARD.

The rear yard requirements for uses permitted in the R-S Residential District shall apply to such uses when located in the M-1 Light Industrial District. In all other cases a rear yard is not required except on a lot abutting on a residential district, in which instance there shall be a rear yard of not less than twenty feet in depth. (Ord. 24-66. Passed 4-5-66.)

1163.08 LOT AREA PER FAMILY.

The lot area requirements for dwellings are the same as those in the R-S Residential District. (Ord. 24-66. Passed 4-5-66.)

1163.09 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1165
M-2 Heavy Industrial District

1165.01	General provision.	1165.05	Front yard.
1165.02	Use regulations.	1165.06	Side yard.
1165.03	Parking and loading regulations.	1165.07	Rear yard.
1165.04	Height regulations.	1165.08	Lot area per family.
		1165.09	Signs.

CROSS REFERENCES

Nonconforming and existing uses - see P. & Z. Ch. 1181
Additional use regulations - see P. & Z. Ch. 1183
Exceptions and modifications - see P. & Z. Ch. 1185

1165.01 GENERAL PROVISION.

The regulations set forth in this chapter or set forth elsewhere in this Zoning Code when referred to in this chapter, are the district regulations in the M-2 Heavy Industrial District.
(Ord. 24-66. Passed 4-5-66.)

1165.02 USE REGULATIONS.

(a) Service stations, provided that no portion of the same or any of its equipment shall be located:

- (1) Less than eighteen feet behind the street line.
- (2) Less than fifteen feet from any property line.
- (3) Less than fifty feet from any residential district.

(b) Any building or premises may be used for any purpose not in conflict with any ordinance of the City.

No building shall be erected, reconstructed or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises unless first approved by Council; provided further that no building or occupancy permit shall be issued for any of the following uses, unless and until the location of such use shall be approved by Council:

(Ord. 24-66. Passed 4-5-66; Ord. 99-98. Passed 12-23-98.)

- (1) Acid manufacture.
- (2) Cement, lime, gypsum or plaster of Paris manufacture.
- (3) Distillation of bones or glue manufacture.
- (4) Explosives, manufacture or storage.
- (5) Fat rendering and fertilizer manufacture.
- (6) Garbage, offal or dead animals, reduction or dumping.

- (7) Petroleum or its products, refining of.
- (8) Smelting of tin, copper, zinc or iron ores.
- (9) Stock yards or slaughter of animals.
(Ord. 24-66. Passed 4-5-66.)

1165.03 PARKING AND LOADING REGULATIONS.

The parking and loading regulations are the same as those in the M-1 Light Industrial District. (Ord. 24-66. Passed 4-5-66.)

1165.04 HEIGHT REGULATIONS.

There are no height regulations.
(Ord. 24-66. Passed 4-5-66.)

1165.05 FRONT YARD.

Where all the frontage on both sides of the street between two intersecting streets is located in the M-2 Heavy Industrial District, or where the opposite frontage is located in the M-1 Light Industrial District, no front yard shall be required. Where the opposite street frontage is occupied by a residential district, the front yard requirements of the residential district shall apply to the M-2 Heavy Industrial District, and in a residential or any business district, the front yard requirements of the residential or business district shall apply to the M-2 Heavy Industrial District. (Ord. 24-66. Passed 4-5-66.)

1165.06 SIDE YARD.

A side yard is not required except on the side of a lot adjoining a residential district, in which case there shall be a side yard of not less than twenty feet.
(Ord. 24-66. Passed 4-5-66.)

1165.07 REAR YARD.

No rear yard is required, except where a lot abuts upon a residential district, in which case a rear yard of not less than twenty feet is required.
(Ord. 24-66. Passed 4-5-66.)

1165.08 LOT AREA PER FAMILY.

No dwelling units are permitted in the M-2 Heavy Industrial District.
(Ord. 24-66. Passed 4-5-66.)

1165.09 SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 11-86, passed March 4, 1986. See Chapter 1184 for relevant provisions.)

CHAPTER 1166
M-3 Industrial Park District

1166.01	Intent and purposes.	1166.08	Percentage of lot coverage.
1166.02	Permitted uses.	1166.09	Off-street parking.
1166.03	Special permitted uses.	1166.10	Off-street loading and storage.
1166.04	Prohibited uses.	1166.11	Lighting requirements.
1166.05	Minimum lot area and width.	1166.12	Certificate of Occupancy.
1166.06	Yards.	1166.13	Streets.
1166.07	Building height limits.		

CROSS REFERENCES

Certificates of Occupancy - see P. & Z. 1133.04
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185

1166.01 INTENT AND PURPOSES.

The M-3 Industrial Park District is created as an area to be devoted exclusively to industrial activity. Residences or any structures intended for living purposes are prohibited in this district.

The intent and purposes of the City in creating this district are as follows:

- (a) To encourage the establishment of industries which are compatible with one another.
- (b) To establish standards for the height and size of buildings, the areas and dimensions of yards and open spaces.
- (c) To provide development and operational standards for yards, structures and equipment that will minimize traffic congestion, noise, glare, air pollution, water pollution, fire and safety hazards and insure adequate drainage.
- (d) To provide standards for off-street automobile storage and loading facilities adequate in area, design, arrangement and development to properly serve the uses for which such facilities are intended and sufficient to preclude the need for on-street parking or storage of automobiles or trucks.
- (e) To provide standards for the location and illumination of signs and advertising devices so as to minimize glare and distraction to motorists and neighboring residential districts.

- (f) To prohibit commercial and residential uses, except as such uses are purely and incidental to the industrial uses they are intended to serve.
- (g) To prohibit industrial uses which, because of potential emanation of dust, ash, smoke, noise, fumes, gas, odors or vibrations, are or may be inconsistent with the intent and purposes of this section.
- (h) To establish standards for environmental development, including landscaping and requirement of open areas that will tend to result in healthful and productive working conditions.
(Ord. 57-69. Passed 6-24-69.)

1166.02 PERMITTED USES.

Permitted uses are:

- (a) Research laboratories, manufacturing, assembly, fabrication, warehousing and wholesale distribution of goods, wares, merchandise, articles, substances or compounds which are not highly combustible, flammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property. Except the foregoing, other articles, substances or compounds may be stored and used in reasonable quantities as an incident to any such permitted use, provided such storage and use are allowed by the Planning Commission in the certificate of occupancy under such reasonable conditions as it may deem necessary in the interests of public safety.
- (b) Public utilities, whether owned or operated municipally or privately.
- (c) Heliports.
- (d) Any accessory uses to any of the foregoing not in conflict with any of the other provisions of this Zoning Code.
(Ord. 57-69. Passed 6-24-69.)

1166.03 SPECIAL PERMITTED USES.

The following special uses shall be permitted in an M-3 Industrial Park District, providing that buildings and accessory buildings and uses comply with all requirements of Chapter 1183 Additional Use Regulations, Chapter 1185 Exceptions and Modifications and Chapter 1181 Nonconforming and Existing Uses, and that all uses not involving buildings or accessory buildings have the approval of the Planning Commission.

- (a) Cafeterias or restaurants specifically designed and intended for use by those employees and management of uses permitted in the M-3 Industrial Park District, but not necessarily exclusively for their use.
- (b) Bowling alleys, auditoriums, meeting rooms or other buildings primarily intended for the mutual use of the permitted uses located within the M-3 District, for meetings, programs, displays, recreation and other such uses as the industrial users of the district may deem necessary.
- (c) Outdoor recreational facilities designed and intended for use by employees and management of those industries within the district. These facilities and associated uses shall comply with all requirements of this chapter in respect to front yard, side yard and rear yard clearance. These facilities, if lighted, must be shielded away from any thoroughfares and residential districts.
(Ord. 57-69. Passed 6-24-69.)

1166.04 PROHIBITED USES.

Prohibited uses are:

- (a) Residences or any structures intended for living purposes.
- (b) Those uses prohibited in M-2 Industrial Districts as listed in Chapter 1165.
- (c) All commercial uses, except those specified in this chapter.
(Ord. 57-69. Passed 6-24-69.)

1166.05 MINIMUM LOT AREA AND WIDTH.

(a) An M-3 Industrial Park District shall be required to contain a minimum of 100 acres of land area.

(b) All buildings or structures permitted in the M-3 Industrial Park District shall be located on a lot having a minimum area of three acres and a minimum frontage on a public thoroughfare of 200 feet.
(Ord. 57-69. Passed 6-24-69.)

1166.06 YARDS.

(a) Front Yards. There shall be a front yard of not less than 100 feet measured from the street right-of-way line on streets listed as major thoroughfares on the officially adopted Major Thoroughfare Plan and for buildings on those lots abutting any residential district, as defined in this Zoning Code. Front yards on other streets shall be not less than seventy-five feet, measured from the street right-of-way line.

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

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

(d) Heliports; Yards Required. In addition to the yards provided herein, any heliport or part thereof lying wholly within an M-3 Industrial District shall provide peripheral strips, no less than 100 feet wide, interior from all building lines, and no structures above surface yard improvements or vegetation above a level of eight inches above ground shall be permitted thereon. The interior lines of such peripheral strip shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements specified by CAA or other applicable agencies governing safe operation and procedure of aircraft.
(Ord. 57-69. Passed 6-24-69.)

1166.07 BUILDING HEIGHT LIMITS.

(a) Buildings. The maximum height of any building at each of the building lines shall be no more than thirty feet. For each foot of setback interior to all building lines an additional height of two feet shall be permitted but in no event shall the total height exceed forty-five feet.

(b) Other Structures. Chimneys; tanks, water, communications and other towers and antennae; ventilators and other structures, whether or not accessory to the building or appurtenant thereto, shall be erected to heights no greater than specified in other sections of this Zoning Code. All such structures in excess of forty-five feet shall be suitably lighted between the hours of sunset and sunrise. (Ord. 57-69. Passed 6-24-69.)

