

CODIFIED ORDINANCES OF MEDINA  
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Chap. 1145. Off-Street Parking and Circulation.

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TITLE SEVEN - Nonconforming and Conditionally Permitted Uses

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Chap. 1153. Conditional Zoning Certificates.

TITLE NINE - Subdivision Regulations

- Chap. 1161. General Provisions and Penalty.
- Chap. 1163. Definitions.
- Chap. 1165. Administration and Enforcement.
- Chap. 1167. Approval Procedure.
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- Chap. 1171. Design Standards.
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- Appendix A
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CODIFIED ORDINANCES OF MEDINA  
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Planning  
Chap. 1101. Planning Commission.

CHAPTER 1101  
Planning Commission

EDITOR'S NOTE: The Planning Commission was established by Charter Article V Section 6. There are no sections in Chapter 1101. This chapter was established to provide a place for cross references and future legislation.

CROSS REFERENCES

Enforcement by Planning Director - see P. & Z. 1107.01  
Zoning certificate requirements - see P. & Z. 1107.02, 1107.03, 1109.02(f)  
Correction of violations - see P. & Z. 1107.04, 1107.05  
Zoning amendment procedure; fee - see P. & Z. 1107.06; 1109.03  
Types of districts - see P. & Z. 1113.02  
Interpretation of district boundaries - see P. & Z. 1113.04  
Effect of annexation - see P. & Z. 1113.05(x)  
Nonconforming use regulations - see P. & Z. Ch. 1151  
Power to waive, vary or modify Subdivision Regulations - see P. & Z. 1165.06  
Appeals - see P. & Z. 1165.07  
Time limit on plat approval action by Commission - 1167.04(c)(4)

- TITLE THREE - Zoning Administration
- Chap. 1103. General Provisions and Penalty.  
 Chap. 1105. Definitions.  
 Chap. 1107. Administration and Enforcement.  
 Chap. 1108. Fees.  
 Chap. 1109. Site Plan Review.

EDITOR'S NOTE: The City Zoning Ordinance was readopted in its entirety by Ordinance 78-01, passed May 14, 2001. Subsequent amendments will be noted by legislative histories placed at the end of the affected sections.

CHAPTER 1103  
 General Provisions and Penalty

- |         |                 |         |               |
|---------|-----------------|---------|---------------|
| 1103.01 | Effective date. | 1103.04 | Conflict.     |
| 1103.02 | Short title.    | 1103.05 | Separability. |
| 1103.03 | Interpretation. | 1103.99 | Penalty.      |

CROSS REFERENCES

- Enforcement by Planning Director - see P. & Z. 1107.01  
 Zoning certificate requirements - see P. & Z. 1107.02, 1107.03, 1109.02(f)  
 Correction of violations - see P. & Z. 1107.04, 1107.05  
 Zoning amendment procedure; fee - see P. & Z. 1107.06; 1109.03  
 Types of districts - see P. & Z. 1113.02  
 Interpretation of district boundaries - see P. & Z. 1113.04  
 Effect of annexation - see P. & Z. 1113.05(x)  
 Nonconforming use regulations - see P. & Z. Ch. 1151

1103.01 EFFECTIVE DATE.

The effective date of this Ordinance is the effective date of Ordinance 134-69, passed April 27, 1970, with amendments as noted.

1103.02 SHORT TITLE.

Titles Three, Five and Seven of this Part Eleven - Planning and Zoning Code, shall be known as the "Zoning Ordinance of the City of Medina, Ohio."

#### 1103.03 INTERPRETATION.

In their interpretation and application, the provisions of this Zoning Ordinance, as most recently amended, shall be held to be the minimum requirements for the preservation of the public health, safety, morals and general welfare.

#### 1103.04 CONFLICT.

Whenever the regulations of this Zoning Ordinance require a greater width or size of yards or other open spaces, lower height limit, greater percentage of lot to be left unoccupied, lower density of population, more restricted use of land, or impose other higher standards than are required in any other ordinance or regulation, private deed restrictions or private covenants, this Zoning Ordinance shall govern.

#### 1103.05 SEPARABILITY.

If any section, subsection or any provision of this Zoning Ordinance, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance or amendments thereto.

#### 1103.99 PENALTY.

Any person, firm or corporation who violates any provision of this Zoning Ordinance or supplements or amendments thereto, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Each day's continuation of a violation shall be deemed a separate offense.

CHAPTER 1105  
Definitions

1105.01	General provisions.	1105.41	Natural grade.
1105.02	Accessory building or use.	1105.42	Gross acre.
1105.03	Agriculture.	1105.43	Home occupation.
1105.04	Alley.	1105.44	Hospital.
1105.05	Apartment.	1105.45	Hotel.
1105.06	Automobile service station.	1105.46	Institution.
1105.07	Automobile wrecking yard.	1105.47	Junk yard.
1105.08	Basement.	1105.48	Loading space.
1105.09	Board.	1105.49	Lodging house.
1105.10	Bed & breakfast inn.	1105.50	Lot.
1105.11	Building.	1105.51	Lot area.
1105.12	Building height.	1105.52	Corner lot.
1105.13	Building line.	1105.53	Lot coverage.
1105.14	Principal building.	1105.54	Lot depth.
1105.15	Carport.	1105.55	Double frontage lot.
1105.16	Centralized sewer system.	1105.56	Interior lot.
1105.17	Centralized water system.	1105.57	Lot lines.
1105.18	Clinic.	1105.58	Front lot line.
1105.19	Commission.	1105.59	Rear lot line.
1105.20	Comprehensive Plan.	1105.60	Side lot line.
1105.21	Convalescent home.	1105.61	Lot of record.
1105.22	Court.	1105.62	Lot width.
1105.23	Density.	1105.63	Major thoroughfare and collector thoroughfare.
1105.24	Discarded motor vehicle.	1105.64	Minimum building setback line.
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1105.32	Essential services.	1105.72	Private stable.
1105.33	Family.	1105.73	Story.
1105.34	Floor area.	1105.74	Half story.
1105.35	Frontage.	1105.75	Public street.
1105.36	Auto service shop garage.	1105.76	Private street.
1105.37	Private garage.	1105.77	Sign.
1105.38	Public garage.	1105.78	Street right-of-way line.
1105.39	Governmental or public use building or facility.		
1105.40	Finished grade.		

1105.79	Structure.	1105.88	Used car lot.
1105.80	Structural alterations.	1105.89	Yard.
1105.81	Commercial swimming pool.	1105.90	Front yard.
1105.82	Family swimming pool.	1105.91	Rear yard.
1105.83	Thoroughfare.	1105.92	Side yard.
1105.84	Manufactured housing.	1105.93	Zone.
1105.85	Manufactured housing park.	1105.94	Zoning map.
1105.86	Use.	1105.95	Veterinary office.
1105.87	Usable open space.	1105.96	Veterinary hospital.

#### CROSS REFERENCES

Permitted height exceptions - see P. & Z. 1113.05(b)  
 Commercial district regulations - see P. & Z. Ch. 1131 et seq.  
 Off-street parking and loading regulations - see P. & Z. Ch. 1145  
 Definitions for Subdivision Regulations - see P. & Z. Ch. 1163

#### 1105.01 GENERAL PROVISIONS.

For the purpose of this Zoning Ordinance, certain terms are defined in this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; "shall" is mandatory and not directory; "building" includes the word "structure"; "used" includes the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be used." "Person" means, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings.

#### 1105.02 ACCESSORY BUILDING OR USE.

"Accessory building" or "use" means a subordinate building or use customarily incidental to, and located upon the same lot occupied by the principal building or use. (Ord. 235-06. Passed 12-11-06.).

#### 1105.03 AGRICULTURE.

"Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offals to swine and other animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

#### 1105.04 ALLEY.

"Alley" means a public thoroughfare which affords only a secondary means of access to a lot or abutting property.

**1105.05 APARTMENT.**

"Apartment" means a room or suite of rooms in an apartment house, which room or suite is arranged, intended or designed to be occupied as the residence of a single family, individual or group of individuals.

**1105.06 AUTOMOBILE SERVICE STATION.**

"Automobile service station" means a place where gasoline, kerosine or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

**1105.07 AUTOMOBILE WRECKING YARD.**

"Automobile wrecking yard" means the use of more than twenty-five square feet of any land, building or structure used for the purpose of wrecking, dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle.

**1105.08 BASEMENT.**

"Basement" means a story having more than one-half of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

**1105.09 BOARD.**

"Board" means the Board of Zoning Appeals.

**1105.10 BED & BREAKFAST INN.**

"Bed & breakfast inn" means a structure in which paying guests are lodged on an overnight basis, and may be served breakfast in connection with their lodging. Meals shall be served only to guests. The owner or operator of a bed & breakfast inn shall live on the premises.

**1105.11 BUILDING.**

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

**1105.12 BUILDING HEIGHT.**

"Building height" means the vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and the ridge of gable, hip or gambrel roof.

**1105.13 BUILDING LINE.**

"Building line" means the line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

**1105.14 PRINCIPAL BUILDING.**

"Principal building" means, except where limited pursuant to Section 1113.05(i) of this Ordinance, the building or buildings on a lot used to accommodate the primary use to which the premises is devoted. (Ord. 235-06. Passed 12-11-06.)

**1105.15 CARPORT.**

"Carport" means a covered automobile parking space completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in this Zoning Ordinance for a private garage.

**1105.16 CENTRALIZED SEWER SYSTEM.**

"Centralized sewer system" means a system where individual lots are connected to a common sewerage system, whether publicly or privately owned and operated.

**1105.17 CENTRALIZED WATER SYSTEM.**

"Centralized water system" means a system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

**1105.18 CLINIC.**

"Clinic" means any building or other structure devoted to the health, medical and dental diagnosis, treatment and care of human outpatients.

**1105.19 COMMISSION.**

"Commission" means the Medina Planning Commission.

**1105.20 COMPREHENSIVE PLAN.**

"Comprehensive Plan" means the duly adopted plan showing the location and extent of existing and future land development and redevelopment, including open space and thoroughfares within the City and territory within three miles therefrom.

**1105.21 CONVALESCENT HOME.**

"Convalescent home" means a rest home or boarding home for the aged or mentally or physically infirm conducted within any abode, building, institutional residence or home used for the reception and care, for a consideration, of three or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five years of age or over, and for which a license has been issued by the Department of Public Welfare of the State.

**1105.22 COURT.**

"Court" means an open, unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

**1105.23 DENSITY.**

"Density" means the number of families residing on, or dwelling units developed on, a gross acre of land.

**1105.24 DISCARDED MOTOR VEHICLE.**

"Discarded motor vehicle" means any inoperable motor propelled vehicle or accessory to the same, which is in the process of being wrecked, dismantled or stored, and/or which does not have a license thereon which is valid or was valid not more than six months previous.

**1105.25 DISTRICT.**

"District" means a section or sections of the incorporated territory of the City for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**1105.26 DWELLING.**

"Dwelling" means any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family and multi-family, but not including hotels, motels and bed & breakfast inns. An attached garage, for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling.

**1105.27 GROUP DWELLING.**

"Group dwelling" means a group of single-family, two-family or multi-family dwellings, or their combination located on one lot and around a common court or courts.

**1105.28 MULTI-FAMILY DWELLING.**

"Multi-family dwelling" means a building arranged, intended or designed to be occupied by three or more families living independently of each other. Each unit in a multi-family dwelling shall consist of not less than the following minimum floor area:

- 1 bedroom, 700 square feet
- 2 bedrooms, 850 square feet
- 3 bedrooms, 1,000 square feet.

Each additional bedroom over three shall contain a minimum of 100 square feet of additional floor area.

**1105.29 SINGLE-FAMILY DWELLING.**

"Single-family dwelling" means a building arranged, intended or designed to be occupied by not more than one family, and which consists of not less than 1,000 square feet of floor area.

**1105.30 TWO-FAMILY DWELLING.**

"Two-family dwelling" means a building arranged, intended or designed to be occupied by two families, and which consists of not less than 900 square feet of floor area for each family.

**1105.31 DWELLING UNIT.**

"Dwelling unit" means one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including a room or rooms for living, sleeping and eating.

**1105.32 ESSENTIAL SERVICES.**

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

**1105.33 FAMILY.**

"Family" means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a bed & breakfast inn, hotel, motel, sorority or fraternity. A family may also include domestic servants and gratuitous guests.

**1105.34 FLOOR AREA.**

"Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two buildings. Floor area, for the purposes of this Zoning Ordinance, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches and uncovered steps.

**1105.35 FRONTAGE.**

"Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of a street.

**1105.36 AUTO SERVICE SHOP GARAGE.**

"Auto service shop garage" means a building or portion of a building, in which repairs are made to motor vehicles, and in which no painting of cars or body and fender work is done.

**1105.37 PRIVATE GARAGE.**

"Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

**1105.38 PUBLIC GARAGE.**

"Public garage" means a building or portion of a building in which more than four motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leaving such space and accommodation, and in which no repair work is carried on.

**1105.39 GOVERNMENTAL OR PUBLIC USE BUILDING OR FACILITY.**

"Governmental or public use building or facility" means government-operated activities and facilities located on land owned or leased by a public body performing a governmental function, which shall not include facilities for residential purposes.

**1105.40 FINISHED GRADE.**

"Finished grade" means for buildings having walls facing more than one street, the average elevation of the finished grade two feet from the centers of all walls facing the streets; for buildings having no walls facing the street, the average level of the finished surface two feet from the exterior walls of the building. Any wall approximately parallel to a street line is to be considered as facing the street.

**1105.41 NATURAL GRADE.**

"Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

**1105.42 GROSS ACRE.**

"Gross acre" means land area, measured on the horizontal plane, and including land occupied by all natural and manmade features of the landscape.

**1105.43 HOME OCCUPATION.**

"Home occupation" means any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**1105.44 HOSPITAL.**

"Hospital" means any building or other structure containing beds for at least four patients and devoted to the medical diagnosis, treatment or other care of human ailments.

**1105.45 HOTEL.**

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

**1105.46 INSTITUTION.**

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

**1105.47 JUNK YARD.**

"Junk yard" means the use of more than twenty-five square feet of any land, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

**1105.48 LOADING SPACE.**

"Loading space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**1105.49 LODGING HOUSE.**

"Lodging house" means a building where lodging only is provided by the week or month for compensation for two or more, but not more than twenty persons.

**1105.50 LOT.**

"Lot" means a piece, parcel or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by this Zoning Ordinance.

**1105.51 LOT AREA.**

"Lot area" means the computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right of way shall not be included as part of the lot area for the purpose of this Zoning Ordinance.

**1105.52 CORNER LOT.**

"Corner lot" means a lot at the junction of and abutting upon two intersecting streets.

**1105.53 LOT COVERAGE.**

"Lot coverage" means the portion of the lot area that is covered by any buildings.

**1105.54 LOT DEPTH.**

"Lot depth" means the mean horizontal distance between the right-of-way line of the street and the rear lot line.

**1105.55 DOUBLE FRONTAGE LOT.**

"Double frontage lot" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

**1105.56 INTERIOR LOT.**

"Interior lot" means a lot other than a corner lot.

**1105.57 LOT LINES.**

"Lot lines" means the property lines defining the limits of a lot.

**1105.58 FRONT LOT LINE.**

"Front lot line" means the line separating a lot from the street on which the lot fronts.

**1105.59 REAR LOT LINE.**

"Rear lot line" means the lot line opposite and most distant from the front lot line.

**1105.60 SIDE LOT LINE.**

"Side lot line" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**1105.61 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 Recorder of Medina County, or a parcel of land, the deed to which was of record on or prior to the effective date of this Zoning Ordinance (see section 1103.01).

**1105.62 LOT WIDTH.**

"Lot width" means the width measured along the minimum building setback line.

**1105.63 MAJOR THOROUGHFARE AND COLLECTOR THOROUGHFARE.**

"Major thoroughfare" and "collector thoroughfare" means thoroughfares designated as such on the adopted Land Use and Thoroughfare Plan.

**1105.64 MINIMUM BUILDING SETBACK LINE.**

"Minimum building setback line" means a line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot. Where the right-of-way line is not established, the right of way shall be assumed to be sixty feet.

**1105.65 MOTEL.**

"Motel" means any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges and tourists courts.

**1105.66 NONCONFORMING USE .**

"Nonconforming use" means any building or land lawfully occupied by a use on the effective date of this Zoning Ordinance , or any amendment or supplement thereto, which does not conform to the use regulation of the district in which it is situated.

**1105.67 OPEN SPACE.**

"Open space" means the required portion of a lot excluding the required yard area which is unoccupied by principal buildings and available for recreational and other leisure activities normally carried on outdoors. Open space is further classified as follows:

- (a) Common Land. Land which is designated in covenants or other conditions running with the land, for open space use.
- (b) Public Land. Land which is formally offered for dedication and accepted by the City or other public body, for open space use.
- (c) Usable Open Space. Any private or common open space land which may be required by this Zoning Ordinance.

**1105.68 PARKING SPACE.**

"Parking space" means an off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

**1105.69 PLANNED UNIT DEVELOPMENT.**

"Planned unit development" means a development which is planned to integrate residential use with collateral uses, and in which lot size, setback lines, yard areas and dwelling types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements and collateral nonresidential uses.

**1105.70 PUBLIC, INSTITUTIONAL, FRATERNAL OR COMMUNITY SERVICE ORGANIZATION.**

"Public, institutional, fraternal or community service organization" means a nonprofit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which accrues to the benefit of any member of the organization or individual, and which provides all or any of the following: religious, social, physical, recreational, instructional and benevolent services.

**1105.71 PUBLIC UTILITY.**

"Public utility" means any person, firm, corporation, governmental agency or board fully authorized to furnish, and furnishing to the public, electricity, gas, steam, telephone, telegraphy, transportation, water or any other similar utilities.

**1105.72 PRIVATE STABLE.**

"Private stable" means a stable with a capacity of not more than two animals owned by the occupants of the dwelling to which it is an accessory use.