1166.08 PERCENTAGE OF LOT COVERAGE.

Not more than fifty percent of the lot area shall be covered by any main and accessory buildings. (Ord. 57-69. Passed 6-24-69.)

1166.09 OFF-STREET PARKING.

Space for off-street parking for employees, customers and visitors shall be required in the following manner and in accordance with other sections of this Zoning Code governing off-street parking:

- (a) Off-street parking space shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearances as specified in this Zoning Code and this section.
- (b) All parking spaces provided in the M-3 District shall be located on the same lot with the building.
- (c) Adequate off-street parking shall be provided for all employees. Parking spaces for employees shall not be permitted beyond the setback building line or to the front of any main building.
- (d) Additional space sufficient to accommodate customers and visitors shall also be provided. Such space shall not be permitted within the required yard specifications.
- (e) Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities prescribed in the Zoning Code are insufficient to handle all such trucks waiting to use the facilities.
(Ord. 57-69. Passed 6-24-69.)

1166.10 OFF-STREET LOADING AND STORAGE.

Space for off-street loading and storage shall be required in the following manner and in accordance with other sections of the Zoning Code governing loading requirements.

- (a) Off-street loading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearances as specified in this Zoning Code.
- (b) All loading and storage space shall be located on the same lot with the building.
- (c) All open areas used for storage of any type shall be enclosed by a solid wall or fence approved by the Planning Commission. All such solid walls or fences shall be a minimum of seven feet in height and in no case shall storage of materials be permitted in excess of this height.
- (d) In no case shall loading and storage spaces be permitted to the front of any main building.

- (e) All loading facilities shall be located a minimum of 300 feet from any residential district boundary, if operated between the hours of 6:00 p.m. and 7:00 a.m.
- (f) There shall be provided sufficient area for loading, unloading and storage of motor vehicles used in the conduct of the business or industrial activity.
(Ord. 57-69. Passed 6-24-69.)

1166.11 LIGHTING REQUIREMENTS.

Lighting, including spot lights, flood lights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking areas, loading and unloading areas and the like shall be focused, directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.
(Ord. 11-86. Passed 3-4-86.)

1166.12 CERTIFICATE OF OCCUPANCY.

(a) A certificate of occupancy shall be applied for and approved by the Planning Commission before any building permit is issued for the construction or change in use of a building or use of land in any M-3 Industrial Park District.

(b) An application for a certificate of occupancy for a building or use of land shall be accompanied by:

- (1) A plot plan of the land or parcel of land to be used, showing dimensions, location of all existing and proposed buildings, driveways, off-street parking areas, topography, abutting streets, railroads, highways, loading and unloading areas, watercourses and other topographic features within 200 feet of the property lines.
- (2) Architectural plans for all proposed buildings, walls and fences.
- (3) A description of the proposed industrial operation in sufficient detail to fully describe the nature and extent of the proposed use.
- (4) Plans or reports describing proposed treatment of any excess traffic conditions, noise, glare, air pollution and treatment or handling of hazardous gases, liquids or other material.
- (5) Plans or reports showing proposed treatment and disposal of sewage and industrial waste.
- (6) A description of any fuel proposed to be used, including engineering plans for the control of any smoke which may be generated.
- (7) Additional data which may be required by the Planning Commission to ascertain conformance with the requirements of this Zoning Code.

(c) A change or changes in the physical facilities or use permitted by a certificate of occupancy shall occur only after the holder of such certificate has obtained an amendment thereto allowing such change or changes.

(d) A certificate of occupancy for a building or use of land in this district may be revoked by the Planning Commission after a hearing, if the Commission finds that the holder of the certificate has failed to comply with the development of approved plans.
(Ord. 57-69. Passed 6-24-69.)

1166.13 STREETS.

All streets in any M-3 Industrial Park District shall meet the standards specified by the Planning Commission and the City Engineer. As a condition precedent to the issuance of a certificate of occupancy, curbs and gutters shall also be installed, performance guaranteed in an approved manner and at grades and locations in streets abutting lot lines as approved by the Planning Commission. Where, however, not all or substantially all of a plot is to be utilized initially, the Commission shall authorize the postponement, until further improvements are to be made, of as much of the installation of curb and gutter and other improvements as is reasonable under the circumstances of the use to be made of the plot and the drainings and traffic problems of the area.

(Ord. 57-69. Passed 6-24-69.)

CHAPTER 1167
M-4 Industrial and Business Park District

1167.01	Intent and purposes.	1167.06	Off-street parking.
1167.02	Use regulations.	1167.07	Off-street loading and storage.
1167.03	Minimum lot area and width.	1167.08	Lighting requirements.
1167.04	Yards.	1167.09	Improvements.
1167.05	Building height limits.	1167.10	Performance standards.

CROSS REFERENCES

Certificates of Occupancy - see P. & Z. 1133.04
 Nonconforming and existing uses - see P. & Z. Ch. 1181
 Additional use regulations - see P. & Z. Ch. 1183
 Exceptions and modifications - see P. & Z. Ch. 1185

1167.01 INTENT AND PURPOSES.

The M-4 Industrial and Business Park District is created as an area to be devoted exclusively to industrial and business activity. Residences or any structures intended for living purposes are prohibited in this district. The intent and purposes of the City in creating this district are as follows:

- (a) To encourage the establishment of industries and business which are compatible with one another;
- (b) To establish standards for the height and size of buildings, the areas and dimensions of yards and open spaces;
- (c) To provide development and operational standards for yards, structures and equipment that shall minimize traffic congestion, noise, glare, air pollution, water pollution, fire and safety hazards and ensure adequate drainage;
- (d) To provide standards for off-street vehicle storage and loading facilities adequate in area, design, arrangement and development to properly serve the uses for which such facilities are intended and sufficient to preclude the need for on-street parking or storage of vehicles;
- (e) To provide standards for the location and illumination of signs and advertising devices so as to minimize glare and distraction to motorists and neighboring residential districts;
- (f) To prohibit residential uses, except as such uses are purely incidental to the industrial and business uses they are intended to serve;

- (g) To prohibit industrial or business uses which, because of potential emanation of dust, ash, smoke, noise, fumes, gas, odors or vibrations are or may be inconsistent with the intent and purposes of this section; and
- (h) To establish standards for environmental development, including landscaping and requirement of open areas that shall tend to result in healthful and productive working conditions.
(Ord. 44-81. Passed 12-1-81.)

1167.02 USE REGULATIONS.

Any building and premises may be used for every purpose not in conflict with the ordinances of the City or the laws of the State of Ohio, except that no building or premises may be used for any of the following purposes which are specifically prohibited:

- (a) Residences or any structure intended for living purposes other than hotels and motels, except for resident watchmen or caretakers employed on the premises;
- (b) Manufacture, formulation or above-ground storage of explosives, volatile products, inflammable products, chemicals and allied products classified under S.I.C. 28* or S.I.C. 29*, except as are used in conjunction with a permitted use;
- (c) Manufacture of cement, lime, gypsum or plaster of Paris;
- (d) Distillation of bones, fat rendering, manufacture of glue or fertilizer, reduction, storage or dumping of garbage, offal or dead animals;
- (e) Stock yards or slaughter of animals;
- (f) Exterior storage of scrap, junk or used materials;
- (g) Smelting of metals; or
- (h) Nuclear power plant or similar facilities.

* Refer to the "Standard Industrial Classification Manual", 1972 Edition, prepared by the United States Office of Management and Budget, available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

(Ord. 44-81. Passed 12-1-81.)

1167.03 MINIMUM LOT AREA AND WIDTH.

- (a) An M-4 Industrial and Business Park District shall be required to contain a minimum of twenty-five acres of land area.
- (b) All buildings or structures in the District shall be located on a lot having a minimum area of 20,000 square feet and a minimum frontage on a public or private street of 100 feet. (Ord.44-81. Passed 12-1-81.)

1167.04 YARDS.

- (a) Front Yards. There shall be a front yard of not less than thirty-five feet from the street right-of-way on streets listed as major thoroughfares on the officially adopted Major Thoroughfare Plan. Front yards on other public or private streets shall be not less than twenty-five feet. On double frontage or corner lots, the yards adjoining all public or private streets shall conform to all front yard requirements.

(b) Side Yards. For main and accessory structures, including open service and loading areas, the side yards shall be not less than fifteen feet from any interior lot line and thirty-five feet from any residential district. The first twenty feet abutting the residential district shall be appropriately landscaped and maintained and shall remain open and unoccupied by any principal or accessory building or use, including driveways.

(c) Rear Yards. For main and accessory structures, the required rear yards shall be not less than twenty-five feet from any interior lot line and thirty-five feet from any residential district. The first twenty feet abutting the residential district shall be appropriately landscaped and maintained and shall remain open and unoccupied by any principal or accessory building or use, including driveways.

(d) Heliport Yard Requirements. In addition to the yards provided herein, any heliport or part thereof lying wholly within an M-4 Industrial and Business Park District shall provide peripheral strips no less than 100 feet wide interior from all building lines and no structures above surface yard improvements or vegetation above a level of eight inches above the ground shall be permitted thereon. The interior lines of such peripheral strips shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements specified by the CAA or other applicable agencies governing safe operation and procedure of aircraft.
(Ord. 44-81. Passed 12-1-81.)

1167.05 BUILDING HEIGHT LIMITS.

(a) Buildings. The height of any building at the front yard line shall be not more than fifty feet. For each foot of setback from the front yard line an additional height of two feet shall be permitted, but in no event shall the total height exceed seventy-five feet.

(b) Other Structures. Chimneys; tanks, water, communications and other towers and antennas; ventilators and other similar structures, whether or not accessory to the building or appurtenant thereto, shall be erected to heights no greater than specified in other sections of the Zoning Code. All such structures in excess of seventy-five feet shall be suitably lighted between the hours of sunset and sunrise.
(Ord. 44-81. Passed 12 1-81.)

1167.06 OFF-STREET PARKING.

(a) Number of Spaces Required. Where any building or use is erected, reconstructed, or converted, there shall be adequate, as determined by the Zoning Inspector, off-street parking- provided, but in no case less than the following:

<u>Building or Use</u>	<u>Spaces Required</u>
(1) Hotels and motels	1 for every sleeping room, plus 1 for each employee
(2) Churches, temples, schools, public buildings, etc.	1 for every 3 seats in the main auditorium
(3) Hospitals, clinics, institutions, etc.	1 for every 3 beds

	<u>Building or Use</u>	<u>Spaces Required</u>
(4)	Private clubs or lodges, etc.	1 for every 6 members
(5)	Colleges, universities, etc.	1 for every 5 students
(6)	Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium	1 for each 3 seats or 6 lineal feet of bench seating space for 3 persons
(7)	Bowling alley	8 for each lane, plus 1 additional for each 200 square feet of area used for eating, drinking or other recreation
(8)	Retail commercial or business service establishment, except as otherwise specified herein	1 for each 150 square feet of gross floor area
(9)	Personal or professional services; restaurants, nightclubs, cafes or similar recreation or amusement establishments	1 for each 200 square feet of gross floor area
(10)	Offices and institutions, furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service	1 for each 300 square feet of gross floor area
(11)	Printing or plumbing shop or similar service establishment	1 for each anticipated customer or visitor
(12)	Manufacturing or industrial establishment, research or testing laboratory, dairy processing, bakery, bottling plant, warehouse or similar establishment	1 for each anticipated customer or visitor
(13)	In the case of any business or industrial use not specifically mentioned, or a combination of uses, the parking requirements shall be determined by the Zoning Inspector.	

- (14) In addition to the above requirements, one space shall be provided for each employee on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- (15) Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities are insufficient to handle all such trucks waiting to use the facilities.

(b) General Location of Off-Street Parking. Required spaces for off-street parking or storage of vehicles shall be provided on the premises intended to be served or with the approval of the Zoning Board of Appeals, on adjoining or nearby property within 300 feet of any part of the premises when there is positive assurance that such land shall be used for such purpose during the existence of the use to be served.

(c) Location of Employee and Company-Owned Vehicle Parking. Parking spaces for employees, trucks or other vehicles used in connection with the use of the premises, including trucks waiting to use the off-street loading facilities, shall not be located in the required front or side yard area or in front of any main building.

(d) Location of Customer and Visitor Parking. Parking spaces to accommodate customers and visitors shall not be permitted within the required front yard or within five feet of a side lot line.

(e) Parking Lots Adjacent to Public Streets. Where off-street parking spaces or lots are provided adjacent to a public street, all such spaces or lots shall have protective walls or bumper blocks to prevent encroachment into the required setbacks.

(f) Surface and Drainage of Parking Area. All off-street parking, loading, open service and drive areas shall be constructed to provide adequate drainage and to be improved and maintained in such a manner that no dust or other nuisance will be produced by continuous use.

(g) Minimum Size of Parking Spaces. A parking space for one automobile shall be a rectangular area of not less than nine feet by twenty feet, unless a smaller size is specifically approved by the Zoning Inspector and marked for "small cars only", in addition to adequate area for ingress and egress.

(h) Arrangement and Marking of Parking Areas. Off-Street parking areas shall be arranged and marked to provide for orderly and safe ingress and egress and parking of vehicles, subject to the approval of the City Engineer.

(i) Access to Parking Lots. There shall be provided to off-street parking lots or areas an access drive of not less than twenty feet in width leading to the required parking spaces or lots. (Ord. 44-81. Passed 12-1-81.)

1167.07 OFF-STREET LOADING AND STORAGE.

Space for off-street loading and storage shall be required in the following manner and in accordance with other sections of the Zoning Code governing loading requirements:

- (a) Off-street loading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearances as specified in this Zoning Code.
- (b) All loading and storage space shall be located on the same lot with the building.
- (c) All open storage and service areas shall be screened in accordance with the performance standards of this M-4 District.
- (d) In no case shall loading and storage spaces be permitted in the front of any main building.
- (e) All loading facilities shall be located a minimum of 100 feet from any residential district boundary if operated between the hours of 6:00 p.m. and 7:00 a.m.
- (f) One space for the loading or unloading of trucks, either within the building or upon the lot, with a minimum dimension of ten feet by twenty-five feet and having a vertical clearance of fourteen feet shall be provided for every 10,000 square feet of gross floor area or fraction thereof.
(Ord. 44-81. Passed 12-1-81.)

1167.08 LIGHTING REQUIREMENTS.

Lighting, including spot lights, flood lights, electrical reflectors and other means of illumination for signs, landscaping, structures, parking areas, loading and unloading areas and the like shall be focused, directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.
(Ord. 11-86. Passed 3-4-86.)

1167.09 IMPROVEMENTS.

All improvements, public and private in any M-4 District shall meet applicable Subdivision Regulations and the standards specified by the City Engineer.
(Ord. 44-81. Passed 12-1-81.)

1167.10 PERFORMANCE STANDARDS.

Uses and processes legally existing at the time of adoption of this chapter may continue as authorized in Chapter 1181. All new uses and processes installed or begun after the effective date of this section shall adhere strictly to the following:

- (a) A use allowed in this District shall entirely enclose its primary operation except for open storage, service areas and loading docks. The enclosing structure shall be capable of preventing any dust, smoke, glare and noxious odor or fumes outside the structure. The operation shall not produce a noise level regularly in excess of eighty-five decibels measured at the property boundary, except for time signals and warning devices.
- (b) Open storage, other than vehicular storage, and service areas shall be screened by walls or fences at least six feet but not more than eight feet, in height. These walls or fences shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal open storage and service from adjoining streets and from any residential district.
- (c) There shall be sufficient storage space on each premise to accommodate all vehicles with no parking on street or in any required front yards.
- (d) All drives, parking areas, loading areas, storage areas and service areas shall be improved to withstand the loading requirements and to prevent dust.
- (e) In all yards those areas not improved for drives or walks shall be seeded, sodded and appropriately landscaped and maintained.
(Ord. 44-81. Passed 12-1-81.)

TITLE ELEVEN - Supplemental Zoning Standards

- Chap. 1171. Home Occupations.
- Chap. 1181. Nonconforming and Existing Uses.
- Chap. 1183. Additional Use Regulations.
- Chap. 1184. Sign Regulations.
- Chap. 1185. Exceptions and Modifications.
- Chap. 1187. Lighting Regulations for Towers and Antenna Structures.
- Chap. 1189. Telecommunications Facilities.

**CHAPTER 1171
Home Occupations**

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|----------------|---|----------------|--|
| 1171.01 | Intent and purposes. | 1171.06 | Standards for home occupations. |
| 1171.02 | Professional home occupation. | 1171.07 | Permit. |
| 1171.03 | Light home occupation. | 1171.99 | Penalty. |
| 1171.04 | Heavy home occupation. | | |
| 1171.05 | Zoning Board authority to evaluate and determine home occupations. | | |

CROSS REFERENCE

Home occupation definition - see P. & Z. 1131.28

1171.01 INTENT AND PURPOSES.

The intent and purposes of the City establishing such requirements are as follows:

- (a) To keep the uses permitted in the residential zoned areas basically for residential purposes.
- (b) To establish standards for home occupations.

1171.02 PROFESSIONAL HOME OCCUPATION.

An office or studio shall be permitted in any residential district in the home of a person practicing any of the following professions: architect, engineer, lawyer, manufacturer's representative, sculptor, artist, author, real estate broker, composer, musician, clergyman and teacher or tutor. Similar home professional offices or studios and other home occupations of very light intensity may be permitted upon determination by the Zoning Board of Appeals, after a public notice and hearing, that such home occupation is sufficiently in character with the surroundings or of such very light intensity that it warrants approval as a professional home occupation.

1171.03 LIGHT HOME OCCUPATION.

Light home occupations shall be permitted in R-A and R-S Districts in the home of a resident. Light home occupations shall include the following: dressmaker, seamstress, tailor, home laundry and ironing, office for insurance agent, doctor and dentist office, office for selling or taking orders for merchandise or services, day nursery for not more than four children, rooming or boarding facility for not more than two persons by a resident owner. Occupations similar in character and intensity of use to the above, and a rooming or boarding facility for more than two persons may also be permitted, but only as determined appropriate and reasonable by the Zoning Board of Appeals after a public notice and hearing.

1171.04 HEAVY HOME OCCUPATION.

Heavy home occupations may be permitted in R-A and R-S Districts in the home of a resident upon approval of the Zoning Board of Appeals when determined appropriate and reasonable, and may include the following uses: beauty shop and barber shop, furniture, upholstery, small appliance, and similar repair shop, tool sharpening and lawnmower repair shop, day nursery for more than four children, headquarters for plumbing, furnace, electric, painting work and similar uses, and occupations similar in character and intensity of use to the above.

The above listed home occupations may be approved by the Zoning Board of Appeals in accord with the following conditions:

- (a) A public notice has been given thirty days before hearing and a public hearing held by the Zoning Board of Appeals.
- (b) A determination has been made by the Zoning Board of Appeals that the proposed home occupation will in no way be a detriment to the existing character of the area in which it is proposed.
- (c) A statement describing the proposed home occupation has been circulated or mailed by the applicant to all property owners within 170 feet from any lot line with a place on the statement for their name, address, approval, disapproval or other comment; and such statement with approvals, disapprovals and comments has been reviewed and considered by the Zoning Board of Appeals.