**1105.73 STORY.**

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

**1105.74 HALF STORY.**

"Half story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

**1105.75 PUBLIC STREET.**

"Public street" means a public thoroughfare which has been dedicated to the public for public use or subject to public easements therefor, and which affords the principal means of access to abutting property.

**1105.76 PRIVATE STREET.**

"Private street" means a thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements therefor.

**1105.77 SIGN.**

"Sign" means any visual communication, display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Ordinance, the word "sign" does not include the flag, pennant, badge or insignia of any government or governmental agency.

For the purpose of this Ordinance, the following sign-related definitions shall also apply in this Ordinance:

- (a) Sign, abandoned. "Sign, Abandoned" means a sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- (b) Sign, animated. "Sign, Animated" means any sign that uses intermittent, flashing, rotating or moving lights or movement of the sign or some element thereof, to depict action or create a special effect or scene.
- (c) Sign, awning or canopy. "Sign, Awning or Canopy" means any sign that is painted on, printed on or attached to an awning, canopy or other fabric, plastic or structural protective cover.
- (d) Sign, banner. "Sign, Banner" means a temporary sign made of lightweight fabric or similar material.

- (e) Sign, billboard. (synonymous with off-site advertising) “Sign, Billboard” means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on a lot other than that on which the sign is located.
- (f) Sign, cabinet. “Sign, Cabinet” means a sign structure consisting of the frame and face(s) not including the internal components, embellishments or support structure.
- (g) Sign, changeable copy. “Sign, Changeable Copy” means a permanent sign or a portion thereof with letters, characters or graphics that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified manually.
- (h) Sign, electronic message center. “Sign, Electronic Message Center” means a changeable copy sign that utilizes computer generated message or some other electronic means of changing copy.
- (i) Sign, entrance or exit. “Sign, Entrance or Exit” means a safety and public purpose sign that is located at a driveway entrance to or exit from a lot and is intended to provide for safe ingress and egress. Such sign shall not exceed three square feet in area and three feet in height, and shall contain no commercial message, logo, symbol, emblem, picture or graphic of any kind.
- (j) Sign, externally illuminated. “Sign, Externally Illuminated” means a sign that is directly or indirectly illuminated by a light source that shines on the sign face of or from behind the sign.
- (k) Sign, flag. “Sign, Flag” means a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal or emblem.
- (l) Sign, ground. “Sign, Ground or Monument” means a sign supported from the ground and not attached to any building.
- (m) Sign, illuminated. “Sign, Illuminated” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (n) Sign, instructional. “Sign, Instructional” means a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such sign shall contain text not exceeding two inches in height, shall contain the minimum information and be of the minimum area and height necessary to convey its intended message, and shall be located so as not to attract attention from the perimeter of the site.
- (o) Sign, internally illuminated. “Sign, Internally Illuminated” means a sign illuminated internally through its sign face by a light source contained inside the sign.
- (p) Sign, marquee. “Sign, Marquee” means a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.
- (q) Sign, mobile. “Sign, Mobile” means a sign that is on wheels, runners or casters, or has a frame to which wheels, runners or casters may be affixed, parked trailers, parked vehicles or other mobile devices, including tethered and/or anchored balloons.

- (r) Sign, nonconforming. "Sign, Nonconforming" means a sign that was erected legally but which does not comply with subsequently enacted sign regulations or amendments thereto.
- (s) Sign, permanent. "Sign, Permanent" means a sign that is not temporary.
- (t) Sign, pole. "Sign, Pole" means any ground sign supported by one or more poles or posts having the sign face at least 10 feet above grade at the base of the supports.
- (u) Sign, projecting. "Sign, Projecting" means a sign that is attached to a building wall and extending more than 12 inches beyond the face of the wall.
- (v) Sign, real estate. "Sign, Real Estate" means a temporary sign directing attention to the promotion, development, rental, sale or lease of the particular building, property or premises on which the sign is located.
- (w) Sign, roof. "Sign, Roof" means any sign erected, constructed or maintained wholly or partially upon or over the roof or parapet wall of any building and having its principal support on the roof or walls of the building.
- (x) Sign, safety and public purpose. "Sign, Safety and Public Purpose" means a sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public services as determined by the rules and regulations of governmental agencies or through public policy. Such signs include "No Parking" or "Fire Lane" signs.
- (y) Sign, sign face. "Sign, Sign Face" means the area or display surface used for the message.
- (z) Sign, signplate. "Sign, Signplate" means a wall or window sign not exceeding two square feet in area.
- (aa) Sign, temporary. "Sign, Temporary" means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, a structure or permanently installed in the ground.
- (bb) Sign, wall. "Sign, Wall" means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in plane parallel to the plane of the wall and extending not more than 12 inches therefrom and which does not project above the roofline or beyond the corner of the building.
- (cc) Sign, window. "Sign, Window" means a sign posted, painted, placed or affixed in or on a window or door exposed to public view. An indoor sign that faces a window or door exposed to public view and located within one foot of the window or door is considered a window sign for the purpose of calculating the total area of all window signs.  
(Ord. 195-07. Passed 12-10-07.)

#### 1105.78 STREET RIGHT-OF-WAY LINE.

"Street right-of-way line" means a dividing line between a lot, tract or parcel of land and a contiguous dedicated street.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

#### 1105.79 STRUCTURE.

"Structure" means anything constructed or erected that requires, pursuant to this Ordinance and/or the standards and requirements of the building regulations adopted and administered by the City, location on the ground or attachment to something having location on the ground, including buildings, sheds, signs, play structures, etc., but no including fences or walls used as fences.

(Ord. 235-06. Passed 12-11-06; Ord. 195-07. Passed 12-10-07.)

**1105.80 STRUCTURAL ALTERATIONS.**

"Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.81 COMMERCIAL SWIMMING POOL.**

"Commercial swimming pool" means a body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he is an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintained in conjunction with or by clubs, motels, hotels and community associations.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.82 FAMILY SWIMMING POOL.**

"Family swimming pool" means a swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.83 THOROUGHFARE.**

"Thoroughfare" means a street or alley.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.84 MANUFACTURED HOUSING.**

"Manufactured housing" means any nonself-propelled vehicle transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis\* and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on the site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

\*Removal of the chassis causes the loss of the pre-emptive Federal law protection; unit shall then meet provisions of the City One, Two and Three Family Dwelling Code. The chassis includes (by H.U.D. definition) the entire transportation system consisting of drawbar and coupling mechanisms, frame, running gear assembly and lights.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.85 MANUFACTURED HOUSING PARK.**

"Manufactured housing park" means a tract or parcel of land upon which spaces for manufactured housing are provided for a consideration, whether for overnight, by the day, the week, the month or longer.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.86 USE.**

"Use" means the purpose for which a building or premises is or may be occupied. In the classification of uses, a use may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place or thing, which indicates the use or intended use. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.87 USABLE OPEN SPACE .**

"Usable open space" means the required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, and shall be twenty feet in least dimension on the ground. Balconies at least four feet, six inches wide, roof areas which are improved, and side and rear yards which have fences or wall at least five feet high between the open space and adjacent property may also be counted as usable open space. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.88 USED CAR LOT.**

"Used car lot" means any lot on which two or more motor vehicles, which have been previously titled in a name other than the manufacturer or dealer, in operating condition, are offered for sale or displayed to the public. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.89 YARD.**

"Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.90 FRONT YARD.**

"Front yard" means a yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty feet. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.91 REAR YARD.**

"Rear yard" means a yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and nearest portions of any building or structure existing or proposed to be constructed on the lot. On corner lots, there shall be two front yards, a side yard and a rear yard. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.92 SIDE YARD.**

"Side yard" means a yard between the nearest portion of any building or structure existing or proposed to be constructed on the lot and the side lines of the lot, and extending from the front yard to the rear yard. (Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.93 ZONE.**

"Zone", see "District," Section 1105.25.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.94 ZONING MAP.**

"Zoning map" means the "Zoning Districts Map of the City of Medina, Ohio."

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.95 VETERINARY OFFICE.**

"Veterinary office" means a place where small animals normally kept within a dwelling receive medical treatment, where no animals are kept on the premises overnight and where all activities are conducted within a totally enclosed, air-conditioned building.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

**1105.96 VETERINARY HOSPITAL.**

"Veterinary hospital" means a place used for the care and treatment of small animals normally kept within a residence, including those in need of medical or surgical treatment, and may include overnight accommodations on the premises for treatment or recuperation. It may also include boarding or grooming incidental to the primary activity.

(Ord. 78-01. Passed 5-14-01; Ord. 195-07. Passed 12-10-07.)

CHAPTER 1107  
Administration and Enforcement

1107.01	Enforcing authority.	1107.06	Zoning Ordinance amendment application.
1107.02	Application for zoning certificate.	1107.07	Mail notice to record owners for rezoning.
1107.03	Zoning certificate required.	1107.08	Appeals and variances.
1107.04	Inspection and correction of violations.		
1107.05	Correction period.		

CROSS REFERENCES

Zoning Ordinance interpretation and conflicts - see P. & Z. 1103.02, 1103.03  
 Violation penalty - see P. & Z. 1103.99  
 Site plan review required before issuance of zoning certificate - see P. & Z. 1109.01 et seq.  
 Zoning amendment fee - see P. & Z. 1109.03  
 Conditional zoning certificate - see P. & Z. 1153

**1107.01 ENFORCING AUTHORITY.**

The provisions of this Zoning Ordinance shall be administered by the Planning Director of the City or authorized representative.

**1107.02 APPLICATION FOR ZONING CERTIFICATE.**

All applications for a zoning certificate shall be submitted to the Planning Director or his representative, who may issue a zoning certificate when all provisions of this Zoning Ordinance have been met.

No zoning certificate shall be issued for any work for which a zoning certificate is required in a subdivision or elsewhere in the City until the applicant for such zoning certificate has furnished satisfactory proof that all storm sewers, sanitary sewers, water lines and street paving that are required to be installed have in fact been installed or are in operation or are capable of being operated.

#### 1107.03 ZONING CERTIFICATE REQUIRED.

Before constructing, changing the use of or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Planning Director for a zoning certificate. The applications shall include the following information: (Ord. 50-05. Passed 2-28-05.)

- (a) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon, accompanied by a deed of record;
- (b) The location, dimensions, height and bulk of structure(s) to be erected;
- (c) The intended use;
- (d) The yard, open space and parking space dimensions;
- (e) Color photographs of existing conditions;
- (f) Drawings and narrative description of intended alterations to a building or group of buildings, including but not limited to facade changes, roof line changes, parking lot changes, landscaping plans; and
- (g) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Director, where appropriate, may refer an application to qualified consultants for a report if the Planning Director deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. Notwithstanding the above, within ten days after the receipt of application, the Planning Director shall issue a zoning certificate if the application complies with the requirements of this Ordinance, or the Planning Director will refer the application to the Planning Commission for review and action.

The zoning certificate shall become void at the expiration of one year after date of issuance unless construction is started. If no construction is started or use changed within one year of date of the permit, a new application and permit are required.

If the application is for a conditional zoning certificate, the application procedures defined in Section 1153.02 will be followed in addition to the above regulations. (Ord. 50-05. Passed 2-28-05.)

#### 1107.04 INSPECTION AND CORRECTION OF VIOLATIONS.

The Planning Director shall see that any building erected, altered, moved, razed or converted or any use of land or premises carried on in violation of any provision of this Zoning Ordinance is inspected, shall declare each violation a nuisance and, in writing, order correction of all conditions which are found to be in violation of this Ordinance. Any building or land use considered as a possible violation of the provisions of this Ordinance which is observed by any official or resident shall be reported to the Planning Director.

#### 1107.05 CORRECTION PERIOD.

All violations shall be corrected within a reasonable period of time after the written order is issued by the Planning Director. Any violations not corrected within the specified period of time shall be prosecuted.

#### 1107.06 ZONING ORDINANCE AMENDMENT APPLICATION.

A proposed amendment to the text or map of this Ordinance may be recommended or requested by the Planning Commission, Council, the Administration or any other citizen or property owner of Medina. The application for such amendment shall be submitted in accordance with the following procedures:

- (a) Submission to Planning Director. Application for Planning Commission shall be submitted to the Planning Director on a special form for that purpose. Each application shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)
- (b) Data Required With Application.
- (1) Form supplied by the Planning Director and completed by the applicant;
  - (2) If the proposed amendment involves a change to the zoning map, a property survey and legal description of all property included in the proposed amendment.
  - (3) If the proposed amendment involves a change to the zoning text, complete specifications of the proposed change or changes to the text.
  - (4) A statement supporting the proposed amendment.
- (c) Review and Action by the Planning Commission. The Planning Commission shall review the proposed amendment at one or more of its regular meetings, and within forty-five days after the date of submission of the proposed amendment, recommend to Council the approval, approval with modification or disapproval of the proposed amendment.
- (d) Hearing and Action by Council. Upon notification by the Planning Director of the action by the Planning Commission, the Clerk of Council shall advertise for a public hearing by Council in accordance with its rules and regulations. The Planning Commission's recommendation shall be read at such hearing. Following the hearing, Council shall approve, overrule or modify the Planning Commission's recommendation. No action of Council, however, shall be taken modifying the recommendation of the Planning Commission except by a vote of two-thirds of the members of Council.
- (e) Reapplication. No application for a zoning amendment which has been denied wholly or in part by Council shall be resubmitted within one year after the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which could be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year each reapplication shall be accompanied by the required data and fees. (Ord. 57-02. Passed 4-8-02.)

#### 1107.07 MAIL NOTICE TO RECORD OWNERS FOR REZONING.

- (a) The Planning Director shall, at least seven days prior to the Planning Commission meeting, notify by ordinary mail all record owners of each parcel of land proposed to be rezoned.
- (b) Except for subsections (a), Ohio R.C. 713.12 shall be followed insofar as notices and publications are required.

### 1107.08 APPEALS AND VARIANCES.

(a) Intent. The purpose of this Section is to provide guidelines and standards to be followed by the Board in considering requests for variances and appeals, where the jurisdiction of the Board has been established by this Ordinance or by the Revised Code.

(b) Purpose of Variances and Appeals.

- (1) Appeals. Generally, an appeal may be taken to the Board by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of this Ordinance. An appeal must be filed within 14 days of issuance of the applicable written decision, and such appeal shall be made on forms made available by the Planning Director.
- (2) Variances. Where there are “practical difficulties” (for area variances) or “unnecessary hardships” (for use variances) preventing a property owner from conforming with the strict letter of this Ordinance, the Board shall have the power to authorize variances from the standards in this Ordinance, with such conditions and safeguards as it may determine to be necessary so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

(c) Stay of Proceedings. An appeal to the Board shall stay enforcement proceedings in furtherance of the appealed action, unless the Planning Director certifies to the Board that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by an injunction granted by the Court of Common Pleas. A stay of proceedings shall not stay the City’s authority to issue a stop work order on a project that may be in progress and being performed in a manner that is not in conformance with applicable ordinances and regulations. Also, it shall not stay a project when the appeal is brought by a third-party contesting the issuance of a permit.

(d) Application to the Board. Variances and appeals for which Board action is sought shall be commenced by a person filing an application to the Board on forms as specified by the Planning Director and accompanied by required fees. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner’s agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of such variance.

(e) Plot Plan Requirements. Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable:

- (1) Applicant’s name, address, and telephone number.
- (2) Property tax identification number, scale, northpoint, and dates of submission and revisions.

- (3) Zoning classification of petitioner's parcel and all abutting parcels.
- (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
- (5) For variances requested from any dimensional standard of this Ordinance, the plot plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
- (6) Any additional information required by the Planning Director or the Board to make the determination requested herein.

Where an application to the Board involves a variance sought in conjunction with a site plan review by the Commission, the application data requirements for site plan review as set forth in this Ordinance shall be followed.

(f) Review by the Board. The Planning Director shall forward the application, along with any supporting materials and plans to the Board. The Planning Director or the Board shall fix a reasonable time for the hearing of the appeal or variance. Notice of the public hearing shall be published in a newspaper of general circulation in the City, and sent by mail or personal delivery to the owners of property for which conditional use approval is being considered, and to all owners of property adjacent to and directly across the street from the property in question. At the hearing, a party may appear in person or by agent or by attorney.

(g) Decision by the Board. The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Planning Director, or to decide in favor of the applicant any matter upon which they are required to pass judgment, or to effect any variation in an ordinance adopted pursuant to the Ohio Revised Code. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Board shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. With an affirmative decision, the Board may impose conditions. The decision of the Board shall be final, but the City, with approval by the Council, or any person having an interest affected by a decision of the Board, may appeal to the Court of Common Pleas, and to any Court of final jurisdiction.

(h) Record of Decision and Order. The Board shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:

- (1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
- (2) The notice of the appeal.
- (3) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration.

The written findings of fact, the decisions, and the conditions imposed by the Board in acting on the appeal shall be entered into the official record, after being signed by the Secretary of the Board.

(i) Approval Period. If construction has not commenced within 12 months after the Board grants a variance to permit the erection or alteration of a building, then the variance becomes null and void.

(j) Standards for Variances and Appeals. Variances and appeals shall be granted only in accordance with, and based on, the findings set forth in this Section. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board.

- (1) Factors applicable to area variances (“practical difficulties”). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether an area variance should be granted:
  - A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - B. Whether the variance is substantial;
  - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - F. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance; and/or
  - G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
- (2) Standards applicable to use variances (“unnecessary hardships”). The applicant shall demonstrate by clear and convincing evidence that all of the following standards have been met in order to justify the granting of a use variance, as determined by the Board:
  - A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - B. The hardship condition is not created by actions of the applicant;
  - C. The granting of the variance will not adversely affect the rights of adjacent owners;
  - D. The granting of the variance will not adversely affect the public health, safety or general welfare;
  - E. The variance will be consistent with the general spirit and intent of this Ordinance;
  - F. The variance sought is the minimum which will afford relief to the applicant; and
  - G. There is no other economically viable use which is permitted in the zoning district.
- (3) Factors applicable to sign variances (“practical difficulties”). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a sign variance should be granted:

- A. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety;
  - B. A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions;
  - C. Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities;
  - D. A sign that exceeds the allowable height or area standards of this Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building;
  - E. The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood;
  - F. The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign; and/or
  - G. The variance will be consistent with the general spirit and intent of this Ordinance.
- (4) Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:
- A. Was arbitrary or capricious; or
  - B. Was based on an erroneous finding of a material fact; or
  - C. Was based on erroneous interpretation of this Ordinance or zoning law; or
  - D. Constituted an abuse of discretion.  
(Ord. 205-05. Passed 9-12-05.)