1171.05 ZONING BOARD AUTHORITY TO EVALUATE AND DETERMINE HOME OCCUPATIONS.

The Zoning Board of Appeals shall have the authority to evaluate and determine whether the character or magnitude of any home occupation is such that it may be classified or continued to be classified as a home occupation. The Zoning Inspector shall in no case have the authority to grant a permit for any home occupation other than as defined in this Zoning Code. All applications or requests for home occupations which are not defined or are borderline cases shall be considered and the classification determined by the Zoning Board of Appeals after a public notice and hearing. In addition to the above, home occupations which the Zoning Inspector determines should be considered as possible heavy home occupations must meet the conditions listed under Section 1171.04.

1171.06 STANDARDS FOR HOME OCCUPATIONS.

No home occupation shall hereafter be established, altered or enlarged in any residential district unless such home occupation is permitted by this Zoning Code and complies with the following restrictions or standards:

- (a) No person other than members of the family residing on the premises shall be engaged in a home occupation in any R-L, RL-2 and RL-3 District. No person other than members of the family residing on the premises shall be engaged in a home occupation in any other residential district unless approval is granted by the Zoning Board of Appeals after a public notice and public hearing, and then not more one such person shall be so approved.
- (b) No sign shall be used in connection with a home occupation other than one nonilluminated sign, not more than one square foot in area and mounted flat against the outside wall of the principal building, nor shall any display be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than the permitted sign, which would change the essential character thereof as a dwelling.
- (d) The space devoted for use of the home occupation must be within the main dwelling or basement and shall occupy not more than 300 square feet. Accessory buildings such as garages or sheds, whether attached or unattached, shall not be used for home occupations except by approval of the Zoning Board of Appeals after a public notice and public hearing.
- (e) There shall be no group instruction, assembly or activity for more than two customers, except as permitted for day nurseries, at any time.
- (f) No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail or telephone, and does not involve the receipt, delivery, sale of merchandise on or from the premises; provided, however, that articles produced on the premises may be sold on the premises.
- (g) There shall be no use of utilities or other community facilities or services beyond that reasonable to the use of the property for residential purposes.
- (h) No mechanical or electrical equipment shall be used except normal domestic or household equipment, adding machines, typewriters, copy machines and similar equipment, or any equipment necessary and essential to any of the permitted home occupations.

- (i) No home occupation shall be used in such a manner as to create offensive noise, vibration, smoke or other particular matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard to any occupant of adjacent or nearby properties.
- (j) There shall be no outdoor storage of equipment or materials used in the home occupation.
- (k) Not more than two motor vehicles, used by customers of the home occupation, shall be parked at the location of the home occupation at one time.
- (l) Trucks, vans, automobiles or other mobile equipment used in the home occupation shall not be parked in open yards and all automobiles used by customers shall be parked in the driveway or along the street curb abutting the premises, unless other more satisfactory arrangements are required or approved by the Zoning Board of Appeals after a public notice and hearing. Home occupation parking on noncurbed streets is prohibited. Not more than one three-quarter ton truck or van may be used in connection with a home occupation unless approval is granted by the Zoning Board of Appeals after a public notice and public hearing.

1171.07 PERMIT.

All persons conducting home occupations which are established, changed or enlarged after this chapter is in effect shall be required to obtain a permit from the City Engineer or his agent. The initial permit shall be valid for a period of two years after the date of issuance. A renewal permit must be secured for each subsequent two year period thereafter. The fee for the initial permit shall be twenty dollars (\$20.00), and a fee of ten dollars (\$10.00) for each renewal.

1171.99 PENALTY.

(a) Whoever violates any provision of this chapter shall, for each violation, be fined no more than five hundred dollars (\$500.00). Each ten days such violation is permitted to exist shall constitute a separate offense.

(b) The owner or tenant of any building, structure, premises or parts thereof, and any architect, builder, contractor, agent or other person who knowingly commits, participates in, assists in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

(c) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations.

CHAPTER 1181
Nonconforming and Existing Uses

<p>1181.01 Nonconforming uses of land.</p> <p>1181.02 Continuation of existing uses.</p> <p>1181.03 Effect upon current building.</p> <p>1181.04 Nonconforming use created by zoning changes.</p> <p>1181.05 Discontinuance of nonconforming buildings and uses.</p>	<p>1181.06 Damaged nonconforming buildings.</p> <p>1181.07 Signs.</p> <p>1181.08 Nonconforming sign.</p> <p>1181.09 Nonconforming mobile homes.</p> <p>1181.10 Nonconforming use created by abandonment of lawful, conforming use.</p>
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CROSS REFERENCES

Nonconforming uses, retroactive measures - see Ohio R.C. 715.15
 Zoning Board of Appeals powers - see P. & Z. 1135.05
 Buildings and uses for consideration - see P. & Z. 1183.01
 Exceptions and modifications - see P. & Z. Ch. 1185

1181.01 NONCONFORMING USES OF LAND.

The lawful use of land existing on the effective date of Ordinance 24-66, passed April 5, 1966, although such use does not conform to the provisions hereof, may be continued for a period of not more than five years; provided, however, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued or changed for a period of at least one year, the future use of such land shall be in conformity with the provisions of this Zoning Code.
 (Ord. 24-66. Passed 4-5-66.)

1181.02 CONTINUATION OF EXISTING USES.

The lawful use of a building or structure existing at the effective date of Ordinance 24-66, passed April 5, 1966 may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of the enactment of Ordinance 24-66, passed April 5, 1966. (Ord. 24-66. Passed 4-5-66.)

1181.03 EFFECT UPON CURRENT BUILDING.

Nothing contained herein shall require any change in the plans, construction, size or designated use of the building, structure or part thereof, for which a building permit has been granted before the enactment or amendment of Ordinance 24-66, passed April 5, 1966 by Council, and the construction of which, from such plans, shall have been started within ninety days of the date of enactment of Ordinance 24-66, passed April 5, 1966. If any of the above requirements shall not have been fulfilled within the same time as stated above, or if building operations are discontinued for a period of ninety days, any further construction shall be in conformity with the provisions of this Zoning Code.
(Ord. 24-66. Passed 4-5-66.)

1181.04 NONCONFORMING USE CREATED BY ZONING CHANGES.

Whenever the use of a building becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued, and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.
(Ord. 24-66. Passed 4-5-66.)

1181.05 DISCONTINUANCE OF NONCONFORMING BUILDINGS AND USES.

A nonconforming use of a building or portion thereof which is hereafter discontinued for a continuous period of two years, shall not again be used, except in conformity with the regulations of the district in which such building is situated.
(Ord. 24-66. Passed 4-5-66.)

1181.06 DAMAGED NONCONFORMING BUILDINGS.

No building which has been damaged by fire, explosions, act of God or the public enemy to the extent of more than seventy-five percent (75%) of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations in this Zoning Code. If a building is damaged by less than seventy-five percent (75%) of the fair market value, or, in the case of a residential structure within an M-2 Heavy Industrial District, if such structure is damaged to any extent, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction is completed within twelve months of the date of such damage.
(Ord. 20-95. Passed 3-21-95.)

1181.07 SIGNS.

Signs to be used in conjunction with a nonconforming business use in a residential district shall be limited to a single wall sign. The location and size of this sign must be approved by the Planning Commission but in no case may it exceed thirty square feet in area.
(Ord. 24-66. Passed 4-5-66.)

1181.08 NONCONFORMING SIGNS.

Existing signs which were constructed in accordance with all applicable regulations in effect at the time of construction may remain or be reconstructed at the same location and be of the same size, provided they are continually maintained in accordance with Section 1184.18.
(Ord. 11-86. Passed 3-4-86.)

1181.09 NONCONFORMING MOBILE HOMES.

Notwithstanding any provision of Chapter 1181 hereinbefore or hereinafter contained, mobile homes in any district, except M-2 Heavy Industrial Districts, used for residential purposes as of May 5, 1966, may, for residential purposes only, remain at the same premises on which they were located on such date, may for residential purposes only, be expanded on the premises by constructing additions and improvements thereto or may, for residential purposes only, be replaced on the premises with another mobile home of the same size or a larger size; provided, however, that should the use of any such mobile home for residential purposes permitted by this section be discontinued for a period of six months, then the premises on which such mobile home was being used for residential purposes shall no longer be used for any purposes by a mobile home, and any unoccupied mobile home remaining on the premises after the expiration date of the six month period shall be removed from the premises within thirty days after the expiration date of the six month period, and thereafter shall be located in conformance with City zoning regulations.

All nonconforming mobile home replacements and all additions and improvements to nonconforming mobile homes, made pursuant to the provisions of this section, shall meet all yard requirements of the zoning district in which such nonconforming mobile home is located.

(Ord. 49-67. Passed 8-15-67.)

1181.10 NONCONFORMING USE CREATED BY ABANDONMENT OF LAWFUL, CONFORMING USE.

If a lawful, conforming use is abandoned and compliance with the existing zoning provisions is highly impracticable or would create a substantial hardship, Council may, as an alternative to changing the zoning classification, grant permission for the creation of a nonconforming use, under the following terms and conditions.

- (a) Applicant must show compliance with applicable zoning provisions is highly impracticable or would create a substantial hardship.
- (b) No permit for the creation of a nonconforming use shall be issued until after a public hearing, before Council, with thirty days' public notice, and ten days' notice of said hearing by certified mail given to all adjoining property owners.
- (c) The permitted nonconforming use shall only be that which Council specifically designates and such may not be changed or expanded.
- (d) Any cessation of use of more than sixty days or any change or expansion of the use permitted will result in an automatic termination of the permit granted under this section.
- (e) The initial term of any use permitted under this section shall be five years. Such use may be renewed for periods of five years, but only after a public hearing before Council to determine that the permittee has complied with the provisions of this section.
- (f) The authority to conduct a nonconforming use permitted by this section may not be transferred without the approval of Council.
- (g) In granting a permit for the creation of a nonconforming use, Council may impose such additional conditions as it deems necessary and appropriate and in the best interests of the area in which the proposed nonconforming use is located.