CHAPTER 1108  
Fees

1108.01 Fees established.

1108.02 Additional fees.

CROSS REFERENCES  
Building permit fees - see BLDG. Ch. 1311

## 1108.01 FEES ESTABLISHED.

Standard Fees. The stated fees for applications for planning and zoning permits and approvals are hereby established as follows:

<u>Type of Application</u>	<u>Base Fee</u>	<u>Add'l Fee</u>	<u>Add'l Deposit</u>
Amendment (text or map)	\$200.00	-	Yes
Certificate of Appropriateness	\$50.00	-	Yes
Conditional Zoning Certificate	\$300.00	-	Yes
Fences			
New Residential	\$25.00	-	No
New Nonresidential	\$50.00	-	No
Alteration/Replacement (all)	\$25.00	-	No
Sign			
New Conditional	\$50.00	\$1.00/SF	No
New Other	\$25.00	\$0.50/SF	No
Alteration/Replacement (all)	\$25.00	\$0.50/SF	No
Site Plan Review			
Residential	\$200.00	\$5.00/DU	Yes
Nonresidential	\$200.00	\$25.00/acre	Yes
Special Meeting			
Historic Preservation Board	\$200.00	-	Yes
Board of Zoning Appeals	\$300.00	-	Yes
Planning Commission	\$400.00	-	Yes
City Council	\$500.00	-	Yes

<u>Type of Application</u>	<u>Base Fee</u>	<u>Add'l Fee</u>	<u>Add'l Deposit</u>
<u>Subdivision</u>			
Minor	\$150.00	\$15.00/lot	No
Major, Preliminary Plan	\$350.00	\$35.00/lot	Yes
Major, Final Plat	\$250.00	\$25.00/lot	Yes
Major, Replat	\$150.00	\$15.00/lot	Yes
Road Dedication, Prelim.	\$300.00	\$1.00/LF	Yes
Road Dedication, Prelim.	\$150.00	\$0.50/LF	Yes
Variance/Appeal (inc. all BZA)	\$200.00	-	Yes
<u>Wireless Facility</u>			
Tower	\$500.00	-	Yes
Antenna/Co-location	\$250.00	-	Yes
Annual Inspection	\$50.00	-	No
<u>Zoning Certificate (in addition to all other applicable fees)</u>			
<u>Residential</u>			
New Construction	\$250.00	-	No
Addition	\$50.00	-	No
Alteration	\$50.00	-	No
Accessory Bldg./Use	\$25.00	-	No
<u>Nonresidential</u>			
New Construction	\$500.00	-	Yes
Addition	\$100.00	-	Yes
Alteration	\$100.00	-	Yes
Accessory Bldg./Use	\$50.00	-	Yes
Change of Use	\$25.00	-	No
<u>Publications</u>			
Comprehensive Plan	\$35.00	-	No
Planning and Zoning Code	\$25.00	-	No

Notes: All fees above are to be changed per submittal, and each submittal requires payment of a separate fee. "DU" refers to each proposed dwelling unit, "acre" refers to each impacted acre or fraction thereof, "lot" refers to each proposed lot, "LF" refers to each lineal foot of proposed roadway, and "SF" refers to each square foot of proposed building. If one application requires more than one permit or approval, all applicable fees shall be charged. The amounts of any additional deposits required shall be determined by the Planning Director, in accordance with a policy established and amended from time to time by resolution of Council.  
(Ord. 50-05. Passed 2-28-05.)

#### 1108.02 ADDITIONAL FEES.

Additional Fees. In addition to the basic application fee, applicants for permits and approvals shall pay the costs of review of applications for appeals, interpretations, variances, certificates of appropriateness, conditional zoning certificates, conditional sign permits, site plans, subdivisions, rezonings, text amendments, planned developments, construction and/or other improvement plans, and other applications. Such charges shall be in addition to the basic application fee, in an amount equal to the City's actual expenses incurred for reviewing the application, including but not limited to the cost of:

- (a) Board or Commission subcommittee meetings;
- (b) Special meetings;
- (c) Review by City Law Director and/or any City consulting attorney and preparation of appropriate approving legislation, as well as any document necessary to review the application;
- (d) Review by City Planning Director and/or any City consulting planner, including preparation of any documents and review letters required for City review, as well as attendance at one (1) or more City meetings to present such documents or review letters, if required by the City;
- (e) Review by City Engineer and/or any City consulting engineer, including preparation of any documents and review letters required for City review, as well as attendance at one (1) or more City meetings to present such documents or review letters, if required by the City;
- (f) Any additional notices for hearings other than those required by the City Subdivision Regulations or Zoning Ordinance or otherwise set forth in this chapter;
- (g) Traffic studies;
- (h) Environmental impact studies;
- (i) Utility fees for street light connections;
- (j) Street name sign installation fees;
- (k) Water system bacterial testing;
- (l) Review and consideration of proposed private roads;
- (m) All other applicable fees directly related to the review, inspection and/or installation of subdivision improvements; and
- (n) Similar services and expenses.

**Escrow Requirement.** If the Planning Director determines that the application is one for which such costs for review are likely to be incurred, the Planning Director shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least five hundred dollars (\$500.00), commencing with an initial deposit of not less than one thousand dollars (\$1,000.00). No application shall be processed prior to the required escrow amount having been deposited with the Planning Director. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the Council within thirty (30) days after the initial decision by the Planning Director.

**Minimum Balance.** If funds in the escrow account are depleted or fall below twenty percent (20%) of the initial escrow amount, the applicant shall make an application deposit sufficient to cover any deficit and to re-establish a balance of at least five hundred dollars (\$500.00) or twenty percent (20%) of the initial escrow amount, whichever is greater. The amount of additional deposit sufficient to cover any deficit in the account shall be at least five hundred dollars (\$500.00) or such greater amount as is determined by the Planning Director to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application, and no application shall be placed on or allowed to remain on a meeting agenda, until the escrow account has been re-established to such appropriate level.

**Accurate Records.** The Planning Director shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category, as determined to be appropriate by the Finance Director.

Balance Refund. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the City, the City shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further permit or certificate of occupancy or other permit for the project shall be issued, and if such expenses remain unpaid for a period of fourteen (14) days, the Planning Director may issue appropriate stop work orders or take other action to halt work on the project. In addition, the City may take legal action to collect unpaid fees.

Applicant Agreement. The application for zoning approval or other approvals covered in this chapter shall indicate that the applicant agrees to pay the City's expenses for review of the application and other above-stated expenses, as provided for on Exhibit "A" CITY OF MEDINA ESCROW RESOLUTION AFFIDAVIT, which is attached to original Ordinance 50-05 and made a part hereof. (Ord. 50-05. Passed 2-28-05.)

CHAPTER 1109  
Site Plan Review

1109.01	Purpose.	1109.03	Fees.
1109.02	Application procedure.	1109.04	Design Review Guidelines.

CROSS REFERENCES

Finished grade defined - see P. & Z. 1105.40  
 Lot area defined - see P. & Z. 1105.51  
 Planning Director's police officer powers - see  
 P. & Z. 1107. 01  
 Zoning certificate requirements - see P. & Z.  
 1107.02, 1107.03  
 Conditional zoning certificate - see P. & Z. Ch. 1153

1109.01 PURPOSE.

Before the issuance of a zoning certificate or conditional zoning certificate for any proposed multi-family, mobile home park, public facility, business or industrial use as provided for in Chapters 1115 to 1141, the Planning Commission shall review and approve site plans for such uses.

A review by the Commission shall also be required when:

- (a) There is an increase in the number of dwelling units for multi-family;
  - (b) The floor area of a nonresidential building is increased;
  - (c) The use of an existing building is changed to a use which requires the addition of more off-street parking facilities than currently exist on the site;
  - (d) There is a significant change to the exterior of the building, or group of buildings, including but not limited to facade changes, replacement of exterior materials such as siding, change in roof lines and materials, structural changes such as removal, replacement or addition of doors or windows.
- (Ord. 70-03. Passed 6-23-03; Ord. 204-05. Passed 9-12-05.)

1109.02 APPLICATION PROCEDURE.

Any application for site plan review as provided for by this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application form shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code.

In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

(Ord. 50-05. Passed 2-28-05.)

(b) Data Required With Application.

- (1) Form supplied by the Planning Director completed by the applicant.
- (2) Existing condition map not to exceed 24" x 36" drawing sheet size showing all land owned and proposed for development; topography, including contours of no greater vertical interval than two feet; surrounding streets and adjoining lots; the location, size and height of all existing buildings on the proposed site and adjacent thereto; existing public utilities including the fire hydrants, sanitary sewers, water mains and surface drainage facilities; existing trees and other landscaping features.
- (3) Proposed site plan at the same scale and same drawing sheet size (not to exceed 24" x 36") as the existing condition map, showing the proposed system of circulation of vehicular traffic including delivery trucks, details for connections to present streets, type of pavement and plans for control of traffic in and around the development; parking areas with the number of spaces to be provided; design features; location and type of sewerage collection and surface drainage; the location, type and height of all buildings and major subdivision of space therein; all proposed accessory structures including signs; and other proposed site improvements including grading, landscaping, fences and walls.
- (4) Tables showing total number of acres and the number and type of dwelling and nonresidential uses including streets, parks and open space.
- (5) Architectural drawings of the exterior of structures and groups of structures.
- (6) 8½" x 11" color photographs of existing conditions.
- (7) Written narrative of proposed project.
- (8) Any other pertinent data which may be necessary to review the site plan as determined by the Planning Commission or Planning Director.

(c) Review and Action by the Planning Commission. The Planning Commission shall review the proposed site plan at one or more of its regular meetings, and within forty-five days after the date of the submission of the proposed site plan, approve, approve with modification or disapprove the application. The Planning Commission's review and action shall be based on the following standards:

- (1) The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- (2) All the development features including the principal buildings, open spaces, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.

- (3) The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental walls or fences. All trees planted shall be as found in specifications approved by the Shade Tree Commission.
  - (4) Grading and surface drainage provisions are reviewed and approved by the City Engineer.
  - (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the Codified Ordinances.
  - (6) Maximum possible privacy for multi-family dwellings and surrounding residential properties shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy in multi-family dwellings should be provided through soundproofing. All trees planted shall be as found in specifications approved by the Shade Tree Commission.
  - (7) The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern and character.
  - (8) Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography. Any trees to be removed which are planted in a public right-of-way or on municipal property shall be reviewed by the Shade Tree Commission.
  - (9) In multi-family developments, television and other antennas shall be centralized.
  - (10) On-site circulation shall be designed to make possible adequate fire and police protection.
  - (11) Off-street parking facilities shall be provided in accordance with Chapter 1145. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands and walkways. In multi-family developments no parking or service areas shall be permitted between any street and the main building. All trees planted shall be as found in specifications approved by the Shade Tree Commission.
  - (12) Signs shall be provided in accordance with these Codified Ordinances.
  - (13) Any trees planted on site shall be on approved list of Shade Tree Commission and planted in accordance with Commission standards.
- (d) Application for Conditional Zoning Certificate. Any application for site plan review which includes a conditionally permitted use or uses shall be reviewed and approved by the Planning Commission in accordance with the procedures and regulations of Chapter 1153.
- (e) Compliance with Site Plan.
- (1) The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and the installation of landscaping, fences and walks shall conform to the approved site plan.

- (2) A performance bond or other financial guarantee in an appropriate amount, established by the City Engineer, and a form approved by the Law Director and Finance Director, shall be placed with the City to insure that the landscaping is installed, the hard surfacing of the private drives and parking areas is installed, and that the surface water drainage is installed, all in conformance with approved plans. Government entities and school districts are exempt from this section.
- (f) Revocation of Site Plan Approval and Zoning Certificate. Approval by the Commission of a site plan and the zoning certificate, if any, however, shall be automatically revoked if construction has not begun within one year after the date of the Commission's approval. At the expiration of one year, any deposit of a performance bond or financial guarantee shall be returned to the depositor, and each reapplication thereafter shall be accompanied by the required data and fees.

#### 1109.03 FEES.

Each application for a permit or approval pursuant to this Zoning Code shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the reviewing official or board or commission, where appropriate, may refer an application to qualified consultants for a report if the reviewing official or board or commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)

#### 1109.04 DESIGN REVIEW GUIDELINES.

##### 1109.04.1 Purpose.

The appearance of buildings, structures, open spaces and landscape throughout the City is of public concern. It is in the public interest to ensure that new developments and modifications to existing developments reflect and are sensitive to the history, architecture, community character and other building traditions of the City of Medina. Therefore, the purpose of the regulations in this section is to provide criteria to be used by the City Planning Commission when evaluating the appropriateness of proposed development and redevelopment in the City.

These provisions are established to achieve, among others, the following purposes:

- (a) To strengthen, protect, enhance and improve the existing visual and aesthetic character of the City, and to prevent the creation or perpetuation of nuisances or blight in the City.
- (b) To integrate developments into the surrounding environment, as well as to ensure that each new development and redevelopment will be attractive.
- (c) To protect and improve property values.
- (d) To foster and encourage creative application of design principles.
- (e) To ensure that the particular existing design features, which contribute to the unique character of Medina, are retained and re-created in a manner that retains and enhances the City's sense of community.
- (f) To ensure that new development and redevelopment are compatible and harmonious with the existing overall character of the city, especially when development is proposed in areas where the existing structures do not have architectural features that warrant replication or enhancement.
- (g) To bring new buildings into an orderly arrangement with landscape and nature, other buildings, and open space areas.
- (h) To ensure that these objectives are achieved through an impartial review process which assures that each proposal complies with these guidelines.

#### 1109.04.2 Explanation of Terms.

For the purpose of and use in this chapter, certain terms and words shall be interpreted with regard to the following explanations:

- (a) **Appropriateness.** A proposal is judged to be appropriate when it respects the existing style of a building and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures as well.
- (b) **Compatibility.** A design or a material/color selection is compatible when it does not strongly deviate from its parent building or the overall character of the neighborhood. To be compatible does not require look-alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.
- (c) **Noncontributing.** A factor in a proposal or part thereof that is taken from an existing building characteristic or site feature such as design, scale, fenestration, architectural feature, material or color that is determined by the Planning Commission to be not appropriate for replication in new projects or modifications to existing projects when:
  - (1) It does not enhance or improve the character of the City and/or the surrounding environs of the project, or
  - (2) It is unrepresentative of the overall character of the City and/or the prevalent character of the surrounding environs of the project.
- (d) **Proportion.** The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.
- (e) **Proximity.** Proximity shall be considered in terms of the potential for one property, by virtue of its location, to materially affect other properties. In determining a property to be in proximity to another, the following factors shall be considered:
  - (1) The visibility of both properties from a common point; or
  - (2) The location of both properties within a relatively compact network of streets, walkways or spaces.
- (f) **Style.** Style relates to a building's character and configuration in plan and elevation. It also relates to architectural conventions of a particular time period concerning details or windows and doors, eaves, corner boards, pitch of roofs, and the materials of the building's skin.

#### 1109.04.3 Design Review Guidelines.

The following standards shall apply to the design and appearance of all new construction or building renovation (other than for single family residential structures). As a consideration, during any plan review, the Planning Commission shall determine if the proposal complies with the following standards:

- (a) The height, width and general proportions of the structure shall complement adjacent buildings so that an overall harmonious appearance is created and maintained.

- (b) Materials shall be appropriate for the structure and the use therein. Materials shall be weather-resistant. The materials shall be compatible with and not in stark contrast to the materials used on adjacent structures.
- (c) Colors and textures shall be appropriate for the size and scale of the proposed structure and shall be harmonious with adjacent structures.
- (d) The materials, colors, and finishes used for screening roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable, such screening shall be designed as an integral part of the architecture of the building.
- (e) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, and harmonious with other architectural details and ornamentation, including those used on adjacent structures.
- (f) Landscaping shall be designed to:
  - (1) Maintain an appropriate proportion of deciduous and non-deciduous trees.
  - (2) Be in such locations, scale and quantity to be integrated with the building design.
  - (3) Clearly designate entrances and exits.
  - (4) Reasonably screen paved area from the street through the use of mounding, the land's natural topography, and/or adequate vegetation.
- (g) Parking, to the extent feasible, shall be located behind the front wall of the building. Only circulation drives, when necessary, will be permitted in front of the building.
- (h) Approaches, drives and parking areas shall be of appropriate size and scale in relation to the appearance of the proposed development from public rights-of-way, adjacent property and the internal portion of the site itself. Such appropriate scale shall be achieved by the width of approaches and drives, by having adequate but not excessive parking, and by using landscaping within large parking areas. Curbing and adequate landscaping shall be provided between driveway aprons.
- (i) Buildings shall be oriented in relation to proposed grading, natural features and to existing structures on and adjacent to the site to maintain:
  - (1) Satisfactory proportions and scale,
  - (2) Reasonable light and air, and
  - (3) Privacy, as appropriate.
- (j) All observable sides of new construction should achieve architectural interest and excellence.
- (k) Building exterior walls should have windows in order to ensure a comfortable visual dialogue between occupants and pedestrians. Large spaces without windows should be discouraged.
- (l) Entryways should be designed to enhance the ability of the general public to find their way into and around buildings and open spaces.
- (m) Roof shingles should be of dark colors rather than pale or near white colors. Materials should be asphalt, fiberglass and slate. Clay tile and/or ribbed metal may have merit as a variation, but will be very carefully considered in contrast to adjacent materials.

- (n) Mechanical equipment, waste receptacles, and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and the community.
- (o) The following styles and materials are inappropriate and shall be discouraged from use and will generally be unacceptable:
  - (1) Mansard roofs for one-story structures in an area that is residential in character,
  - (2) Pre-engineered metal buildings and “pole buildings”,
  - (3) Exposed concrete or cinder block on the front or sides of any building (except split face, ½ high or other special “architecturally patterned” block),
  - (4) A stucco appearance, unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals, or combinations thereof,
  - (5) Sheet metal siding, except as rain gutter/downspouts; exposed unstained wood; exposed steel nails; vinyl siding; and flimsy vertical wood siding (e.g., T-111),
  - (6) Bright or primary colors, and/or awnings which are in stark contrast to other structures in the surrounding area and/or the design of the proposed structure.

#### 1109.04.4 Interpretive Illustrations for Design Guidelines.

The Planning Commission may prepare from time to time or authorize the preparation of illustrations which demonstrate the design review criteria in this chapter. Such illustrations may include drawings, photographs of acceptable projects in the City of Medina and elsewhere, drawings or photographs of projects which have been approved pursuant to these regulations and photographs of existing building characteristics or site features which have been determined by the Planning Commission to be noncontributing. Any such illustrations may be recommended by a majority vote of the Planning Commission and approved by Council. When approved, such illustrations shall be considered administrative guidelines which assist in the utilization of these design review criteria.

(Ord. 70-03. Passed 6-23-03.)

## TITLE FIVE - Districts and Use Regulations

- Chap. 1113. Zoning Districts; General Regulations.
- Chap. 1114. SPD-Special Planning District.
- Chap. 1115. O-C Open Space-Conservation District.
- Chap. 1116. Overlay Districts.
- Chap. 1119. R-S Suburban Residential District.
- Chap. 1121. R-1 Low Density Urban Residential District.
- Chap. 1123. R-2 Medium Density Urban Residential District.
- Chap. 1125. R-3 High Density Urban Residential District.
- Chap. 1127. R-4 Multi-Family Urban Residential District.
- Chap. 1129. M-U Multi-Use District.
- Chap. 1130. P-F Public Facilities District.
- Chap. 1131. C-B Commercial Business District.
- Chap. 1133. C-1 Local Commercial District.
- Chap. 1135. C-2 Retail Office District.
- Chap. 1137. C-3 Commercial District.
- Chap. 1138. C-4 Planned Commercial District.
- Chap. 1141. I-1 Industrial District.
- Chap. 1145. Off-Street Parking and Circulation.
- Chap. 1146. Wireless Telecommunications Regulations.
- Chap. 1147. Signs.

## CHAPTER 1113

## Zoning Districts; General Regulations

- |         |  |         |                            |
|---------|--|---------|----------------------------|
| 1113.01 | Establishment of districts.            | 1113.05 | Supplementary regulations. |
| 1113.02 | Type of districts.                     | 1113.06 | Open space provisions.     |
| 1113.03 | Zoning Districts Map.                  | 1113.07 | Home occupation.           |
| 1113.04 | Interpretation of district boundaries. | 1113.08 | Model home.                |

## CROSS REFERENCES

- Zoning Ordinance interpretation and conflicts - see P. & Z. 1103.02, 1103.03
- Accessory building or use defined - see P. & Z. 1105.02
- Building height defined - see P. & Z. 1105.12
- Comprehensive plan defined - see P. & Z. 1105.20
- Zoning certificate requirements - see P. & Z. 1107.02, 1107.03
- Correction period for violations - see P. & Z. 1107.05
- Alterations, extensions to nonconforming use structure - see P. & Z. 1151.02
- Conditional zoning - see P. & Z. 1153.01

### 1113.01 ESTABLISHMENT OF DISTRICTS.

The incorporated territory of the City of Medina, Medina County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure or use within each zone district.

### 1113.02 TYPE OF DISTRICTS.

The following districts are established:

- O-C Open Space Conservation District.
- R-S Suburban Residential District.
- R-1 Low Density Urban Residential District.
- R-2 Medium Density Urban Residential District.
- R-4 Multi-Family Urban Residential District.
- M-U Multi-Use District.
- P-F Public Facilities District.
- C-B Commercial-Business District.
- C-1 Local Commercial District.
- C-2 Retail Office District.
- C-3 Commercial District.
- C-4 Planned Commercial District.
- I-1 Industrial District.
- SPD Special Planning District.  
Overlay Districts.

TC-OV Transition Corridor Overlay District.

(Ord. 204-05. Passed 9-12-05.)

### 1113.03 ZONING DISTRICTS MAP.

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of the City of Medina, Ohio, adopted by Ordinance No. 55-94, passed March 14, 1994".

### 1113.04 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the boundary shall be determined to be that which best carries out the intent of the Zoning Ordinance.

### 1113.05 SUPPLEMENTARY REGULATIONS.

(a) Permitted Uses. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all the district provisions established by this Zoning Ordinance for the districts in which the building or land is located. Uses which are omitted from this Ordinance, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into this Ordinance. (Ord. 78-01. Passed 5-14-01.)

(b) Permitted Height Exceptions. Except as specifically stated in other parts of this Zoning Ordinance, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet wall, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

Public, cultural, educational, recreational or religious buildings, when permitted in a district, may be erected to a height not to exceed 45 feet. Spires, steeples, cupolas, and other similar architectural elements may be erected to a height not to exceed 75 feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.  
(Ord. 204-05. Passed 9-12-05.)

(c) Front Yard Variances in Residential Districts. In any R District where the average depth of at least two existing front yards on lots within 200 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance, the required depth of the front yard on such lot may be modified. In such case, this shall not be less than the average depth of such existing front yards on the two lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining.

(d) Corner Lot. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

(e) Zoning Certificate. No zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested.

(f) Sewage and Water Facilities. Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be one (1) acre for a single-family dwelling, where permitted, unless a larger area is required by this Zoning Ordinance and/or the responsible health authority.

(g) Transition Areas. To secure the optimum effect of transition from a residential to a nonresidential district, the Planning Commission, with the approval of Council, shall have the power to determine the need for and amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

(h) Construction. Nothing contained in this Zoning Ordinance shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this Zoning Ordinance pursuant to a duly issued building permit.  
(Ord. 78-01. Passed 5-14-01.)

(i) Principal Buildings Used Primarily for Residential Purposes. No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in this Zoning Ordinance, and every dwelling shall be located on a lot having required frontage on a public street.  
(Ord. 235-06. Passed 12-11-06.)

(j) Substandard Lots. Any lot not meeting minimum area requirements and being a lot of record, or any lot within an unrecorded allotment, of which at least one-half of such lots are of record or have been sold on land contract on the effective date of this Zoning Ordinance, may be used for a single-family dwelling irrespective of the area, depth or width of such lot; the width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot; the depth of the rear yard need not exceed twenty (20%) percent of the depth of the lot. However, in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively.

(k) Lots, Yards and Open Space. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by these regulations may, by reason of exchange in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

(1) Projections into Yard Areas. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt-courses, cornices and ornamental features projecting not to exceed twelve inches. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections are distant at least two (2) feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

An open unenclosed porch or paved terrace may project into the required front yard for a distance not to exceed ten feet. (Ord. 78-01. Passed 5-14-01.)

(m) Accessory Buildings and Similar Items.

(1) Attached accessory buildings. An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Zoning Ordinance applicable to the principal building.

(2) Detached accessory buildings. An accessory building detached from the principal building, on a lot, shall conform to the following requirements:

A. Requirements for detached accessory buildings associated with principal buildings used primarily for residential purposes in all districts, and associated with principal buildings for all uses on lots located in the M-U District:

1. No detached accessory building shall be constructed upon a lot until construction of the principal building on the lot has been completed.
2. Detached accessory buildings shall be located in the rear yard.
3. Detached accessory buildings shall be built no closer than five feet to rear and side lot lines.
4. No detached accessory building shall be located closer than 10 feet to any other building, unless a closer distance is approved by the Building Official.
5. The height of detached accessory buildings shall be limited to 15 feet.
6. There shall not be more than two detached accessory buildings on one lot.
7. The combined area of all detached accessory buildings on a lot shall not exceed 744 square feet, except as follows: The maximum combined area of all detached accessory buildings on a lot may be increased to a maximum of 1,032 square feet, provided that such area shall not exceed 10 percent of the area of the rear yard of the lot.
8. In the event that a detached accessory building is to be used at any time as a private garage or carport, a hard surfaced driveway shall be installed as required by Sections 1145.05(c) and 1145.08(a).

9. Detached objects including swing sets, play structures, etc., shall be exempted from the provisions of subsections 4, 6, 7, and 8, above, provided that they do not require location on the ground or attachment to something having location on the ground, pursuant to this Ordinance or the standards and requirements of the building regulations adopted and administered by the City.
- B. Requirements for detached accessory buildings associated with principal buildings used primarily for nonresidential uses on lots located in all districts other than the M-U District:
  1. No detached accessory building shall be constructed upon a lot until construction of the principal building on the lot has been completed.
  2. Detached accessory buildings shall be located in the rear yard.
  3. A detached accessory building shall comply with all setback requirements of the district in which it is located.
  4. No detached accessory building shall be located closer than 10 feet to any other building, unless a closer distance is approved by the Building Official.
  5. In no case shall the height of a detached accessory building exceed the height of the principal building.

(3) Similar items; exemptions.

- A. Landscaping and other decorative or ornamental features shall be exempted from the provisions of subsection (m)(2) hereof.
- B. Other items shall be exempted from provisions of this Section only as outlined in subsection (2)A.9, above.

(Ord. 235-06. Passed 12-11-06.)

(n) Accessory Use.

(1) On properties used primarily for residential purposes, no commercial vehicle, bus, trailer or truck of any type in excess of 7,000 pounds gross vehicle weight shall be parked upon a driveway or yard, except for emergencies, making deliveries or loading, or as approved under the towing policy of the City of Medina Police Department; provided the approved vehicle does not exceed 14,000 pounds gross vehicle weight and is not parked in the yard.

(2) On properties used primarily for residential purposes, no trailer, house trailer, mobile home or other vehicle designed for living quarters, including camping trailers of the collapsible type and truck campers, and no boats, boat trailers or boat dollies may be parked on the driveway, but may be parked on a hard surfaced pad in the side or rear yard. Exception: from April 1st to October 1st these vehicles may be parked on the driveway. At no time may such vehicle be used for living quarters.

(3) On all properties, no vehicle or other object used or intended primarily for storage purposes shall be located on a lot for more than two periods, not exceeding 10 consecutive days each, during any calendar year. On nonresidential properties, the Planning Director may waive these.

(Ord. 103-07. Passed 6-11-07.)

(o) Temporary Construction Buildings and Uses. Temporary buildings and uses incidental to construction work may be located and commenced in any of the zoning districts herein established. However, such temporary buildings and uses shall be removed and discontinued upon the completion or abandonment of the construction work. (Ord. 235-06. Passed 12-11-06.)

(p) Approval of Plats. No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum requirement set forth in the various districts of this Zoning Ordinance.

(q) Inconsistencies. In the event any of the requirements or regulatory provisions of this Zoning Ordinance are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

(r) Compliance with Building Regulations. All structures shall comply with the standards and requirements of the building regulations adopted and administered by the City.

(s) Swimming Pools. Public or private in-ground or above-ground swimming, wading or other pools as defined by Building Code section 1311.04(d) shall be considered as structures for the purpose of permits, shall not be located in front yards and shall be no closer than ten (10) feet to the side or rear property line.

(t) Effect of Annexation. All property annexed by the Municipality shall be regulated by the zoning regulations which govern the property prior to annexation until the legislative authority of the Municipality officially adopts zoning regulations for such territory.

#### 1113.06 OPEN SPACE PROVISIONS.

(a) Common Open Space Land. Whenever the Comprehensive Plan shows the location of common open space land on a lot, the City shall require the reservation of this land as common open space land, before the applicable zoning or building permit is issued. Restrictions, covenants and improvement plans providing for the reservation, development and maintenance of such land shall be subject to Planning Commission approval.

(b) Public Open Space Land. Whenever the Comprehensive Plan shows the location of public open space land on a lot, the City shall require the dedication of this land as public open space. If the area of such land exceeds 1,000 square feet per dwelling unit proposed on the lot, or five percent (5%) of the lot area if it is proposed for commercial use, the additional land shall be reserved for one year after the date of approval by the Planning Commission to permit its acquisition by the appropriate public body. If no public open space land is shown on the Comprehensive Plan, or if less than the amount required above is shown on the Plan, the developer of residential or commercial lands shall pay the Municipality one thousand (\$1,000.00) per dwelling unit proposed on the lot, or one thousand dollars (\$1,000) per acre if the lot is proposed for commercial use, in proportion to the amount of public open space land not dedicated in lieu of providing public open space.

(1) Conversions of existing residential buildings to commercial use and public, institutional, fraternal or community service uses defined in Section 1105.76 shall be exempt from the public open space requirements of this subsection.

(2) Such payment shall be used as follows:

A. To purchase or improve public open space land which will serve the quadrant of the City in which the lot for which payment is made is located, unless Council approves the use of such payment in a different quadrant.

- B. With Council approval, up to fifty percent (50%) of the open space land funds received after the effective date of this subsection may be used toward the purchase of public property.
- (3) For the purpose of establishing the four quadrants of the city, they shall be defined as bounded by West Liberty-East Washington Streets and North and South Court Streets.

(c) Dedication. Public open space required by subsection (b) above shall be dedicated to the Municipality prior to the issuance of zoning certificates for the lot. If the public open space proposed for dedication does not have access to a dedicated street, the developer shall provide a temporary easement from a dedicated street to the proposed public open space. The temporary easement shall be vacated when the public open space is provided access from a dedicated street. The Planning Commission may require the temporary easement to be improved so that it is passable.

(d) Other Open Space Land. Notwithstanding any other provision of this Zoning Ordinance, the Planning Commission may require the reservation or dedication of open space land not specifically shown on the Comprehensive Plan to meet the needs created by the proposed development of a lot for schools, parks or other neighborhood purposes. In such cases, the Planning Commission shall consider the topography, drainage soil conditions and the extent and configuration of such land in relation to the Comprehensive Plan, proposed development and surrounding area. Before acting on such cases, the Planning Commission shall also refer them to Council.

(e) Improvement of Open Space Land. Grading, drainage, seeding and other improvements which are determined by the City Engineer to be reasonably suitable for park and recreational uses of common open space land approved by the Planning Commission, or public open space land accepted for dedication by Council, shall be made by the developer. In the case of common land the Planning Commission may permit the developer to furnish a performance bond in lieu of such improvements in an amount approved by the Engineer, and form approved by the Law Director.

(f) Exemption. Any lot of a subdivision within which a contribution of public land or payment in lieu thereof, has been made in accordance with the provisions of this Zoning Ordinance, shall be exempt from any such further contribution or payment.

#### 1113.07 HOME OCCUPATION.

Home occupations are permitted as accessory uses provided that the following conditions are met. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation shall be deemed a violation of the Zoning Code. This section is exempt from the requirements of Section 1107.03.

- (a) Such use shall be secondary in importance to the use of the dwelling for dwelling purposes.
- (b) Such use shall be conducted by the inhabitants of the dwelling with no on-premises employees.
- (c) Such use shall not be conducted in any garage attached or detached, or any accessory building.
- (d) There shall be no sale of goods on the premises.

- (e) No sign, advertising the home occupation, will be permitted.
- (f) No traffic shall be generated for the home occupation other than that which would be expected in a residential neighborhood.
- (g) There shall be no visible evidence of the conduct of a home occupation.
- (h) No frequent or regular customers and/or clients will be permitted on the premises.
- (i) No equipment or process shall be used in such home occupation which creates any of the following: safety hazard, noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside of the dwelling.
- (j) No such use shall occupy more than 20% of the total floor area of the dwelling.
- (k) The home occupation shall comply with all other Federal, State and local laws.

#### 1113.08 MODEL HOME.

A "model home" is a building or structure existing or proposed to be constructed within the confines of a subdivision which offers lots for sale to the public. The purpose of the model home is to expose to the public the type of homes that will be constructed within the subdivision and to that end may have within displayed maps, pictures, brochures, building materials, other materials, information and contractors.

The model home may be used as a place to conduct the business of the subdivision and the sale of homes to be constructed within the subdivision as long as there are lots still being offered for sale to the public.

Once the subdivision is eighty percent (80%) complete the builder and/or developer shall discontinue the use of the model home for this purpose and will be given ninety days to convert the model home to a "speculation home" or "spec. home".

A "speculation" or "spec. home" as used herein, means a building or structure existing or proposed to be constructed for the purpose of being offered for immediate sale to the public and shall not be used as a model home.

A spec. home may be constructed on any residential lot which meets the requirements of present zoning.

CHAPTER 1114  
SPD - Special Planning District

EDITOR'S NOTE: Development guidelines for the SPD-Special Planning District were also adopted by Ordinance 207-06 and are on file with the Planning Director.

1114.01	Purpose.	1114.07	Preliminary Plan approval.
1114.02	Designation.	1114.08	Submission requirements for Preliminary Plan review.
1114.03	Establishment of a Special Planning District.	1114.09	Final Site Plan approval.
1114.04	Requirements for the establishment of SPD District.	1114.10	Revision to approved site plan.
1114.05	Conceptual development plan and guidelines.	1114.11	Relationship to the Codified Ordinances.
1114.06	Status of uses.		

CROSS REFERENCES  
District established - see P. & Z. 1113.02

1114.01 PURPOSE.

The purpose of this District is to regulate the development and use of property in areas of the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the standard zoning district regulations, and to promote creative and sensitive site planning. It is the intent of this chapter to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Ordinance while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. It is the purpose of this District to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate.

1114.02 DESIGNATION.

The Special Planning District shall be designated by the abbreviation "SPD" followed by a number specific to the designation on the Official Zoning Map of the City. All property so classified is subject to the provisions of this chapter and an adopted ordinance pursuant to this chapter.

#### 1114.03 ESTABLISHMENT OF A SPECIAL PLANNING DISTRICT.

The establishment of an SPD represents a formal amendment to the Zoning Ordinance and Zoning Map. The process for establishing an SPD and approving the Conceptual Development Plan and Guidelines shall be the same as provided for in Section 1107.06.