(Ord. 13-99. Passed 2-2-99.)

CHAPTER 1183
Additional Use Regulations

1183.01 Buildings and uses for consideration.

1183.02 Procedure for special permit.

CROSS REFERENCES

Variations - see P. & Z. 1135.06

Amendments and changes - see P. & Z. Ch. 1143

Exceptions and modifications - see P. & Z. Ch. 1185

1183.01 BUILDINGS AND USES FOR CONSIDERATION.

Council may, by special permit, after public hearing and subject to such protective restrictions as it deems necessary, authorize the location of any of the following buildings or uses in any district from which they are prohibited in this Zoning Code:

- (a) Any public building erected, leased or used by any department of a municipal, County, State or Federal government, or branch or arm thereof.
 - (b) Public utility building, power substation, gas regulation station, etc., which are necessary to properly serve the Community.
 - (c) Parking lot within 300 feet of the boundary of any office, business or industrial district, under such condition as will protect the surrounding property.
 - (d) Drive-in theaters in the B-3 Highway Service Business District.
 - (e) Radio or television broadcasting tower and station.
- (Ord. 24-66. Passed 4-5-66.)

1183.02 PROCEDURE FOR SPECIAL PERMIT.

Before issuance of a special permit for any of the buildings or uses specified in Section 1183.01, Council shall refer the proposed application to the Planning Commission, which Commission shall be given sixty days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the public health, safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Planning Commission has been filed; provided however, that if no report is received from the Commission within sixty days, it shall be assumed that approval of the application has been given.

(Ord. 24-66. Passed 4-5-66.)

**CHAPTER 1184
Sign Regulations**

<p>1184.01 Intent.</p> <p>1184.02 General requirements for all signs in all districts.</p> <p>1184.03 Measurement of sign area.</p> <p>1184.04 Prohibited signs.</p> <p>1184.05 Signs permitted in all districts without a permit.</p> <p>1184.06 Wall signs.</p> <p>1184.07 Projecting signs.</p> <p>1184.08 Ground signs.</p> <p>1184.09 Roof signs.</p> <p>1184.10 Portable and temporary signs.</p>	<p>1184.11 Small advertising signs.</p> <p>1184.12 Traffic direction or guidance signs.</p> <p>1184.13 Trailer mounted signs.</p> <p>1184.14 Off-premise signs.</p> <p>1184.15 Structural requirements.</p> <p>1184.16 Sign permits.</p> <p>1184.17 Sign permit fee.</p> <p>1184.18 Maintenance.</p> <p>1184.19 Variances.</p> <p>1184.99 Penalty.</p>
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CROSS REFERENCES

Definitions - see P. & Z. 1131.53 et seq.
 Sign variances - see P. & Z. 1135.05(c)
 Nonconforming signs - see P. & Z. 1181.08
 Sign permit fees - see BLDG. 1315.02

1184.01 INTENT.

The purpose of these sign regulations is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. They are intended to protect property values, create a more attractive economic and business climate, and natural beauty of designated areas.

(Ord. 11-86. Passed 3-4-86.)

1184.02 GENERAL REQUIREMENTS FOR ALL SIGNS IN ALL DISTRICTS.

The regulations contained in this section shall apply to all signs and all zoning districts.

- (a) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights except clocks and time and temperature devices. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- (b) Signs shall not be placed on the roof of any building except in cases where approved by the Zoning Board of Appeals as a variance when it is determined by the Board a roof sign would be the only means of adequate identification.
- (c) A sign or part thereof or any other advertising device shall not contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
- (d) Signs advertising goods and services not available on the premises are prohibited except as provided for in Section 1184.14.
- (e) The property owner shall be responsible to construct and maintain all signs, including sign structures, etc., to be completely safe and free of hazard.
- (f) A sign shall not be placed in or above any public right-of-way except publicly owned signs, such as traffic control signs and directional signs, projecting signs authorized by Council and signs with information directing and guiding traffic and parking on private property where authorized by Council.
- (g) Signs with information directing and guiding traffic and parking on private property, including entrance and exit signs, shall be permitted on any private property in any zoning district. Size and location shall be in accordance with Section 1184.12. (Ord. 11-86. Passed 3-4-86.)

1184.03 MEASUREMENT OF SIGN AREA.

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combination of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. A sign may have one or two opposite faces or sides, each having the permitted sign area. Signs having more than two faces or sides shall be reduced in size so that the total surfaces visible from any one direction shall not exceed the permitted sign area.

(Ord. 11-86. Passed 3-4-86.)

1184.04 PROHIBITED SIGNS.

The following types of signs are prohibited and shall be removed, altered or repaired in accordance with the provisions of this chapter:

- (a) Signs containing statements, words or pictures of an obscene, indecent or immoral character;
- (b) Signs containing or which are in imitation of, an official traffic sign or signal;
- (c) Signs that are of a size, location, movement, content, coloring or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or create a traffic hazard;
- (d) Signs which advertise an activity, business, product, or service no longer conducted. (Ord. 11-86. Passed 3-4-86.)
- (e) Signs or parts of signs that may swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment, except that real estate "for sale" signs, the bottoms of which are no higher than three feet above the ground, may swing if secured with closed eyelets or hinges in such a manner that the sign cannot become disconnected from the main support or anchoring mechanism. (Ord. 57-86. Passed 9-2-86.)

- (f) Signs located within the public right-of-way except where specifically authorized by Council; or
- (g) Signs which have been erected or placed on a premise without obtaining a required permit. (Ord. 11-86. Passed 3-4-86.)

1184.05 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT.

The following signs shall be permitted in any zoning district without a permit:

- (a) One sign advertising the sale, lease or rental of the premise upon which the sign is located, shall not exceed thirty-two square feet in area, except in all residential districts where the area of the sign including add-ons shall not be more than five square feet and is placed not less than eight feet back of the property line. Where the principal building is less than eight feet back of the property line, such sign may not be placed more than five feet in front of the principal building.
- (b) One sign pertaining to a home occupation, as herein specified, shall be permitted, provided the sign is not over one square foot in area and is mounted flat against the wall of the dwelling or principal building on the premise.
- (c) One bulletin board or sign for churches, libraries, museums or similar institutions provided it does not exceed forty square feet in area and is placed not nearer than twenty feet from the front line nor eight feet from the side lot line, and does not obstruct the view across the corner of an intersecting street and is erected upon the premises of a church or similar institution for the purpose of displaying the name and activities thereof, or the service provided therein.
- (d) One identification placard for multiple-family dwellings if it does not exceed twenty-four square feet in area and is placed not nearer than twenty feet from the front line, nor eight feet from the side lot line, and does not obstruct the view across the corner of intersecting streets.
- (e) Political signs not exceeding six square feet in area, provided such signs shall be placed no earlier than ninety days before election day and removed within two weeks following election day.
- (f) Garage sale, etc., signs not exceeding four square feet in area provided such signs are placed and removed within twenty-four hours of the sale date. (Ord. 11-86. Passed 3-4-86; Ord. 57-86. Passed 9-2-86.)

1184.06 WALL SIGNS.

(a) In a business or industrial district, each business or industry shall be permitted one wall sign for each forty feet of the building facing a public street.

(b) The total area of a wall sign(s) for any single business or industrial enterprise shall not exceed three square feet per lineal foot of building facing a street with a maximum of 120 square feet each.

(c) Wall signs shall not extend into any street, sidewalk, alley or public thoroughfare for a distance greater than twelve inches, shall have at least nine feet clearance between the lower edge of the sign and the ground and fourteen and one-half feet clearance over any area used by motor vehicles.

(d) Wall signs made of glass shall not exceed twelve square feet when double strength glass is used and forty square feet when plate or wired glass is used.

(e) No wall sign shall be so erected as to cover the doors or windows of any building, or otherwise prevent free ingress and egress from any window, door or fire escape of any building.

(f) Each wall sign erected, hung or suspended or permitted under the terms of this chapter shall be securely fastened to a building or other structure upon the premises owned or occupied by the applicant and amply supported vertically and horizontally to prevent falling from its own weight or from wind pressure, and to prevent the same from becoming a hazard to persons using the public street or sidewalk in the vicinity of the sign. No sign as herein referred to, shall be suspended from or supported by a cornice or coping but shall be anchored to the supporting walls of the buildings.
(Ord. 11-86. Passed 3-4-86.)

1184.07 PROJECTING SIGNS.

(a) In a business or industrial district, each business or industry shall be permitted one projecting sign for each face of the building facing a public or private street.

(b) Projection of a projecting sign shall not exceed six feet measured from the face of the main building, shall not exceed thirty square feet in size, shall not be closer than twenty-four inches from the face of curb or edge of pavement, and shall have at least nine feet between the lower edge of the sign and the ground and fourteen and one-half feet over any area used by motor vehicles.

(c) Projecting signs shall be not less than five feet from the side property line or division wall between different occupants.

(d) No projecting signs shall contain an area of glass in excess of nine square feet when plate or wired glass is used.

(e) Small projecting signs, which do not exceed three square feet in area or two feet in any dimension may project up to two and one-half feet over a sidewalk, street, alley or other public property, and shall have a clearance of at least eight feet over any sidewalk and fourteen feet over any street or alley.
(Ord. 11 -86. Passed 3-4-86.)

1184.08 GROUND SIGNS.

(a) In a business or industrial district one ground sign for each forty feet of building facing a public or private street shall be permitted for each business or industrial establishment in lieu of a projecting sign. This sign may be located within ten feet of the right of way of any street or highway. The maximum area of such sign shall not exceed thirty square feet and the height shall not exceed twenty feet above grade level at the street right of way line. Ground signs placed more than ten feet back of the street property line however, may be increased in size ten square feet in area and five feet in height for each additional five feet of setback up to a maximum of 100 square feet in area and forty feet in height above the grade level.