- (a) In addition to the submission requirements set forth in Section 1107.06 and 1114.05, the following data shall be required to be submitted to the Planning Director:
  - (1) Present use and land subject to zone change;
  - (2) Present zoning district;
  - (3) Proposed use and plans including the proposed Conceptual Plan;
  - (4) Proposed SPD zoning district;

#### 1114.04 REQUIREMENTS FOR THE ESTABLISHMENT OF SPD DISTRICT.

In order for Council to adopt an SPD, it must first make written findings that one or more of the following conditions exist, or will exist within the proposed SPD.

- (a) A concentration of retail and service oriented commercial establishments serving as a principal business activity center for the community.
- (b) An area recommended in the Comprehensive Plan for special zoning regulations.
- (c) A property located in a transition area where there is a need to provide for a greater mixture of uses than would be permitted in standard zones of this Ordinance.
- (d) Lands which permit for ingenuity, imagination and design efforts on the part of builders, architects, site planners, and developers that can produce residential developments which are in keeping with overall land use intensity and open space objectives while departing from the strict application of use setback, height and minimum lot size requirements contained in this Ordinance.
- (e) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities which help residents relate to their communities and to relate the social organization of communities to their physical environments.

#### 1114.05 CONCEPTUAL DEVELOPMENT PLAN AND GUIDELINES.

For each specific SPD established by the City, a separate Conceptual Development Plan with supporting Development Guidelines shall be created and adopted by Council at the time of establishment of an SPD, following the procedures set forth in this chapter, and in Chapter 1107. A Conceptual Development Plan shall be drawn to a scale of a minimum of one (1) inch equals one hundred (100) feet and shall include the following:

- (a) Circulation Plan, illustrating the basic route of major pedestrian and vehicular ways within the project and their intersection with existing rights of way.
- (b) Land Use Plan which shall include schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural aspects of the site including descriptions of proposed uses in the non-residential portions of the site.
- (c) Density, indicating the net density of areas under review and an indication of the type(s) of structure(s).
- (d) Transitions, including visual illustrations of how transitions/ buffers will be accomplished between the SPD District and adjacent districts.
- (e) Development Guidelines for the development of the site which may include lot and yard requirements, signage, parking and landscaping controls.

The information required above may be combined in any suitable and convenient manner so long as the data required is clearly indicated. Specific submission requirements may be waived by the Planning Commission if the Commission judges the requirement to be inappropriate for the particular situation.

The purpose of the Conceptual Plan is to illustrate the character of development desired by the City. The Planning Commission shall have the authority to make adjustments to an approved Conceptual Plan provided that such changes are limited to site design and configuration and do not include changes of use, density or other provisions of the Development Guidelines.

#### 1114.06 STATUS OF USES.

Uses within each of the SPD districts shall be depicted on the approved Conceptual Development Plan for that particular SPD. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for the following:

- (a) Principal Permitted Uses.
- (b) Accessory Uses.

#### 1114.07 PRELIMINARY PLAN APPROVAL.

Once an SPD District is established along with its Conceptual Development Plan and supporting Development Guidelines, the next step is Preliminary Plan approval. There are no time constraints as to when the Preliminary Plan must be submitted after the establishment of an SPD District. The purpose of a Preliminary Plan is to define in greater detail the proposed development of an SPD District to ensure that there is conformance with the Conceptual Development Plan and Development Guidelines prior to substantial cost expenditures by the developer.

Application for approval of a Preliminary Development Plan shall be made to the Planning Commission. The Planning Commission shall review the proposed Preliminary Plan at one or more of its regular meetings, and within forty-five (45) days after the date of the submission of the proposed Preliminary Plan, approve, approve with modification or disapprove the application. The Planning Commission shall review the Preliminary Plan to see if it is in conformance with the approved Conceptual Plan and Development Guidelines. Submission of a Preliminary Development Plan may be made for all or a portion of a tract covered by the existing Conceptual Development Plan.

If the Preliminary Plan is not found to be in compliance with the Conceptual Development Plan by the Planning Commission, the applicant may go to City Council for the approval of a new Conceptual Development Plan, in which case the procedures set forth in Sections 1114.05, 1114.06 and 1107.06 shall be followed.

#### 1114.08 SUBMISSION REQUIREMENTS FOR PRELIMINARY PLAN REVIEW.

(a) Preliminary Plan. Preliminary Plans shall be drawn to a scale of a minimum of one (1) inch equals fifty (50) feet and shall be in conformity to the Conceptual Development Plan and shall include the following as a minimum:

- (1) Area. The total area in the project;
- (2) Zones. The present zoning of the subject and all adjacent properties;
- (3) Rights-of-way and easements. Shall include all public and private rights of way and easements located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;
- (4) Topography. Existing and proposed topographical changes shown by contour lines with intervals not to exceed five (5) feet;

- (5) Utilities on and adjacent to the site. Location, size and invert elevations of sanitary and storm sewers; location and size of water mains; fire hydrants. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers and culverts;
- (6) Streets. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way width and grades;
- (7) Pedestrian circulation. Location of proposed pedestrian sidewalks, walkways, bikeways;
- (8) Buildings. Location of existing and proposed buildings and intended uses, and acres proposed for each use. Identify the proposed length, width, and height of each building. Also include data on proposed gross floor areas and identify the proposed architectural theme;
- (9) Open space and recreation. The approximate amount of areas proposed for common open space, including the location of recreational facilities and identification of unique natural features to be retained;
- (10) Other public and semi-public uses. Location and type of all uses, including approximate number of acreage and heights of buildings;
- (11) Soil types. Identification of the soil types and geologic formation on the subject property, indicating any anticipated problems and proposed methods of handling said problems;
- (12) Parking and loading. General size and location of parking and loading facilities;
- (13) Preliminary landscaping and buffering outline plan;
- (14) Other information that may be determined necessary for description and/or to insure proper integration of the proposed project with the area.

#### 1114.09 FINAL SITE PLAN APPROVAL.

After a Preliminary Plan in a Special Planning District (SPD) has been approved by the Planning Commission, the next step is Final Site Plan approval. Final Site Plans shall be reviewed by the Planning Commission in accordance with the existing Site Plan Review procedure found in Chapter 1109 and with additional Development Guidelines review criteria adopted for each Special Planning District.

- (a) In addition to the Site Plan Review list of data required with application as set forth in Chapter 1109, the Planning Commission shall have other data requirements for reviewing Final Site Development Plans, which shall be at a scale of one (1) inch equals fifty (50) feet and shall include the following additional information:
  - (1) Buildings. Location, height, elevations, arrangement, and identification of all buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions shall be provided;
  - (2) Open space and recreation. Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership and operations and maintenance of such lands shall be identified;
  - (3) Landscaping plan. Include identification of planting areas, species and size of plants and the location, type and height of walls and fences shall be provided; also any vegetative buffers;

- (4) Signs. Location of signs indicating their orientation, lighting, size and height;
- (5) Stormwater detention. Including a system of stormwater control for runoff and detention for both before and after construction;
- (6) Utilities. Indicate location of other utilities such as electric, telephone, cable television, etc. including the type of service, and the width of easements;
- (7) Circulation system. Location of all proposed and existing pedestrian and vehicular systems shall be identified;
  - A. Pedestrian walkways, and bikeways including alignment, grades, type of surfacing and width; and
  - B. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details and typical cross section.
- (8) Exterior lighting and any street furniture or outdoor decorative structures proposed, refuse storage areas and proposed method of screening;
- (9) Development schedule. A schedule of development, including the staging or phasing of:
  - A. Streets, utilities and other public facility improvements, in order of priority;
  - B. Public/ Common Area - dedication of land to public use or set aside for common ownership;
  - C. Buildings and uses, in order of priority of construction.

The aforementioned information may be combined in any suitable and convenient manner that clearly represents the required data. Specific submission requirements may be waived by the Planning Commission if the requirements are judged inapplicable for the particular situation.

No building permit shall be issued nor any plans be approved for zoning compliance in any of the SPD Districts/ subdistricts unless there are Preliminary and Final Site Plans approved by the Planning Commission. The Planning Commission shall review the Final Site Plan to see if it is in conformance with the approved Conceptual Plan and Preliminary Plan. Simultaneous submission of a Preliminary Site Plan and a Final Site Plan is not permitted. Action by the Planning Commission on Final Site Plan approval is final. Such action may be appealed in accordance with Ohio law.

#### 1114.10 REVISION TO APPROVED SITE PLAN.

After the Final Site Plan has been approved by the Planning Commission, the following provisions will apply to substantial changes made to the Site Plan:

- (a) Substantial Variations. New plans, or site design shall be submitted to the same review process as Final Site Plan Review per Chapter 1109. When changes are determined by Planning Commission to be inconsistent with the existing Conceptual Development Plan and Development Guidelines in terms of land use or density, the applicant must go to City Council for approval of a new Conceptual Development Plan per the procedures set forth in Chapters 1107 and 1114.

#### 1114.11 RELATIONSHIP TO THE CODIFIED ORDINANCES.

The requirements for each SPD District shall be adopted as appendices to the Zoning Ordinance and shall, upon their effective date, supersede any conflicting requirements of this Zoning Ordinance. Where an SPD requirement is silent on a specific point, the appropriate sections of the Zoning Ordinance shall apply.

CHAPTER 1115  
O-C Open Space-Conservation District

1115.01	Purpose.	1115.05	Building height.
1115.02	Uses.	1115.06	Off-street parking and loading.
1115.03	Lot requirements.		
1115.04	Yard requirements.		

CROSS REFERENCES

Accessory building or use defined - see P. & Z. 1105.02  
Agriculture defined - see P. & Z. 1105.03  
Open space defined - see P. & Z. 1105.73

1115.01 PURPOSE.

The O-C Open Space-Conservation District is established for the following purposes:

- (a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic areas;
- (b) To protect the ecological balance of an area;
- (c) To conserve natural resources, such as river valley and tracts of forest land; and
- (d) To reduce the problems created by intensive development areas having excessively high water tables, which are subject to flooding or which are topographically unsuited for urban type uses.

1115.02 USES.

Within an Open Space-Conservation District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
  - (1) Single-family dwelling.
  - (2) Agriculture.
  - (3) Wildlife refuge and game preserve.
  - (4) Accessory buildings, incidental to the principal use, which do not include any activity conducted as a business.
    - (1) Model homes subject to the requirements of Section 1113.08.
    - (6) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (2) Church and other buildings for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
- (3) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (4) Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (5) Gas and oil wells subject to Chapter 1377 of the Building Code.

#### 1115.03 LOT REQUIREMENTS.

- (a) Minimum lot area per dwelling unit: five (5) acres.
- (b) Minimum lot width at building line: three hundred (300) feet.
- (c) Minimum lot frontage: sixty (60) feet.

#### 1115.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: one hundred (100) feet.
- (b) Minimum rear yard depth: fifty (50) feet.
- (c) Minimum side yard width: twenty-five (25) feet.

#### 1115.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

#### 1115.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1116  
Overlay Districts

EDITOR'S NOTE: Development guidelines for the Overlay Districts were also adopted by Ordinance 207-06, and are on file with the Planning Director.

<p>1116.01 Purpose. 1116.02 Effect of underlying zone designation. 1116.03 Identification. 1116.04 Establishment of Overlay Districts. 1116.05 Guidelines. 1116.06 Classification.</p>	<p>1116.07 Transition Corridor Overlay District (TC-OV). 1116.08 Development approvals required. 1116.09 Exemptions. 1116.10 Application procedures. 1116.11 Maintenance.</p>
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**1116.01 PURPOSE.**

The purpose of Overlay District regulations is to assist with the development of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. Overlay Districts are established to provide additional land use controls and are superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, however, that where the provisions of the Overlay District are more restrictive than the provisions of the underlying zoning designation, the provisions of the Overlay District shall apply. Overlay Districts are intended to serve one or more of the following purposes;

- (a) To implement land use and urban design recommendations and standards set forth in neighborhood or corridor area plans, which plans have been adopted as part of the City's Comprehensive Plan;
- (b) To provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning;
- (c) To provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses;
- (d) To protect the public and property owners from blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;

- (e) To protect the public from unsafe buildings or unstable land which would be caused by uncontrolled development;
- (f) To prevent significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- (g) To protect the public from blighting influences in areas of high public investment which have added substantial value to a neighborhood; and
- (h) To provide for the protection of special features in the natural and built environment.

#### 1116.02 EFFECT OF UNDERLYING ZONE DESIGNATION.

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable Overlay District; provided, however, an Overlay District shall not be used to add to the specific permitted uses in the underlying district.

#### 1116.03 IDENTIFICATION.

The location of all Overlay Districts shall be shown on the Zoning Map of the City of Medina as an Overlay superimposed in specific areas over existing zones.

#### 1116.04 ESTABLISHMENT OF OVERLAY DISTRICTS.

City Council may, from time to time, create Overlay Districts as defined and containing the characteristics, as set forth in Section 1116.01. The procedure for creating Overlay Districts shall be the same as those for approving a map amendment as set out in Section 1107.06.

#### 1116.05 GUIDELINES.

The Planning Commission shall prepare, pursuant to this Chapter, Overlay District Development Guidelines. The Overlay District Development Guidelines shall describe in words and/or illustrations the special and distinctive characteristics which are to be protected and the development features which will be reviewed for impact within an Overlay District. The Overlay District Development Guidelines shall be recommended to the City Council which after adoption shall be considered a part of the Zoning Ordinance when the application is for a property within an Overlay District.

#### 1116.06 CLASSIFICATION.

Overlay Districts shall be classified by categories, according to the provisions and qualifications as described in Section 1116.07. The findings and purpose statement and characteristics identified in Section 1116.07 shall be used to determine areas appropriate for designation.

#### 1116.07 TRANSITION CORRIDOR OVERLAY DISTRICT (TC-OV).

(a) Findings and Purposes. A transition corridor is identified as one of the corridors listed in the City's Comprehensive Plan, or a similar area, that is experiencing an increased demand for commercial uses in areas that previously were residential. It is important that the visual appearance and composition of these areas be maintained in order to put forth a positive image of Medina at these important "Gateways" into the City. It is in the interest of the City to protect and enhance the built features of such transition corridors by:

- (1) Preventing the deterioration of property and the extension of blighting conditions.
- (2) Revitalizing and protecting private investment which improves and stimulates the economic vitality and social character of the area.
- (3) Encouraging development that creates compatible relationships with the residential character that has been established.
- (4) Enhancing the aesthetic and architectural compatibility within neighborhoods and commercial areas.

(b) Characteristics. TC-OV Districts as herein defined shall be found to contain at least one of the following characteristics:

- (1) Function as a primary gateway or corridor into the City of Medina;
- (2) Possess mixture of residential and nonresidential uses;
- (3) Exhibit a current trend or potential for the further conversion of residential uses to nonresidential uses; and
- (4) Contain a mixture of residential and nonresidential zoning classifications within the corridor.

#### 1116.08 DEVELOPMENT APPROVALS REQUIRED.

No alteration or change shall be made to any property within an Overlay District, except as exempted by Section 1116.09, until approvals have been given by the Planning Commission. No Building or Zoning Permit shall be issued for any site improvement, construction, reconstruction, alteration or demolition of any structure now or hereafter in an Overlay District, unless approvals have been issued by the Planning Commission.

#### 1116.09 EXEMPTIONS.

The following are exempt from the provisions of this chapter:

- (a) Any permit determined by the Planning Director to be necessary for the immediate public health or safety.
- (b) Any residential permits for rear decks, pools or accessory structures.
- (c) Permits for interior alterations and repairs.
- (d) Permits for construction of public utilities in the public right-of-way.
- (e) Maintenance of property as described in Section 1116.11.

#### 1116.10 APPLICATION PROCEDURES.

Any application submitted for review as provided for by this Zoning Code shall be in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application shall be accompanied by the payment of the required fee as specified in Section 1109.03, which shall not be refundable.
- (b) Data Required with Application. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as outlined below. A minimum of six sets of drawings and one set of photographs and material samples shall be submitted. Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Planning Director or City Engineer. These items shall accurately represent the proposed alterations or additions and new construction. The following are the submission requirements:

- (1) Alterations to existing buildings.
    - A. Photographs of existing conditions.
    - B. Drawings indicating any changes to the physical appearance.
    - C. An outline describing work and the procedures to be performed.
    - D. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.
  - (2) New buildings.
    - A. Photographs of the proposed site and adjoining buildings.
    - B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
    - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
  - (3) Additions to existing buildings.
    - A. Photographs of the existing building and adjoining buildings.
    - B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
    - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
  - (4) Demolition and moving.
    - A. Photographs of the existing building in detail and as it sits on its site.
    - B. A written request from the owner indicating reasons for the demolition or moving.
    - C. If the building is listed on the U.S. National Register of Historic Places: An analysis of the feasibility of rehabilitation, the market value for the property after rehabilitation, and in the case of income-producing properties, the income and expense likely to be produced by the property after rehabilitation.
- (c) Review and Action by the Planning Commission.
- (1) The criteria contained in the Overlay District Development Guidelines shall be used by the Planning Commission to guide their decision. These criteria shall be in addition to the zoning regulations for the property, although if there is a conflict between the zoning regulations and the criteria of this Chapter, the criteria of this Chapter shall apply. The Overlay District Development Guidelines shall be considered a part of the Zoning Ordinance once it is approved as set forth in Section 1116.05.
  - (2) The Planning Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Overlay District pursuant to the criteria included in the Overlay District Development Guidelines. In determining the appropriateness of the change, the Planning Commission may solicit input from the Historic Preservation Board in areas with buildings of historical and/or architectural significance.

- (3) The Planning Commission shall review the application at one or more of its regular meetings, and within forty-five days of such item's first appearance on the agenda approve, approve with modification or disapprove the application. For demolition the Commission shall follow the guidelines as set forth in Section 145.07(c) of the Codified Ordinances of the City.
- (4) Approvals by the Planning Commission shall be valid for one year from the date of final action and shall be automatically revoked if construction has not begun within one year after the date of the Commission's approval.

#### 1116.11 MAINTENANCE.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property within an Overlay District, nor shall anything in this Chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building Official and/or Planning Director is required for the public safety because of an unsafe, insecure or dangerous condition.

CHAPTER 1119  
R-S Suburban Residential District

1119.01	Purpose.	1119.05	Building height.
1119.02	Uses.	1119.06	Off-street parking and loading.
1119.03	Lot requirements.		
1119.04	Yard requirements.		

CROSS REFERENCES

Centralized sewer and water systems defined- see  
P. & Z. 1105.16, 1105.17  
Density defined - see P. & Z. 1105.23  
Home occupation defined - see P. & Z. 1105.43  
Minimum number of parking spaces required  
- see P. & Z. 1145.02

1119.01 PURPOSE.

The R-S Suburban Residential District is established to accommodate single-family residential dwellings in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

1119.02 USES.

Within a Suburban Residential District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Single-family residential dwelling.
  - (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - (3) Model homes subject to the limitations and requirements of Section 1113.08.
  - (4) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (2) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (3) Governmentally owned and/or operated buildings or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (4) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (5) Planned unit development subject to Section 1153.04(a)(20).
- (6) Institutions for higher education subject to Section 1153.04(a)(1), (2), (3), (4), (5), (7), (11).

#### 1119.03 LOT REQUIREMENTS.

- (a) Minimum lot area per dwelling unit: Fifteen thousand (15,000) square feet.
- (b) Minimum lot width at building line: Ninety (90) feet.
- (c) Minimum lot frontage: fifty (50) feet.

#### 1119.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: fifty (50) feet.
- (b) Minimum rear yard depth: fifty (50) feet.
- (c) Minimum side yard width: twelve (12) feet.

#### 1119.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

#### 1119.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1121  
R-1 Low Density Urban Residential District

1121.01	Purpose.	1121.05	Building height.
1121.02	Uses.	1121.06	Off-street parking and loading.
1121.03	Lot requirements.		
1121.04	Yard requirements.		

CROSS REFERENCES

Accessory building or use defined - see P. & Z. 1105.02  
 Centralized sewer and water systems defined - see P. & Z. 1105.16, 1105.17  
 Density defined - see P. & Z. 1105.23  
 Single-family dwelling defined and required square footage - see  
 P. & Z. 1105.29  
 Minimum number of parking spaces required for dwellings - see  
 P. & Z. 1145.02

1121.01 PURPOSE.

The purpose of the R-1 Low Density Urban Residential District is to provide for single-family residences in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

1121.02 USES.

Within an R-1 Low Density Urban Residential District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Single-family dwelling.
  - (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - (3) Model homes subject to the limitations and requirements of Section 1113.08.
  - (4) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (2) Planned unit residential developments subject to Section 1153.04(a)(20).
- (3) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (4) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).

#### 1121.03 LOT REQUIREMENTS.

- (a) Minimum lot area per dwelling unit: Ten thousand (10,000) square feet.
- (b) Minimum lot width at building line: Eighty (80) feet.
- (c) Minimum lot frontage: fifty (50) feet.

#### 1121.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: forty (40) feet.
- (b) Minimum rear yard depth: fifty (50) feet.
- (c) Minimum side yard width: ten (10) feet.

#### 1121.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

#### 1121.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1123  
R-2 Medium Density Urban Residential District

1123.01	Purpose.	1123.05	Building height.
1123.02	Uses.	1123.06	Off-street parking and loading.
1123.03	Lot requirements.		
1123.04	Yard requirements.		

CROSS REFERENCES

Accessory building or use defined - see P. & Z. 1105.02  
 Centralized sewer and water systems defined - see P. & Z. 1105.16, 1105.17  
 Density defined - see P. & Z. 1105.23  
 Dwelling definitions and required square footage - see P. & Z.  
 1105.26 et seq.  
 Minimum number of parking spaces required for dwellings - see  
 P. & Z. 1145.02

1123.01 PURPOSE.

The purpose of the R-2 Medium Density Urban Residential District is to provide for single- and two-family residences in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

1123.02 USES.

Within an R-2 Medium Density Urban Residential District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Single-family dwelling.
  - (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - (3) Model homes subject to the limitations and requirements of Section 1113.08.
  - (4) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (2) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (3) Church and other building for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
- (4) Planned unit residential developments subject to Section 1153.04(a)(20).
- (5) Institutions for higher education subject to Section 1153.04(a)(1), (2), (3), (4), (5), (7), (11).
- (6) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (7) Institutions for human medical care: hospitals, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
- (8) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (9) Two-family dwelling subject to Chapter 1153 and Section 1123.03(a)(2) and Section 1123.03(b)(2).

#### 1123.03 LOT REQUIREMENTS.

- (a) Minimum lot area:
  - (1) Single-family dwelling: Nine thousand (9,000) square feet
  - (2) Two-family dwelling: Eighteen (18,000) square feet.
- (b) Minimum lot width at building line:
  - (1) Single-family dwelling: Eighty (80) feet.
  - (2) Two-family dwelling: One hundred twenty (120) feet.
- (c) Minimum lot frontage: fifty (50) feet.

#### 1123.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: forty (40) feet.
- (b) Minimum rear yard depth: fifty (50) feet.
- (c) Minimum side yard width: ten (10) feet.

#### 1123.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

#### 1123.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1125  
R-3 High Density Urban Residential District

1125.01	Purpose.	1125.05	Building height.
1125.02	Uses.	1125.06	Off-street parking and loading.
1125.03	Lot requirements.		
1125.04	Yard requirements.		

CROSS REFERENCES

Accessory building or use defined - see P. & Z. 1105.02  
 Centralized sewer and water systems defined - see P. & Z. 1105.16, 1105.17  
 Density defined - see P. & Z. 1105.23  
 Dwelling definitions and required square footage - see P. & Z.  
 1105.26 et seq.  
 Minimum number of parking spaces required for dwellings - see  
 P. & Z. 1145.02

1125.01 PURPOSE.

The purpose of the R-3 High Density Urban Residential District is to encourage a relatively high density residential development in areas generally adjacent to the built up sections of the community or in areas of existing development of such density, and therefore to provide a more orderly and efficient extension of public facilities. The development is to consist of single-family and two-family dwellings in areas served with centralized sewer and water facilities.

1125.02 USES.

Within an R-3 High Density Urban Residential District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Single- family dwelling.
  - (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - (3) Model homes subject to the limitations and requirements of Section 1113.08.
  - (4) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (2) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (3) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (4) Church and other buildings for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
- (5) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (6) Mobile home parks subject to Section 1153.04(a)(3), (5), (8), (9), (10), (11), (14), (24), (25), (27), (28), (29), (30), (32).
- (7) Institutions for human medical care: hospitals, nursing and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
- (8) Planned unit residential developments subject to Section 1153.04(a)(20).
- (9) Institutions for higher education subject to Section 1153.04(a)(1), (2), (3), (4), (5), (7), (11).
- (10) Two-family dwelling subject to Chapter 1153 and Section 1125.03(a)(2) and Section 1125.03(b)(2).

#### 1125.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area:
  - (1) Single-family dwelling: Eight thousand (8,000) square feet.
  - (2) Two-family dwelling: Fourteen (14,000) square feet.
- (b) Minimum Lot Width at Building Line:
  - (1) Single-family dwelling: Seventy-five (75) feet.
  - (2) Two-family dwelling: One hundred (100) feet.
- (c) Minimum Lot Frontage: forty (40) feet.

#### 1125.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: forty (40) feet.
- (b) Minimum Rear Yard Depth: thirty (30) feet.
- (c) Minimum Side Yard Width: five (5) feet.

#### 1125.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

#### 1125.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1127  
R-4 Multi-Family Urban Residential District

1127.01	Purpose.	1127.05	Building height.
1127.02	Uses.	1127.06	Off-street parking and loading.
1127.03	Lot requirements.		
1127.04	Yard requirements.		

CROSS REFERENCES

Accessory building or use defined - see P. & Z. 1105.02  
 Density defined - see P. & Z. 1105.23  
 Dwelling definitions and required square footage - see P. & Z.  
 1105.26 et seq.  
 Required data for site plan - see P. & Z. 1109.02  
 Minimum number of parking spaces required for dwellings - see  
 P. & Z. 1145.02

1127.01 PURPOSE.

The purpose of R-4 Multi-Family Urban Residential District is to encourage residential development in areas adjacent to community shopping facilities. Development is to consist of single-family, two-family and limited multi-family in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers, streets and schools.

1127.02 USES.

Within an R-4 Multi-Family Urban Residential District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Single-family dwellings.
  - (2) Two-family dwellings.
  - (3) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - (5) Model homes subject to the limitations and requirements of Section 1113.08.
  - (6) Home occupations subject to the requirements of Section 1113.07.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below. Except as otherwise provided, none of the following uses shall be conducted as home occupations.

- (1) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (2) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses subject to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).
- (3) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (4) Church and other buildings for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
- (5) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (6) Planned unit residential developments subject to Section 1153.04(a)(20).
- (7) Institutions for human medical care: hospitals, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
- (8) Senior citizen housing subject to Section 1153.04(a)(5), (9), (11), (16), (27), (28), (29), (30), (34).
- (9) Institutions for higher education subject to Section 1153.04(a)(1), (2), (3), (4), (5), (7), (11).
- (10) Multi-family dwellings subject to Section 1153.04(a)(5), (11), (16), (27), (28), (29), (30).

#### 1127.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area:
  - (1) Single-family dwelling: Seven thousand (7,000) square feet.
  - (2) Two-family dwelling: Ten thousand (10,000) square feet.
  - (3) Multi-family dwelling(each unit):Five thousand four hundred (5,400) square feet.
- (b) Minimum Lot Width at Building Line:
  - (1) Single-family dwelling: sixty-five (65) feet.
  - (2) Two-family dwelling: eighty-five (85) feet.
  - (3) Multi-family dwelling: one hundred (100) feet.
- (c) Maximum Lot Depth: five (5) times the lot width at the building line.
- (d) Minimum Lot Frontage: forty (40) feet.
- (e) Minimum Usable Open Space: at least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
- (f) Maximum Lot Coverage: twenty-five (25) percent.

1127.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: forty (40) feet.
- (b) Minimum Rear Yard Depth: thirty (30) feet.
- (c) Minimum Side Yard Width: five (5) feet.

1127.05 BUILDING HEIGHT.

Maximum building height: thirty-five (35) feet.

1127.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1129  
M-U Multi-Use District

1129.01	Purpose.	1129.05	Building height.
1129.02	Uses.	1129.06	Supplemental regulations.
1129.03	Lot requirements.	1129.07	Parking.
1129.04	Yard requirements.		

CROSS REFERENCES  
Signs - see P. & Z. Ch. 1147

1129.01 PURPOSE.

This Multi-Use District is established to allow a combination of limited commercial uses and residential uses in areas of the City located adjacent to commercial areas that indicate a changing trend. The purpose of the district is to maintain the present residential streetscape, while allowing alternative land uses where necessary that are compatible with the remaining residential uses with a residential environment. Uses in the district are limited to those most likely to use the existing residential building without putting excessive demands on mechanical or utility systems. (Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

1129.02 USES.

Within an M-U Multi-Use District, all buildings, structures or premises shall be used both in accordance with the purposes of the M-U District and for one or more of the following uses:

- (a) Permitted Uses.
- (1) One-family dwelling.
  - (2) Two-family dwelling.
  - (3) Accessory uses clearly incidental to the uses permitted on the same premises.
  - (4) Offices for medical, administrative, professional, insurance, financial, real estate and related services.
  - (5) Light retail uses such as the following: florist and gift shop, books, stationery, office supplies, apparel, sporting goods, jewelry, antiques and other uses similar in character.
  - (6) Personal services including barber and beauty shop; dance or music studio; artist or photography studio or gallery; shoe repair; tailor or dressmakers; and dry cleaning and laundry shops where no cleaning is done on the premises.

- (7) Banks, with any proposed drive-through facilities attached to the main structure and containing not more than one bay.
- (8) Funeral home.
- (9) Bed & Breakfast Inn.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed below, subject to the general and the specific requirements of Chapter 1153 referred to below:
  - (1) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses subject to Section 1153.04(a)(2), (3), (5), (11), (14), (24), (25) and (26).
  - (2) Cemetery subject to Section 1153.04(a)(3), (7) and (21).
  - (3) Church and other buildings for the purpose of religious worship subject to Section 1153.04(a)(3), (7), (11), (12) and (14).
  - (4) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8) and (11).
  - (5) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11) and (14).
  - (6) Temporary buildings for uses incidental to construction work subject to Section 1153.04(a)(14) and (18).
  - (7) Institutions for human medical care: hospitals, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
  - (8) Multi-family dwellings subject to Section 1153.04(a)(5), (11), (16), (27), (28), (29), (30). (Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

#### 1129.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area:
  - (1) Single-family dwelling: 8,000 square feet.
  - (2) Two-family dwelling: 14,000 square feet.
  - (3) Multi-family dwelling (each unit): Five thousand four hundred (5,400) square feet.
  - (4) Commercial: None.
- (b) Minimum lot width at building line:
  - (1) Single-family dwelling: forty (40) feet.
  - (2) Two-family dwelling: fifty (50) feet.
  - (3) Multi-family dwelling: sixty (60) feet.
  - (4) Commercial: fifty (50) feet.
- (c) Minimum lot frontage: forty (40) feet.
- (d) Maximum lot coverage: twenty-five (25%) percent.  
(Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

#### 1129.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: forty (40) feet.
- (b) Minimum rear yard depth: thirty (30) feet.
- (c) Minimum side yard width: five (5) feet.  
(Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

**1129.05 BUILDING HEIGHT.**

Maximum building height: thirty-five (35) feet.  
(Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

**1129.06 SUPPLEMENTAL REGULATIONS.**

(a) All uses permitted under Section 1129.02, other than one and two-family residences, shall be permitted only after review and approval of site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

(b) Exterior lighting shall not shine directly on adjacent properties and shall be designed to be compatible with a residential area.

(c) Nothing in this chapter shall be interpreted to prohibit multiple or mixed uses within a single structure.

(d) No fire escapes or other exterior stairways to upper floors of a building shall be located on a building facade facing a street.  
(Ord. 78-01. Passed 5-14-01.)

(e) All uses shall use the existing residential buildings in the district. Additions made to existing residential buildings after the effective date of this section shall be limited to 25 percent of the area of the principal building as it existed on the effective date of this section or 1,250 square feet, whichever is less. (Ord. 184-05. Passed 8-22-05.)

(f) When residential buildings are adapted for other uses permitted in the district, the new use shall maintain the same basic residential environment in terms of the building exterior, landscaping and operation of the nonresidential use.  
(Ord. 78-01. Passed 5-14-01.)

(g) All new buildings proposed for the M-U District after the effective date of this section shall not exceed 25 percent of the average of the floor areas of all principal residential buildings on lots adjacent to and across the street from the lot on which the new building is to be located, with the source for all such information to be Medina County tax parcel records. In addition, all new buildings shall be compatible with the existing residential environment in terms of scale, proportion, facade materials and color.  
(Ord. 184-05. Passed 8-22-05.)

(h) All uses shall be conducted in a manner which is compatible with a residential neighborhood. (Ord. 78-01. Passed 5-14-01.)

(i) In addition to all other regulations, all applicants wishing to construct a new building or an addition to an existing residential building shall submit color photographs to the Planning Commission of all existing buildings, on both sides of the same and intersecting streets, within 300 feet of the lot on which the proposed building or addition is to be located. Submitted photographs will be used to determine whether the proposed building or addition maintains the appropriate scale, proportion, facade materials and is compatible with the residential neighborhood.  
(Ord. 184-05. Passed 8-22-05; Ord. 204-05. Passed 9-12-05.)

1129.07 PARKING.

- (a) Except as in (b) below, off-street parking and loading are regulated by Chapter 1145.
- (b) Off-street parking shall not occupy any part of any required front yard (forty feet) or required side yard (five feet), but may be included in a required rear yard to within five feet of the rear property line. Joint use of parking areas is encouraged. The Planning Commission may permit parking to extend to the side or rear property line in the case of a joint parking area.  
(Ord. 78-01. Passed 5-14-01; Ord. 204-05. Passed 9-12-05.)

CHAPTER 1130  
P-F Public Facilities District

1130.01	Purpose.	1130.05	Building height.
1130.02	Uses.	1130.06	Supplemental regulations.
1130.03	Lot requirements.	1130.07	Off-street parking and loading.
1130.04	Yard requirements.		

1130.01 PURPOSE.

The purpose of the P-F, Public Facilities District is to recognize the location of existing public and quasi-public institutions owned by and/or located within the City, including but not limited to the City Hall, schools, hospitals, libraries, post office, cemeteries, and certain places of public assembly, all developed in a manner consistent with sound planning and design principles. This district is established to accommodate these existing institutions and encourage their future viability and continued location and growth in the City.  
(Ord. 204-05. Passed 9-12-05.)

1130.02 USES.

Within a P-F, Public Facilities District, all buildings, structures or premises shall be used both in accordance with the purposes of the P-F District and for one or more of the following uses:

(a) Permitted Uses.

- (1) Governmentally owned and/or operated buildings or facilities including, but not limited to:  
Civic centers;  
Community centers, buildings and facilities;  
Fire Stations;  
Police Stations;  
Public fairgrounds; and  
Publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses; all subject to the following requirements:
- A. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- B. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.

- (2) Cultural, educational, recreational, meeting, or religious facilities, maintained by government, religious institution or nonprofit organizations including but not limited to:  
Museums;  
Art Galleries;  
Public and private libraries;  
Auditoriums;  
Gymnasiums; and  
Buildings for the purpose of religious worship and assembly;  
all subject to the following requirements:  
A. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.
- (3) Hospitals, as defined in Section 1105.44 of this Ordinance, subject to the following requirements:  
A. All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.  
B. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.  
C. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.
- (4) Public and parochial schools, institutions for higher education, and vocational and technical schools subject to the following requirements:  
A. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.
- (5) Cemeteries subject to the following requirements:  
A. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.  
B. Minimum area required for a cemetery site shall be 40 acres.  
C. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.  
D. Pavement width of driveways shall be at least 20 feet (10 feet per moving lane).  
E. Drives shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.  
F. Pavement shall be installed as development progresses and as indicated on the final plans approved by the Planning Commission.  
G. Sufficient parking space shall be provided as not to deter traffic flow within the cemetery.  
H. Area drainage and/or sanitary facilities shall be subject to approval by the City Engineer prior to the issuance of a conditional use permit.  
I. Only signs designating entrances, exits, traffic direction, and titles shall be permitted, and must be approved by the Planning Commission.