(b) One ground sign serving a group of five or more business establishments in business and industrial districts and placed at least twenty feet back of the property line shall be permitted on each street serving such group of businesses in lieu of individual ground signs. The maximum area of such a ground sign shall not exceed 100 square feet for five business establishments, but may be increased in size by ten square feet for each additional business up to a maximum of 200 square feet. Such signs shall not exceed thirty feet in height for 100 square foot signs with an additional one foot added to height permitted with each additional ten square feet of sign area up to a maximum of forty feet in height.

(c) All ground signs shall have at least twelve feet clearance between the grade level at the street right-of-way line and the lower edge of the sign when located within ten feet of the right-of-way of any street or highway. Such sign shall be supported by a single column, the diameter of which shall not exceed twelve inches, or twin columns not exceeding four inches in diameter.

(d) Any part of any ground sign shall be not less than fifty feet from any residential district. (Ord. 11-86. Passed 3-4-86.)

1184.09 ROOF SIGNS.

(a) Signs placed on or above the roof of any building shall not be permitted except by approval of the Board of Zoning Appeals as a variance when it is determined by the Board that a roof sign would be the only means of adequate identification and when the following regulations are complied with.

(b) No signboard shall be placed on the roof of any building so as to prevent the free passage from one part of the roof to any other part or interfere with any opening thereon. No signboard shall project beyond the edge of the roof in any direction and if over four feet in height shall be so constructed as to leave a clear space of at least six feet between the roof level and the lowest part of the sign and at least five feet clearance between the vertical supports. Every roof sign over four feet in height shall be set back at least five feet from the face of any front, rear or sidewall.

(c) If the roof sign is illuminated, lighting reflectors may project six feet beyond the building line.

(d) Signs shall be designed to withstand a wind pressure of thirty pounds per square foot of area subject to such pressure.

(e) Roof sign structures may be erected upon fireproof buildings to a height of not exceeding fifty feet above the roof and upon nonfireproof buildings to a height not exceeding thirty feet above the roof level.

(f) For signs over four feet above the roof, the portion of such structure covered and exposed to wind pressure shall not exceed one-third the total area thereof. All such signs shall be thoroughly secured to the building upon which they are installed, erected or constructed by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or braces.

(g) In no case shall any roof sign for any single business or industrial enterprise exceed three square feet per lineal feet of occupied building frontage with a maximum of 150 square feet.

(h) Roof signs when approved shall be in lieu of wall signs.
(Ord. 11-86. Passed 3-4-86.)

1184.10 PORTABLE AND TEMPORARY SIGNS.

(a) In all districts each premise or establishment may have one temporary or portable sign not exceeding fifty square feet in area announcing special public or institutional events, including the opening of a new business and including the erection of a building displaying the name of the architect, builders or contractors, erected for a period not to exceed sixty days plus the event or construction period, but in no case longer than twenty-four months.

(b) Portable or temporary signs including trailer mounted signs and balloons are prohibited within 100 feet of a residential district.

(c) Small advertising signs as permitted in Section 1184.11 shall not be considered portable or temporary signs.
(Ord.11-86. Passed 3-4-86.)

1184.11 SMALL ADVERTISING SIGNS.

(a) In business and industrial districts four small free standing or portable advertising signs, not exceeding twelve square feet each in area shall be permitted for each business or industrial establishment.

(b) Such small advertising signs shall not exceed eight feet in height and shall not be located closer to any street right-of-way than ten feet or the established building line, whichever is least. In no case shall any sign be located in any public street or alley right-of-way.

(c) Such small advertising signs shall only advertise products, services or activities located on the premises in which the sign is located. Price information is permitted on such signs.

(d) Trailer mounted signs are not considered small advertising signs and are not permitted for the use as such.
(Ord. 11-86. Passed 3-4-86.)

1184.12 TRAFFIC DIRECTION OR GUIDANCE SIGNS.

In all districts all parking lots having spaces for four or more cars or drive-in type car service may have traffic direction or guidance signs, including entrance and exit signs. Such signs shall not exceed six square feet in area and shall only display directional information and conditions of use and shall not extend more than three feet above the drive, street or sidewalk or otherwise obstruct visibility.
(Ord. 11-86. Passed 3-4-86.)

1184.13 TRAILER MOUNTED SIGNS.

Trailer mounted signs or similar portable signs are prohibited in all zoning districts except as permitted in Section 1184.10.
(Ord.11-86. Passed 3-4-86.)

1184.14 OFF-PREMISE SIGNS.

(a) Off-premise signs contain information about goods, services, uses, businesses, persons, subjects, etc. not relative to the premises upon which the sign is located and shall be:

- (1) Directional: used for traffic direction only, containing only the principal name of a premise and the direction to same; or
- (2) All others including billboards.

(b) Off-premise signs, other than directional shall be permitted only in business and industrial districts.

(c) All off-premise signs shall be approved by the Planning Commission. In making their determination the Commission shall consider visibility, obstruction of view of adjacent uses, other signs in the area, location, size, etc., plus any additional matters which the Commission feels appropriate.

(d) Directional off-premise signs of less than twenty square feet may be located up to ten feet from the street property line. Larger signs shall be located one-half the building setback distance, but no closer than twenty feet.

(e) The maximum display area of a sign shall be 300 square feet, and the maximum height shall be thirty-five feet.

(f) Such signs shall not be located so as to interfere with the visibility and safe operation of vehicles or pedestrians entering or leaving the premise or intersecting streets or crosswalks.

(g) Such signs shall not be located within ten feet of any lot line or within 100 feet of a residential district on the same street.

(h) Such signs shall conform to all appropriate sections of this chapter except in conflict with this section and limitations based upon buildings and number of signs.

(i) Seat benches, trash containers, telephone booths, bus shelters, vehicles, vending machines and similar devices containing off-premise signs shall be exempt from these provisions except Planning Commission approval.
(Ord. 11-86. Passed 3-4-86.)

1184.15 STRUCTURAL REQUIREMENTS.

All structural requirements shall be in accordance with applicable codes, shall be constructed to withstand a windstress of thirty pounds per square foot and shall be as approved by the Building Inspector; however, the owner is responsible to construct and maintain all signs so as to render them safe to persons, property and traffic.

(Ord. 11-86. Passed 3-4-86.)

1184.16 SIGN PERMITS.

(a) Signs shall not be required to have a permit when a proposed sign is considered and approved along with a request for an occupancy certificate or building permit or is listed in Section 1184.05. In other cases only the following types of signs shall be required to have a sign permit:

- (1) Wall signs to be erected after the adoption of these sign regulations;
- (2) Projecting signs to be erected after the adoption of these sign regulations;
- (3) Ground signs to be erected after the adoption of these sign regulations;
- (4) Roof signs to be erected after the adoption of these sign regulations; and
- (5) Off-premise signs to be erected after the adoption of these sign regulations.

(b) Signs listed in Section 1184.05 portable, temporary or traffic directional signs, etc., shall not be required to have a permit.

(c) The Building and Zoning Inspector shall have the authority to determine the need for a permit where these regulations do not specifically address the case.

(d) A permit shall become void if the work for which the permit was issued is not completed within six months of the date of the permit.

(Ord. 11-86. Passed 3-4-86.)

1184.17 SIGN PERMIT FEE.

Fees for sign permits shall be twenty dollars (\$20.00) for each sign for which a permit is required. (Ord.11-86. Passed 3-4-86.)

1184.18 MAINTENANCE.

All signs and sign structures, including their supports, anchors, guys, etc., shall be kept properly painted and/or galvanized and generally maintained in a proper state of preservation and safety. The Building and Zoning Inspector may order the removal of any sign which is not maintained in accordance with these conditions.

(Ord. 11-86. Passed 3-4-86.)

1184.19 VARIANCES.

The Zoning Board of Appeals may grant a variance from any sign regulation. (Ord. 11-86. Passed 3-4-86.)

1184.99 PENALTY.

Whoever violates any provision of this Zoning Code for which no other penalty is provided shall be fined not less than five dollars (\$5.00) nor 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. The owner of any building or premise or part thereof, where anything in violation of this Zoning Code is placed or exists and any architect, builder contractor, agent or person employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense.

(Ord. 11-86. Passed 3-4-86.)

CHAPTER 1185
Exceptions and Modifications

<p>1185.01 General provision.</p> <p>1185.02 Height regulations.</p> <p>1185.03 Yard regulations.</p>	<p>1185.04 Exceptions and modifications to use regulations.</p>
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CROSS REFERENCES

Height regulations - see Ohio R.C. 713.08

Variations - see P. & Z. 1135.06

Nonconforming uses- see P. & Z. Ch. 1181

1185.01 GENERAL PROVISION.

The regulations hereinafter set forth in this chapter qualify or supplement the district regulations appearing elsewhere in this Zoning Code.
(Ord. 24-66. Passed 4-5-66.)

1185.02 HEIGHT REGULATIONS.

(a) The height regulations as prescribed in this Zoning Code shall not apply to the following named structures or other structures that project in the air, except where the height of such structure will constitute a hazard:

- (1) Church spires.
- (2) Belfries.
- (3) Monuments.
- (4) Tanks.
- (5) Water towers.
- (6) Fire towers.
- (7) Stage towers or scenery lofts.
- (8) Cooling towers.
- (9) Ornamental towers and spires.
- (10) Chimneys.
- (11) Elevator bulkheads.
- (12) Smokestacks.
- (13) Conveyors.
- (14) Flagpoles.
- (15) Radio and television towers, antennae or aerials.

(b) Public and semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, and churches and temples may be erected to a height not exceeding ninety feet, subject to additional yard regulations of Sections 1153.04 and 1155.04.

(c) Buildings used exclusively for storage purposes may exceed the maximum number of stories that are permitted in the district in which they are located; provided, however, such buildings shall not exceed the height permitted in such district. (Ord. 24-66. Passed 4-5-66.)

1185.03 YARD REGULATIONS.

(a) Where dwelling units are erected above commercial and industrial structures in business, office and industrial districts, no side yards are required except as such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

(b) More than one main institutional, public or semipublic, commercial or industrial building may be located on a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.

(c) On double frontage lots the required front yard shall be provided on each street.

(d) Where the main building on any lot in a R-A or R-S Residential District has been erected prior to the enactment of Ordinance 4114, passed November 12, 1957, additions to such building may be erected provided that the side yards shall have a combined width of not less than twelve feet, and provided that no side yard shall have a width of less than five feet.

(e) Where a corner lot in any business or industrial district abuts upon a lot in any residential district, the side yard of the corner lot shall not be less than one-half of the required front or side yard on the lot in the residential district.

(f) On corner lots in any R-L; R-A; R-S; R-M; S-U; B-1; B-3; and M-1 District, no fence or vegetation shall be allowed or maintained within twenty feet of the intersection of the street property lines which would obstruct clear traffic visibility within the limits of three feet and ten feet above the curb grade. In the event of any conflict of opinion, the City Police Chief shall determine whether any fence or vegetation interferes with traffic visibility or is an obstruction.

(g) Fences placed in any district in the required front yards or sideyards adjoining a side street, shall not exceed three feet in height. Fences in residential districts shall in no case exceed six feet in height.

(h) Whenever a lot abuts upon or adjoins an alley, one-half the alley width may be considered as a portion of the required rear or side yard. (Ord. 24-66. Passed 4-5-66.)

1185.04 EXCEPTIONS AND MODIFICATIONS TO USE REGULATIONS.

(a) Temporary buildings that are used in conjunction with construction work only, may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

(b) Use restrictions shall not apply to towers which accommodate antennas for the reception of radio and television broadcast signals, radio dispatch systems located on the same property and as an accessory to a permitted use, citizen band systems, and amateur radio systems, provided any such systems are duly licensed and operated under rules by the Federal Communication Commission where required.

(Ord. 75-95. Passed 11-7-95.)

CHAPTER 1187
Lighting Regulations for Towers and Antenna Structures

**1187.01 Flashing lights on towers
and antenna structures.**

1187.99 Penalty.

1187.01 FLASHING LIGHTS ON TOWERS AND ANTENNA STRUCTURES.

The use of flashing lights and/or strobing lights upon towers and antenna structures, within the City is prohibited, unless the use of such lighting is specifically required by regulations of the FCC, FAA or other similar regulatory agency.
(Ord. 46-92. Passed 9-22-92.)

1187.99 PENALTY.

A violation of Section 1187.01 constitutes a minor misdemeanor. A separate violation shall be deemed to have been committed for each day the condition is permitted to continue.
(Ord. 46-92. Passed 9-22-92.)

CHAPTER 1189
Telecommunications Facilities

<p>1189.01 Legislative purpose and definitions.</p> <p>1189.02 Applicability.</p> <p>1189.03 Inventory of existing sites.</p> <p>1189.04 Standards applicable to all wireless telecommunications facilities.</p> <p>1189.05 Construction standards.</p> <p>1189.06 Fire protection.</p> <p>1189.07 Height determination.</p> <p>1189.08 NIER exposure.</p> <p>1189.09 Telecommunication support facilities.</p> <p>1189.10 Required parking.</p> <p>1189.11 Natural resource protection standards.</p> <p>1189.12 Color and appearance standards.</p> <p>1189.13 Advertising prohibited.</p> <p>1189.14 Artificial lighting restricted.</p> <p>1189.15 Co-location.</p> <p>1189.16 Abandonment of facilities.</p> <p>1189.17 Setback from edge of roof.</p>	<p>1189.18 Security enclosure required.</p> <p>1189.19 Existing vegetation and buffer plantings.</p> <p>1189.20 Access control and emergency contact.</p> <p>1189.21 Co-location requirements.</p> <p>1189.22 Co-location design required.</p> <p>1189.23 Technically suitable space.</p> <p>1189.24 Application requirements.</p> <p>1189.25 Location of wireless telecommunications facilities.</p> <p>1189.26 Abandonment of tower.</p> <p>1189.27 Application and review requirements.</p> <p>1189.28 Co-location, maintenance and removal agreement.</p> <p>1189.29 Denial procedure.</p> <p>1189.30 Variances.</p> <p>1189.31 Separability.</p> <p>1189.32 Procedure.</p>
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CROSS REFERENCES

Permitted in M-1 District - see P. & Z. 1163.02
 Exceptions to regulations - see P. & Z. 1185.04
 Flashing lights on towers - see P. & Z. 1187.01

1189.01 LEGISLATIVE PURPOSE AND DEFINITIONS.

(a) Purpose. The purpose of this chapter is to regulate the placement, construction and modification of wireless communications facilities and their support structures in order to promote and protect the public health, safety, morals, comfort, prosperity and general welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications market place in the City. Specifically, the purposes of this chapter are:

- (1) To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City.
- (2) To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.
- (3) To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.
- (4) To promote and encourage share use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- (5) To avoid potential damages to adjacent properties caused by towers and wireless telecommunications facilities by ensuring that such structures are soundly designed, constructed and modified, are appropriately maintained, and are fully removed upon any cessation of operation.
- (6) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
- (7) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

(b) Definitions.

- (1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2) "Antenna" means any exterior apparatus designed for telephonic, radio and television communications through the sending and/or receiving of electromagnetic waves, excluding motor vehicle antenna.
- (3) "City" means the City of Ashland.
- (4) "FAA" means the Federal Aviation Administration.
- (5) "FCC" means the Federal Communications Commission.
- (6) "Pre-existing towers and antennas" shall have the meaning set forth in Section 1189.02.
- (7) "Height" means, when referring to a tower or other structure, the distance from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (8) "Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.
- (9) "Site" means a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
- (10) "Support structure" means any building or structure accessory to, but necessary for telecommunication.
- (11) "Telecommunications facilities" means the towers, antenna, alternate tower structures, support structures, cables, wires and other equipment necessary for telecommunication.

- (12) "Tower" means any structure that is designed and constructed primarily for the purpose of support one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone tower, alternative tower structures, and the like.
(Ord. 24-99. Passed 3-2-99.)

1189.02 APPLICABILITY.

All towers, antenna support structures, and wireless telecommunications facilities, any portion of which are located within the City, are subject to this chapter. Except as provided in this chapter, any use being made of an existing tower or antenna support structure on the effective date of the ordinance enacting this chapter shall be deemed a non-conforming structure and allowed to continue, even in conflict with the terms of this chapter. Any tower site that has received approval in the form of a building permit by the City, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired. Applicants for telecommunication and utility permits, or renewals thereof, shall file an application therefor in such form as the Director of Safety may require along with a nonrefundable application fee of one thousand dollars (\$1,000). The Director of Safety shall determine if the application is in order and, if so, forward the application to Council to determine whether or not, in accordance with the criteria set forth in Section 1189.04, the applicant should be granted a permit hereunder. Council shall make a final determination as to whether or not such permit should be granted and, if so, upon what terms and conditions.
(Ord. 24-99. Passed 3-2-99.)

1189.03 INVENTORY OF EXISTING SITES.

Each applicant for an antenna and/or tower shall provide the Building Division of the City an inventory of its existing towers that are within the City including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for permits under this chapter or other organizations seeking to locate antennas within the City, provided, however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
(Ord. 24-99. Passed 3-2-99.)

1189.04 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES.

Telecommunications and utility and special permits shall be granted based upon a determination that the following criteria are met:

- (a) The granting of the permit will contribute to the public health, safety or welfare in the City;
 - (b) The granting of the permit will be consistent with the policy of the City as set forth in Section 1189.01;
 - (c) That the applicant is a proper person to hold a permit and will fulfill all its obligations hereunder.
- (Ord. 24-99. Passed 3-2-99.)

1189.05 CONSTRUCTION STANDARDS.

(a) All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Building Code. Proof of on-going compliance shall be provided to the Director of Safety every ten years by way of an inspection report prepared by an Ohio licensed structural engineer indicating the structural integrity of the tower. The communications company must demonstrate to the City that it is licensed by the Federal Communications Commission (FCC).

(b) A full site plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1" - 100'), indicating, as a minimum, the following:

- (1) The total area of the site.
- (2) The existing zoning of the property in question and of all adjacent properties.
- (3) All public and private rights of way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- (4) Existing topography with a maximum of five-foot contour intervals.
- (5) The proposed finished grade of the development shown by contours not exceeding five-foot contour intervals.
- (6) The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights and, where applicable, the gross floor area of the buildings.
- (7) The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
- (8) All existing and proposed sidewalks and open areas on the site.
- (9) The location of all proposed fences, screening and walls.
- (10) The location of all existing and proposed streets.
- (11) All existing and proposed utilities including types and grades.
- (12) The schedule of any phasing of the project.
- (13) Any other information as may be required by the Zoning Board to determine the conformance with this Zoning Code.
(Ord. 24-99. Passed 3-2-99.)

1189.06 FIRE PROTECTION.

All wireless telecommunication buildings shall be designed and operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. The Safety Director shall determine what safety measures shall be implemented for all telecommunications buildings. (Ord. 24-99. Passed 3-2-99.)

1189.07 HEIGHT DETERMINATION.

The height of a tower shall be measured from the ground surface below the base to the top of the tower itself or, if higher, to the top of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which the tower is mounted. (Ord. 24-99. Passed 3-2-99.)

1189.08 NIER EXPOSURE.

No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public. To that end, no telecommunication facility or combination of facilities shall provide at any time powered densities in any inhabited area that exceed the ANSI (American National Standard Institute) standards for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, Ashland County, State of Ohio, or the federal government. (Ord. 24-99. Passed 3-2-99.)