- J. Adequate screening with shrubs, trees or compact hedges shall be provided parallel to property lines adjacent to or abutting residential dwellings. Such shrubs, trees and hedges shall not be less than two feet in height and must be maintained in good condition.
- K. Provisions shall be made for landscaping throughout the cemetery.
- L. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- M. No grave sites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.
- N. A grave site shall not be within 200 feet of an existing residence unless the owner of such residence gives his written consent.
- O. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission and the City Engineer. Guarantees shall be in a form approved of by the Planning Commission and may be one of the following:
  - 1. A performance bond of twenty-five thousand dollars (\$25,000) for cemeteries of 40 acres. An additional five thousand dollars (\$5,000) shall be required for each 10 acres over 40 acres or for each 10 acres added at a later date. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Planning Commission and the City Engineer.
  - 2. Other methods as might be worked out by the Planning Commission, Council, developers and their legal advisors.
- P. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and Council. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.
- Q. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.
- (6) Public utility pertinent structures subject to the following requirements:
  - A. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into the area, especially if a residential area.
  - B. All requirements listed under Section 1130.06, Supplemental Regulations, of this chapter shall also apply to all such uses.
- (7) Other uses similar to the above uses, as determined by the Planning Commission.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed below, subject to the general and the specific requirements of Chapter 1153 referred to below:
  - (1) Wireless telecommunication facilities subject to Chapter 1146. (Ord. 120-06. Passed 6-26-06.)

## 1130.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area: None.
- (b) Minimum Lot Width at Building Line: None.
- (c) Minimum Lot Frontage: None.
- (d) Maximum Building Size: None.
- (e) Maximum Building Width: None.

(Ord. 204-05. Passed 9-12-05.)

## 1130.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: 50 feet, except in the Historic District in which case no minimum front yard depth is required.
- (b) Minimum Rear Yard Depth: 50 feet, except in the Historic District in which case no minimum rear yard depth is required.
- (c) Minimum Side Yard Width: 50 feet when adjacent to a residential district and on the side adjacent to the residential district only; otherwise the minimum side yard width shall be 25 feet, except in the Historic District in which case no minimum side yard depth is required.  
(Ord. 120-06. Passed 6-26-06.)
- (d) Side and Rear Yards When Adjacent to a Residential District: A strip of at least 25 feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.  
(Ord. 204-05. Passed 9-12-05.)

## 1130.05 BUILDING HEIGHT.

Maximum Building Height: 45 feet.  
(Ord. 204-05. Passed 9-12-05.)

## 1130.06 SUPPLEMENTAL REGULATIONS.

- (a) All uses permitted under Section 1130.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria, and regulations of Chapter 1109.
- (b) All uses permitted under Section 1130.02 shall further be required to conform to any overlay district and other additional requirements and development guidelines that may be applicable to the land on which such uses are proposed to be located or expanded, including but not limited to the Transitional Corridor Overlay District (TC-OV) and the Historic District.
- (c) Regardless of whether such uses proposed to be located or expanded are permitted or conditionally permitted, the Planning Commission shall in conjunction with site plan review and approval conduct a public hearing and give notice of said hearing in accordance with Section 1153.02(d).
- (d) All structures and activity areas should be located at least 100 feet from all property lines, except in the Historic District in which case this subsection shall not apply.

(e) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.

(f) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

(g) Such uses should be properly landscaped to be harmonious with surrounding uses, especially if residential uses.

(h) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.

(i) All facilities and structures shall meet all City and/or State health, building, electrical and other applicable codes.

(j) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.  
(Ord. 120-06. Passed 6-26-06.)

#### 1130.07 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.  
(Ord. 204-05. Passed 9-12-05.)

CHAPTER 1131  
C-B Commercial Business District

1131.01	Purpose.	1131.05	Building height.
1131.02	Uses.	1131.06	Site plan review.
1131.03	Lot requirements.	1131.07	Off-street parking and loading.
1131.04	Yard requirements.		

CROSS REFERENCES

Board of Zoning Appeals - see CHTR. Art. V, §7  
 Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces required - see P. & Z. 1145.02,  
 1145.04  
 Permitted signs - see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1131.01 PURPOSE.

The C-B Commercial Business District is established to create an environment conducive to well located and designed office building sites to accommodate professional offices, nonprofit organizations and limited business service activities.

1131.02 USES.

Within a C-B Commercial Business District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Administrative, business or finance offices, and organizations.
  - (2) Banks not having drive-in banking facilities.
  - (3) Offices or organizations primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, realty, research and other similar uses.
  - (4) Medical and dental offices and clinics.
  - (5) Radio and television broadcasting station, not including transmission towers.
  - (6) Accessory uses clearly incidental to the uses permitted on the same premises.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and the specific requirements of Chapter 1153 referred to below:

- (1) Public and parochial schools subject to Section 1153.04(a)(1), (2), (3), (5), (6), (11).
- (2) Church and other building for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
- (3) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA - YWCA, Boy Scouts or various fraternal or community service groups, subject to Section 1153.04(a)(9), (11), (14), (26).
- (4) Public utility rights of way and pertinent structures subject to Section 1153.04(a)(1), (10), (11).
- (5) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
- (6) Drive-in banking facilities subject to Section 1153.04(a)(7), (17).
- (7) Mortuary and crematorium subject to Section 1153.04(a)(17).
- (8) Institutions for higher education subject to Section 1153.04(a)(1), (2), (3), (4), (5), (7), (11).
- (9) Institutions for human medical care: hospitals, clinics, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
- (10) Bed & Breakfast Inn subject to section 1153.04(a)(11), (14).
- (11) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11), (14).
- (12) Cemetery subject to Section 1153.04(a)(3), (7), (21).
- (13) Public or quasi-publicly owned and/or operated park, playground, swimming facilities and other similar recreational facilities and/or uses similar to Section 1153.04(a)(1), (2), (3), (4), (5), (9), (11), (14), (23), (24), (25), (26).

#### 1131.03 LOT REQUIREMENTS.

- (a) Minimum lot area: none.
- (b) Minimum lot width at building line: One hundred (100) feet.
- (c) Minimum lot frontage: One hundred (100) feet.

#### 1131.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: fifty (50) feet.
- (b) Minimum side yard width: fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only; otherwise, the minimum side yard width shall be twenty-five (25) feet.
- (c) Minimum rear yard depth: fifty (50) feet.
- (d) Side and rear yards when adjacent to a residential district: a strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

**1131.05 BUILDING HEIGHT.**

Maximum building height: forty (40) feet.

**1131.06 SITE PLAN REVIEW.**

All uses permitted under Section 1131.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

**1131.07 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1133  
C-1 Local Commercial District

1133.01	Purpose.	1133.05	Building height.
1133.02	Uses.	1133.06	Site plan review.
1133.03	Lot requirements.	1133.07	Parking and loading.
1133.04	Yard requirements.		

CROSS REFERENCES

Board of Zoning Appeals - see CHTR., Art. V §7  
 Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces  
 required - see P. & Z. 1145.02, 1145.04  
 Permitted signs - see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1133.01 PURPOSE.

The C-1 Local Commercial District is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this District will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

1133.02 USES.

Within a C-1 Local Commercial District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Barber and beauty shops.
  - (2) Drug store
  - (3) Dry cleaning and laundry agency.
  - (4) Florist and gift shop.
  - (5) Dairy or limited grocery store, but not exceeding 3,200 square feet of total floor area.
  - (6) Retail bakery, delicatessen, meat market, confectionery, ice cream parlor, soda fountain.
  - (7) Shoe repair store.
  - (8) Tailor and dressmaker.
  - (9) Accessory uses clearly incidental to the uses permitted on the same premises.

- (10) Administrative, business, finance, investment and credit offices.
  - (11) Banks not having drive-in banking facilities.
  - (12) Accounting, architecture, engineering, legal, advertising, news, employment, art, correspondence, design, editing, real estate, insurance and photograph offices and studios.
  - (13) Medical and dental offices and clinics.
  - (14) Radio and television broadcasting stations, but not transmission towers.
  - (15) Nonprofit, cultural, educational or religious facilities.
  - (16) Accessory uses clearly incidental to the uses permitted on the same premises.
  - (17) Other uses similar in character to those listed in this section.
- (b) Conditionally Permitted Uses. Conditional zoning permits may be issued for uses listed herein subject to the general and the specific requirements of Chapter 1153 referred to below:
- (1) Churches and other buildings for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
  - (2) Public utility rights of way and pertinent structures subject to Section 1153.04(a)(1), (10), (11).
  - (3) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7).
  - (4) Gasoline filling stations subject to Section 1153.04(a)(5), (7), (17), (31), (33).
  - (5) Drive-in banking facilities subject to Section 1153.04(a)(7), (17).
  - (6) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA - YWCA, Boy Scouts or various fraternal or community service groups, subject to Section 1153.04(a)(9), (11), (14), (26).
  - (7) Institutions for human medical care: hospitals, clinics, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
  - (8) Temporary buildings for uses incidental to construction work subject to Section 1153.04(a)(14), (18).
  - (9) Mortuary and crematoriums subject to Section 1153.04(a)(17).
  - (10) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11) and (14).
  - (11) Sexually oriented businesses subject to Chapter 711 of the Business Regulation Code and Section 1153.04(a)(37).
  - (12) Bed & Breakfast Inn subject to section 1153.04(a)(11), (14).

#### 1133.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area: none.
- (b) Minimum Lot Width at Building Line: none.
- (c) Minimum Lot Frontage: forty (40) feet.

**1133.04 YARD REQUIREMENTS.**

- (a) Minimum front yard depth: fifty (50) feet.
- (b) Minimum side yard depth: fifty (50) feet when adjacent to a residential district, and on the side adjacent to the residential district only.
- (c) Minimum rear yard depth: twenty-five (25) feet.
- (d) Side and rear yards when adjacent to a residential district: a strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

**1133.05 BUILDING HEIGHT.**

Maximum building height: thirty-five (35) feet.

**1133.06 SITE PLAN REVIEW.**

All business uses permitted under Section 1133.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

**1133.07 PARKING AND LOADING.**

Parking and loading are regulated by Chapter 1145.

CHAPTER 1135  
C-2 Retail Office District

1135.01	Purpose.	1135.06	Site plan review.
1135.02	Uses.	1135.07	Off-street parking and loading.
1135.03	Lot requirements.	1135.08	Dwelling unit regulations.
1135.04	Yard requirements.		
1135.05	Building height.		

CROSS REFERENCES

Board of Zoning Appeals - see CHTR. Art. V §7  
 Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces required - see  
 P. & Z. 1145.02, 1145.04  
 Permitted signs - see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1135.01 PURPOSE.

The purpose of the C-2 Retail Office District is to provide for a variety of retail, service and administrative establishments which are required to serve a large trading area population. This District is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a local commercial or in a commercial district development. In addition, residential uses are permitted in order to maintain a population base near the central business district, but in a manner which shall not detract from the area as a commercial center.

1135.02 USES.

Within a C-2 Retail Office District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Department store.
  - (2) Off-street parking lot, deck and garage.
  - (3) Establishments engaged in the retail trade of:
    - A. Drugs.
    - B. Book and stationery store.
    - C. Apparel store.
    - D. Florist shop.
    - E. Antique store.
    - F. Sporting goods store.
    - G. Jewelry store.
    - H. Optical goods store.

- I. Furniture, home furnishing, office equipment and office supplies store.
- J. Beverages including liquor.
- K. Restaurant.
- L. Food sales including supermarkets.
- M. Other uses similar in character to those listed in this section.
- (4) Establishments engaged primarily in the fields of finance, insurance and real estate:
  - A. Bank.
  - B. Credit agency other than a bank.
  - C. Investment firm.
  - D. Insurance carrier.
  - E. Real estate and insurance company.
  - F. Investment company.
  - G. Other uses similar in character to those listed in this subsection.
- (5) Establishments engaged in providing a variety of services to individuals and business establishments, such as:
  - A. Personal services such as barber and beauty shops, shoe repair shops, laundries and dry cleaning.
  - B. Miscellaneous business services such as advertising news syndicates and employment agencies.
  - C. Medical and other health services.
  - D. Engineering and architectural services.
  - E. Legal services.
  - F. Accounting, auditing and bookkeeping services.
  - G. Nonprofit, cultural, education or religious facility.
  - H. Dance studio and school.
  - I. Bowling alley and billiard parlor.
  - J. Other uses similar in character to those listed in this subsection.
- (6) Motion picture and theatrical playhouse.
- (7) Garden supply, hardware and automotive parts and supply stores provided all products are stored and displayed inside the main structure and all services are provided within the main structure.
- (8) Mortuary and crematorium.
- (9) Radio and television broadcasting station, not to include transmission tower.
- (10) Accessory use clearly incidental to the uses permitted on the same premises.
- (11) Automobile, truck, trailer and farm implement sales and services and storage, both new and used.
- (12) Passenger transportation agency and terminal.
- (13) Dwelling units subject to the limitations and requirements of Section 1135.09.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and the specific requirements of Chapter 1153 referred to below:
  - (1) Church and other building for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
  - (2) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).

- (3) Gasoline service stations subject to Section 1153.04(a)(5), (7), (17), (31), (33).
- (4) Public utility rights of way and pertinent structures subject to Section 1153.04(a)(1), (10), (11).
- (5) Institutions for human medical care: hospitals, clinics, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
- (6) Bed & Breakfast Inn subject to section 1153.04(a)(11), (14).
- (7) Temporary buildings for uses incidental to construction work subject to Section 1153.04(a)(14), (18).
- (8) First floor dwelling units in the C-2 Public Square area, subject to the requirements of Sections 1135.09 and 1153.04(a)(36).
- (9) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11) and (14).
- (10) Sexually oriented businesses subject to Chapter 711 of the Business Regulation Code and Section 1153.04(a)(37).

#### 1135.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area: none
- (b) Minimum Lot Width at Building Line: none.
- (c) Minimum Lot Frontage: none.
- (d) Maximum Building Size: Five thousand (5,000) sq.ft. or a Maximum Floor area ratio to lot area: 3.0, whichever is less.
- (e) Maximum Building Width: The front of the buildings shall not exceed 50 feet in horizontal length. A minimum of 60% of the building facade shall consist of windows, doorways, awning, etc. in order to break up the visual mass of the structure.

#### 1135.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: none.
- (b) Minimum Rear Yard Depth: none.
- (c) Minimum Side Yard Width on Each Side: none.
- (d) Front, Side and Rear Yards: adjacent to residential districts shall meet the front, side and rear yard requirements of the adjacent residential district, plus one foot of additional yard depth for each two feet of building height in excess of thirty-five (35) feet above grade.

#### 1135.05 BUILDING HEIGHT.

Maximum building height: forty (40) feet.

**1135.06 SITE PLAN REVIEW.**

(a) All business and multiple-family uses permitted under Section 1135.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

(b) Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Planning Director or City Engineer.

**1135.07 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading are regulated by Chapter 1145.

**1135.08 DWELLING UNIT REGULATIONS.**

All dwelling units in the C-2 Retail Office District shall be subject to the following requirements:

- (a) For this purpose, the C-2 District is divided into two subdistricts: the Public Square Area and Periphery C-2 Area. The Public Square Area is defined as the C-2 area adjacent to Public Square between Friendship Street on the north, Jefferson Street and the extension of Jefferson Street on the east, Smith Road on the south and Elmwood Avenue on the west. The Periphery C-2 Area is defined as the balance of the C-2 zones.
- (b) In the Public Square Area defined in subsection (a) hereof, dwelling units are permitted uses above the first floor or street entrance for all buildings so as not to detract from use of the building for commercial purposes. Dwellings on the first or street floor are conditionally permitted uses. There is no lot area requirement for dwelling units in buildings which were constructed prior to the effective date. For buildings constructed after this date, the R-4 lot area requirements in Section 1127.03(a)(3) shall apply. For all buildings, the C-2 District lot width, lot frontage, floor area ratios, yards and height requirements shall apply.
- (c) In the periphery C-2 Area, dwelling units shall be permitted on any floor. All dwelling units shall comply with the R-4 lot requirements, yard requirements and building height in Sections 1127.03 through 1127.05.

CHAPTER 1137  
C-3 Commercial District

1137.01	Purpose.	1137.06	Site plan review.
1137.02	Uses.	1137.07	Off-street parking and loading.
1137.03	Lot requirements.	1137.08	Outdoor display areas.
1137.04	Yard requirements.		
1137.05	Building height.		

CROSS REFERENCES

Board of Zoning Appeals - see CHTR., Art. V §7  
 Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces required - see  
 P. & Z. 1145.02, 1145.04  
 Permitted signs - see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1137.01 PURPOSE.

The C-3 Commercial District is established to provide for uses in addition to those specified for the local and commercial Retail Office District, and thereby provide service and sales in support of the primary business activities in the community. This District includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers, that create special problems, are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares at outlying locations in the community.

1137.02 USES.

Within a C-3 Commercial District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

- (a) Permitted Uses.
- (1) Art, photo, stationery, notion, toy and gift sales.
  - (2) Barber and beauty shop.
  - (3) Apparel, clothing and variety store.
  - (4) Drug store.
  - (5) Dry cleaning and laundry agency.
  - (6) Florist shop and garden supply sales.
  - (7) Food sales including supermarket.
  - (8) Hardware and paint sales.