1189.09 TELECOMMUNICATION SUPPORT FACILITIES.

Telecommunication support facilities shall be in accordance with height, regarding the appropriate zoning and shall be constructed to look like a building or facility typically found in the area. (Ord. 24-99. Passed 3-2-99.)

1189.10 REQUIRED PARKING.

If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code. (Ord. 24-99. Passed 3-2-99.)

1189.11 NATURAL RESOURCE PROTECTION STANDARDS.

The location of the wireless telecommunications facilities shall comply with all natural resource protection standards established either in this Zoning Ordinance, or in other applicable regulations, including those for flood plains, wetlands, groundwater protection and steep slopes. (Ord. 24-99. Passed 3-2-99.)

1189.12 COLOR AND APPEARANCE STANDARDS.

All wireless telecommunications facilities shall be a color minimizing its visibility, unless otherwise required by the FCC and FAA. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the City. (Ord. 24-99. Passed 3-2-99.)

1189.13 ADVERTISING PROHIBITED.

No advertising is permitted anywhere upon or attached to the wireless telecommunications facility. (Ord. 24-99. Passed 3-2-99.)

1189.14 ARTIFICIAL LIGHTING RESTRICTED.

No wireless telecommunications facility shall be artificially lit except as specifically required by the FAA. The provisions of Section 1187.01, prohibiting strobing lights, are, in no way superseded by this chapter, and remain in full force and effect.
(Ord. 24-99. Passed 3-2-99.)

1189.15 CO-LOCATION.

All wireless telecommunication facilities shall be subject to the co-location requirements set forth in Section 1189.21 et seq.
(Ord. 24-99. Passed 3-2-99.)

1189.16 ABANDONMENT OF FACILITIES.

All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 1189.26 et seq.
(Ord. 24-99. Passed 3-2-99.)

1189.17 SETBACK FROM EDGE OF ROOF.

Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back one foot from the edge of the roof for each one foot in height of the wireless telecommunications facility. However, this setback requirement shall not apply to antennas that are less than two inches in thickness mounted to the sides of antenna support structures and do not protrude more than six inches from the side of such an antenna support structure. This requirement is subject to change by the City upon review of the photo simulation provided in compliance with Section 1189.27(c). Any roof mounted panel antenna with a base area greater than three and one-half square feet shall be located so as to be effectively unnoticeable. (Ord. 24-99. Passed 3-2-99.)

1189.18 SECURITY ENCLOSURE REQUIRED.

All towers and equipment shelters shall be enclosed either completely or individually as determined by the City. The City and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
(Ord. 24-99. Passed 3-2-99.)

1189.19 EXISTING VEGETATION AND BUFFER PLANTINGS.

Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the City. An evergreen screen may be required around the perimeter or portion thereof of the property in lieu of such buffer plantings.
(Ord. 24-99. Passed 3-2-99.)

1189.20 ACCESS CONTROL AND EMERGENCY CONTACT.

"No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number and address of whom to contact in the event of an emergency.
(Ord. 24-99. Passed 3-2-99.)

1189.21 CO-LOCATION REQUIREMENTS.

All telecommunication facilities shall be designed to promote facility and site sharing. The facility shall make available space for co-location of other telecommunication facilities including space for entities providing similar or competing services. A good faith effort in achieving co-location shall be required of the host entity. Request for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and shall be provided to the Director of Safety. Unresolved disputes may be mediated by the City. Co-location shall not be required in cases where the addition of the new service or facility would cause quality of service impairment or if it became necessary for the host to go off line for a significant period of time.
(Ord. 24-99. Passed 3-2-99.)

1189.22 CO-LOCATION DESIGN REQUIRED.

No new tower shall be constructed in the City unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person. (Ord. 24-99. Passed 3-2-99.)

1189.23 TECHNICALLY SUITABLE SPACE.

Authorization for a tower shall be issued only if there is no technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.
(Ord. 24-99. Passed 3-2-99.)

1189.24 APPLICATION REQUIREMENTS.

With the permit application, the applicant shall list the location of every tower, publicly-owned tower, building, structure or land within a reasonable proximity that could support the proposed antenna.
(Ord. 24-99. Passed 3-2-99.)

1189.25 LOCATION OF WIRELESS TELECOMMUNICATION FACILITIES.

If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one mile radius of the site proposed, asked for permission to install the cellular communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, building over fifty feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles. The City may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

Such use shall be conditional, subject to the approval of the City Council in accordance with the procedure set forth in this Zoning Code. In considering whether to grant a conditional use for a wireless telecommunication facility, the City Council shall consider the following requirements:

Tower:

- (a) Minimum Setback from Property Lines. The minimum setbacks and yard requirements for principal structures for the zoning district where the tower is to be located shall be the greater of the following:
- (1) Forty percent (40%) of the tower height.
 - (2) The minimum setback in the underlying zoning district; or
 - (3) Fifty feet.
- (b) Minimum Setback from Residential Structure.
- (1) Cellular or wireless communication towers less than 150 feet in height shall be located no closer than 500 feet to any residential zoning district.
 - (2) Cellular communication towers 150 feet in height and greater shall be located no closer than 1,000 feet to any residential zoning districts.
- (c) Equipment Shelter. The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
(Ord. 24-99. Passed 3-2-99.)

1189.26 ABANDONMENT OF TOWER.

(a) Required Notification. All providers utilizing towers shall present a report to the City notifying it of any tower facility located in the City the use of which will be discontinued and the date the use will cease. Such report shall be filed with the City thirty days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Building Inspector may declare the facility abandoned. The 180 day period excludes any dormancy period between construction and the initial use of the facility. The Building Inspector shall serve the owner/operator with written notice of his declaration of abandonment and the owner/operator shall be instructed to either reactivate use of the facility or commence to dismantle and remove the facility within sixty days from the mailing of the notice. Service of said notice shall be to the last known address of the owner/operator and service shall be presumed if said notice is not returned by the U.S. Post Office. If the notice is returned as undelivered, the Building Inspector shall post the notice on the tower for a period of thirty days. If reactivation or dismantling does not commence or, if commenced, the dismantling is not diligently pursued within said sixty-day period and no appeal is filed as provided by subsection (c) hereof, the City may either remove the facility or contract to have the facility removed and assess the owner/operator the costs.

(b) Contents of Notice to Owner/Operator. The notice required by subsection (a) hereof shall inform the recipient that it has the right to appeal the order to reactivate or dismantle by filing a written notice of appeal to the Board of Zoning Appeals of the City. Said written notice of appeal shall be filed with the Clerk of Council within thirty days following service of the notice provided for in subsection (a) hereof.

(c) Appeal Procedure. Any appeal filed pursuant to subsection (b) hereof shall proceed as provided in Chapter 1135 of the Zoning Ordinance.

(d) Order of Removal. If the Board of Zoning Appeals affirms the order of the Building Inspector, the City may proceed in accordance with the provisions of subsection (a) hereof in the same manner as if an appeal had not been filed unless the owner/operator complies with subsection (a) hereof.
(Ord. 24-99. Passed 3-2-99.)

1189.27 APPLICATION AND REVIEW REQUIREMENTS.

(a) Required Information and Applications. All applications for wireless telecommunications facilities, including towers, shall include the information required under this section.

(b) Plot Plan Required. Any person or company intending to apply for the placement or operation of a telecommunication facility within the City shall first schedule a pre-application conference with the Director of Safety or his designee. At this meeting, the applicant must present a plot plan at a scale of not less than one inch equals 100 feet. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

(c) Photo Simulations Required. Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public rights of way taken at designated locations may be required. All costs for visual analysis, and applicable administrative costs, shall be borne by the applicant.

(d) Technical Necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site is technically necessary.

(e) Review by Radio Frequency Engineer. The evidence submitted by the applicant shall be reviewed by a radio frequency engineer chosen by the City, who shall support or refute the evidence. If the radio frequency engineer refutes the evidence submitted by the applicant, the City may deny the application. The cost of the radio frequency engineer shall be borne by the applicant.

(f) Required Landscaping Plan. The applicant shall present a landscaping plan showing the following:

- (1) Specific placement of the wireless telecommunications facility on the site.
- (2) The location of existing structures, trees, and other significant site features.
- (3) Type and locations of plant materials used to screen the facilities.
- (4) The proposed color of the facility.
(Ord. 24-99. Passed 3-2-99.)

1189.28 CO-LOCATION, MAINTENANCE AND REMOVAL AGREEMENT.

The applicant shall present signed statements, binding upon any successor of the applicant, providing that:

- (a) The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
- (b) The applicant shall properly maintain the exterior appearance of the wireless telecommunications facilities;
- (c) The applicant agrees to remove the facility 180 days after its use is discontinued.
- (d) The applicant shall reimburse the City for all costs incurred to perform any work required of the applicant but which the applicant fails to perform.
(Ord. 24-99. Passed 3-2-99.)

1189.29 DENIAL PROCEDURE.

Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

(Ord. 24-99. Passed 3-2-99.)

1189.30 VARIANCES.

Any request to deviate from any of the requirements of this chapter shall require approval of a variance in conformance with the procedures set forth.

(Ord. 24-99. Passed 3-2-99.)

1189.31 SEPARABILITY.

Should any section, clause, paragraph, sentence, item, phrase or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional, or invalid, such decision shall not affect the validity of this chapter as a whole or any thereof other than the part so declared to be unconstitutional or invalid. All other provisions of the Codified Ordinances, including, but not limited to, Sections 1163.02(p), 1185.04(b) and 1187.01 shall remain in full force and effect and are not intended to be superseded by the provision of this chapter.

(Ord. 24-99. Passed 3-2-99.)

1189.32 PROCEDURE.

- (a) Submit application to Zoning Department.
- (b) Zoning Department reviews (minimum of thirty days) and submits review to Planning Commission.
- (c) Planning Commission submits review to City Council.
- (d) City Council approves, accepts, rejects or modifies recommendation.

(Ord. 24-99. Passed 3-2-99.)