- (9) Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain and tavern.
- (10) Shoe repair shop.
- (11) Sporting goods.
- (12) Tailor and dressmaker.
- (13) Administrative, business or finance office and organization.
- (14) Amusement and recreation including drive-in theaters.
- (15) Professional office and clinic.
- (16) Cultural, educational or religious facility.
- (17) Cultural, educational, recreational or religious facility, maintained by government, religious institution or nonprofit organization.
- (18) Display or showroom where merchandise sold is stored elsewhere.
- (19) Hotel, motel or Bed & Breakfast Inn
- (20) Mortuary and crematorium.
- (21) Office or organization primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, realty, research and other similar uses.
- (22) Off-street parking lot, deck and garage.
- (23) Passenger transportation agency and terminal.
- (24) Personal services including dry cleaning and laundry agency, barber and beauty shop, shoe repair shop and tailor and dressmaker.
- (25) Printing, blueprinting, newspaper printing, telegraphic service.
- (26) Club, lodge and fraternal organizations.
- (27) Radio and television broadcasting station.
- (28) Repair of household appliances and bicycles.
- (29) Automobile, truck, trailer and farm implement sales and services, and storage of both new and used.
- (30) Drive-in establishments including restaurants and theaters.
- (31) Fuel, food and goods distribution station but excluding coal bulk storage.
- (32) Monument sale and display.
- (33) Plant greenhouse.
- (34) Wholesale establishments.
- (35) Other uses similar in character to those listed in this subsection.
- (36) The following uses when conducted not closer than within fifty (50) feet of any R District. Where the C-3 District abuts upon but is separated from the R District by a street, the width of the street may be considered as part of the required setback.
  - A. Contractor's office, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
  - B. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune up, muffler shops, tire repairing sales and service including vulcanizing.
  - C. Truck or transfer terminal.
- (37) Retailing of other similar goods and articles than those listed and which are customarily consumed, used, stored within a dwelling.
- (38) Accessory uses clearly incidental to the uses permitted on the same premises.
- (39) Veterinary office or veterinary hospital in a totally enclosed air-conditioned building.

- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and the specific requirements of Chapter 1153 referred to below:
- (1) Church and other building for the purpose of religious worship subject to Section 1153.04(a)(1), (3), (7), (11), (12), (14).
  - (2) Public utility rights of way and pertinent structures subject to Section 1153.04(a)(1), (10), (11).
  - (3) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
  - (4) Institutions for human medical care: hospitals, clinics, nursing homes and assisted-living facility subject to Section 1153.04(a)(1), (2), (3), (5), (7), (9), (11), (14).
  - (5) Temporary buildings for uses incidental to construction work subject to Section 1153.04(a)(14), (18).
  - (6) Gasoline filling stations subject to Section 1153.04(a)(5), (7), (17), (31), (33).
  - (7) Sidewalk sales and service uses such as sidewalk cafes, galleries, sales and garden shops subject to Section 1153.04(a)(14), (18).
  - (9) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11) and (14).
  - (10) Sexually oriented businesses subject to Chapter 711 of the Business Regulation Code and Section 1153.04(a)(37).
  - (11) Wireless telecommunication facilities subject to Chapter 1146.

#### 1137.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area: none.
- (b) Minimum Lot Width at Building Line: none.
- (c) Minimum Lot Frontage: forty (40) feet.

#### 1137.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: fifty (50) feet.
- (b) Minimum Rear Yard Depth: thirty (30) feet.
- (c) Minimum Side Yard Width: seventy-five (75) feet when adjacent to a residential district and on the side adjacent to the residential district only.
- (d) Side and Rear Yards When Adjacent to a Residential District: a strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

#### 1137.05 BUILDING HEIGHT.

Maximum building height: forty (40) feet.

**1137.06 SITE PLAN REVIEW.**

All business uses permitted under Section 1137.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

**1137.07 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading are regulated by Chapter 1145.

**1137.08 OUTDOOR DISPLAY AREAS.**

Merchandise to be sold at retail on the premises may be displayed out-of-doors, except that no such display area shall be within fifty feet of any R district and no merchandise shall occupy pedestrian walkways.

CHAPTER 1138  
C-4 Planned Commercial District

1138.01	Purpose.	1138.08	Multiple-family use requirements.
1138.02	Uses.	1138.09	Buffer and landscaping requirements.
1138.03	District size.	1138.10	Off-street parking and loading.
1138.04	Lot requirements.	1138.11	Signs.
1138.05	Yard requirements.	1138.12	Outdoor display areas.
1138.06	Building height.		
1138.07	Site plan review.		

CROSS REFERENCES

Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces required - see  
 P. & Z. 1145.02, 1145.04  
 Permitted signs- see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1138.01 PURPOSE.

The C-4 Planned Commercial District is established to allow relatively intense commercial uses in suitable areas adjacent to major thoroughfares. These commercial areas should be designed to be compatible and harmonious with adjacent uses and to minimize disruptions to flow of traffic on adjacent major thoroughfares. The C-4 District allows commercial areas to be comprehensively planned and provides that multiple-family uses may be utilized to buffer intense commercial areas from nearby single-family residential areas.

1138.02 USES.

Within a C-4 Planned Commercial District, all buildings, structures or premises shall be used only for one or more of the following uses:

(a) Permitted Uses.

- (1) Food and food services, including supermarkets, delicatessens, bakeries, restaurants, sandwich shops, specialty foods.
- (2) General merchandise and apparel, including department stores, variety stores, clothing stores, shoe stores, yard goods, furs and leather goods.
- (3) Furniture and home furnishings, including furniture, lamps, appliances, carpeting, upholstery.
- (4) Other retail, including hardware, automotive supply (retail parts and accessories), paint and wallpaper, music and records, hobbies, toys, tobacco stores, books, drugstores, sporting goods.
- (5) Service facilities, including banks, savings and loans, beauty and barber shops, watch repair, cleaning and laundry (retail outlet only), photography studio, travel agent.

- (6) Off-street parking lot, deck and garage.
  - (7) Business and professional offices.
  - (8) Motion picture and theatrical playhouse.
  - (9) Hotel, motel.
  - (10) Indoor amusement and recreation.
  - (11) Accessory uses clearly incidental to the uses permitted on the same premises.
  - (12) Veterinary office or veterinary hospital in a totally enclosed air-conditioned building.
  - (13) Other uses similar in character to those listed in this section, as determined by the Planning Commission.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and specific requirements of Chapter 1153 referred to below and in Section 1138.08:
- (1) All such uses listed in Section 1137.02(b)(1-7), subject to all sections listed therein.
  - (2) Multiple-family subject to Section 1153.04(a)(5), (11), (16), (27), (28), (29), (30) and Section 1138.08.
  - (4) Child day care centers and nurseries subject to Section 1153.04(a)(2), (5), (9), (11) and (14).
  - (5) Sexually oriented businesses subject to Chapter 711 of the Business Regulation Code and Section 1153.04(a)(37).
  - (6) Wireless telecommunication facilities subject to Chapter 1146.

#### 1138.03 DISTRICT SIZE.

- (a) Minimum Size: The minimum size of a C-4 Planned Commercial District shall be ten (10) acres.
- (b) Definition. A C-4 District shall be defined as that area which is within a single parcel of land or within several contiguous parcels which are not crossed by an arterial thoroughfare or freeway, as designated on the most recent comprehensive plan or thoroughfare plan, and has been zoned for the C-4 District according to the required procedures in Section 1107.06.

#### 1138.04 LOT REQUIREMENTS.

- (a) Between the time when the C-4 designation is applied to the land and the time when a site plan is approved as provided in Chapter 1109 and in this chapter, lot requirements are as follows:
- (1) Minimum lot area: Ten acres (435,600 square feet).
  - (2) Minimum lot width at the building line: Five hundred (500) feet.
  - (3) Minimum lot frontage: Five hundred (500) feet.
- (b) After a site plan is approved according to the procedures and requirements of Chapter 1109 and this chapter and during the period when such site plan is in effect, lot requirements are as follows:
- (1) Minimum lot area: None.

(2) Minimum lot width at the building line and minimum frontage:

Exclusive (*) curb cuts from		<u>Lot Width (feet)</u>	<u>Lot Frontage (feet)</u>
<u>Arterial</u>	<u>Other Street</u>		
0	0	100	100
0	1	150	125
1	2	225	200
2	3	300	250
Each additional exclusive curb cut		additional 100	additional 100
(*) An exclusive curb cut provides direct access from a public right-of-way to only one parcel.			

(c) Multi-family: Same as R-4, Section 1127.03(a)(3).(d) Lot coverage: Twenty-five (25) percent.

## 1138.05 YARD REQUIREMENTS.

(a) Minimum front yard depth: Seventy-five (75) feet.

(b) Minimum rear yard and side yard: Seventy-five (75) feet when adjacent to a residential district; otherwise the minimum rear yard width shall be fifty (50) feet and the minimum side yard width shall be twenty-five (25) feet. When multiple-family dwellings are permitted as provided in Section 1138.02(b)(2) the yard requirements in Section 1127.04(c) shall apply as to the respective yards between a commercial use and a multiple-family dwelling use within a C-4 District. When multiple-family dwellings within a C-4 District are adjacent to a residential district the yard requirements in Section 1127.04(c) shall apply.

## 1138.06 BUILDING HEIGHT.

Maximum building height shall be forty (40) feet, except that maximum building height for multiple-family buildings shall be thirty-five (35) feet.

## 1138.07 SITE PLAN REVIEW.

(a) Site Plan Review Required. All uses permitted or conditionally permitted under Section 1138.02 shall be permitted only after review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109 and of this chapter.

Such site plans shall be prepared and reviewed simultaneously for the entire C-4 Planned Commercial District as defined in Section 1138.03. Site plans shall be prepared and reviewed for the entire C-4 District, including those C-4 Districts which are divided between two or more separate property owners.

(b) Discussion Meeting. In addition to the procedures for site plan review in Chapter 1109, owners of property in the C-4 District or their agents should meet with the City Planning Director prior to submission of a site plan to the Planning Commission. For the purpose of the discussion meeting, a discussion plan shall be prepared showing the relationship of the development to adjacent areas, locations of buildings and parking areas, internal circulation and relation to the adjacent thoroughfare system. At the discussion meeting, the Planning Director shall inform the applicant of the recommendations of applicable land use or thoroughfare plans for the area, the intent of the C-4 District and other information necessary for the preparation of an acceptable site plan.

(c) Additional Standards. In addition to the site plan review standards in Section 1109.02(c), the Planning Commission's review and action on site plans in the C-4 District shall also be based on the following standards:

- (1) Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
- (2) The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterials.
- (3) The overall development concept shall reflect the intent and recommendations of applicable comprehensive plans and thoroughfare plans adopted by the City.
- (4) Service areas, refuse storage areas and other such areas shall be fully screened from view within the commercial development and from adjacent development. The site plan shall indicate a separation of service traffic from customer traffic.
- (5) The overall signs of the commercial development shall be designed to have a pleasing visual effect both from adjacent areas and from within the commercial development. Signs shall be restrained and shall be an integral part of the architectural design of the commercial development.
- (6) Parking lots for shopping centers and other large commercial uses shall include trees or other planting's (in wells located not to interfere with vehicle movement and snow removal) to provide visual relief and an attractive parking area.

#### 1138.08 MULTIPLE-FAMILY USE REQUIREMENTS.

When multiple-family uses are permitted within a C-4 Planned Commercial District, such uses should be located to provide transition areas between intensely developed commercial areas and single-family use areas. Multiple-family uses within the C-4 District shall conform to all applicable requirements of the R-4 District, including the density limitation in Section 1127.03(a)(3), the height limitation in Section 1127.05 and the conditional use requirements listed in Section 1127.02(b)(18).

#### 1138.09 BUFFER AND LANDSCAPING REQUIREMENTS.

(a) Front Yard. Notwithstanding the requirements of Section 1145.03(e), a strip at least twenty (20) feet wide adjacent to all street right-of-way lines shall be landscaped.

(b) Other Yards. When the rear or side yard of a building within the C-4 District is adjacent to a residential district or a residential use, such yard shall include landscaping and other screening or walls to provide a visual and acoustic barrier between the two areas. Such required yards shall not be used for parking, material storage or any other purpose.

#### 1138.10 OFF-STREET PARKING AND LOADING.

Off-street parking and loading are regulated by Chapter 1145.

**1138.11 SIGNS.**

All signs shall comply with Chapter 1147, Signs, and with the additional standards in Section 1138.07(c)(5).  
(Ord. 195-07. Passed 12-10-07.)

**1138.12 OUTDOOR DISPLAY AREAS.**

Merchandise to be sold at retail on the premises may be displayed out-of-doors, except that no such display area shall be within fifty feet of any R district and no merchandise shall occupy pedestrian walkways.

CHAPTER 1141  
I-1 Industrial District

1141.01	Purpose.	1141.05	Building height.
1141.02	Uses.	1141.06	Site plan review.
1141.03	Lot requirements.	1141.07	Off-street parking and loading.
1141.04	Yard requirements.		

CROSS REFERENCES

Board of Zoning Appeals - see CHTR., Art. V §7  
 Zoning districts; general regulations - see P. & Z. Ch. 1113  
 Minimum number of parking and loading spaces required -  
 see P. & Z. 1145.02, 1145.04  
 Permitted signs - see BLDG. Ch. 1147  
 Permitted fencing; height limits - see BLDG. 1371.02

1141.01 PURPOSE.

The I-1 Industrial District is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential, retail and institutional uses. The uses allowed are those which because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.

1141.02 USES.

Within an I-1 Industrial District, all buildings, structures or premises shall be used, arranged to be used or designed to be used only for one or more of the following uses:

(a) Permitted Uses.

- (1) Off-street parking lot, deck and garage.
- (2) Plant greenhouse.
- (3) Warehousing and self-storage buildings.
- (4) Wholesale establishments.
- (5) The following types of manufacturing, processing, cleaning, servicing, testing or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:
  - A. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products.

- B. Products from the following previously prepared materials: canvas, cellophane, cloth, cork, feather, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, metal (except where presses over twenty tons rated capacity are employed), shell, textiles, tobacco, wax, wood (where saw and planing mills are employed within a completely enclosed building), yarns.
  - C. Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
  - D. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
  - E. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, household appliances.
  - F. Electric and neon signs and other commercial advertising structures.
  - G. Laboratories and processing - experimental, film, or testing, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
  - H. Other uses similar in character to those listed in this subsection.
- (6) The following uses, provided the portions of the lot facing and/or adjacent to a zoning district other than the I-1 District shall be enclosed on all sides by a solid masonry wall or a minimum six-foot solid painted fence with openings no greater than fifteen percent.
- A. Building materials, sales yard and lumber yard including mill work when within a completely enclosed building.
  - B. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - C. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located less than 300 feet from any R District.
  - D. Motor, freight garage, truck or transfer terminal, office warehousing and storage.
  - E. Public storage garage and yards.
- (7) The following uses when conducted no closer than within 100 feet of any R District. Where the I District abuts upon but is separated from any R District by a street, the width of the street may be considered as part of the required setback.
- A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
  - B. Blacksmith, welding or other metal working shops, including machine shop operations of the tool, die and gauge types.
  - C. Carpenter, cabinet, upholstering, sheet-metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
  - D. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
  - E. Ice manufacturing and cold storage plant, creamery and bottling plant.

- F. Laundry, cleaning and dyeing plant.
- G. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing, sales and service, including vulcanizing.
- H. Stone or monument works not employing power tools, or if employing such tools, then within a completely enclosed building.
- (8) Public utility rights of way and pertinent structures.
- (9) Accessory uses clearly incidental to the uses permitted on the same premises.
- (10) Veterinary office or veterinary hospital in a totally enclosed air-conditioned building.
- (11) Gas and oil wells subject to Chapter 1377 of the Building Code.
- (b) Conditionally Permitted Uses. Conditional zoning certificates may be issued for uses listed herein subject to the general and the specific requirements of Chapter 1153 referred to below:
  - (1) Governmentally owned and/or operated building or facility subject to Section 1153.04(a)(3), (7), (8), (11).
  - (2) Any other office, research or similar use which the Planning Commission finds to be: Consistent with the purpose of this chapter; and of a character which will not impair the present or potential use of the adjacent properties, subject to Section 1153.04(a)(38), (39).
  - (3) Wireless telecommunication facilities subject to Chapter 1146.

#### 1141.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area: one-half acre.
- (b) Minimum Lot Width at Building Line: One hundred (100) feet.
- (c) Minimum Lot Frontage: One hundred (100) feet.

#### 1141.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth: fifty (50) feet, except as otherwise required in subsection (d) hereof.
- (b) Minimum rear yard depth: twenty-five (25) feet, except as otherwise required in Section 1141.02 and in subsection (d) hereof.
- (c) Minimum side yard width: twenty-five (25) feet, except as otherwise required in Section 1141.02 and in subsection (d) hereof.
- (d) Yards adjoining any residential district: where the boundary of an I District adjoins the boundary line of any R District, the minimum front, rear or side yard, as the case may be, shall be 100 feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

#### 1141.05 BUILDING HEIGHT.

Maximum building height: fifty (50) feet

**1141.06 SITE PLAN REVIEW.**

All uses permitted under Section 1141.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

**1141.07 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading are regulated by Chapter 1145.

CHAPTER 1145  
Off-Street Parking and Circulation

1145.01	Purpose.	1145.07	Parking area dimensions.
1145.02	Establishment of regulations.	1145.08	Parking area design.
1145.03	Definitions.	1145.09	Driveways to parking areas.
1145.04	Schedule of parking requirements.	1145.10	Loading facilities.
1145.05	Location and continuation of facilities.	1145.11	Approval of facilities.
1145.06	Land banking for parking.		

CROSS REFERENCES

Principal building defined - see P. & Z. 1105.14  
Garage definitions - see P. & Z. 1105.37 et seq.  
Loading space defined - see P. & Z. 1105.48  
Parking space defined - see P. & Z. 1105.68  
District regulations - see P. & Z. Ch. 1113 et seq.

1145.01 PURPOSE.

Off-street parking and circulation requirements are established in order to achieve, among other, the following purposes:

- (a) To relieve congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movement in the vicinity of pedestrian traffic;
- (c) To protect adjoining residential neighborhoods from on-street parking;
- (d) To provide efficient access between parcels within commercial areas; and
- (e) To provide regulations and standards for accessory off-street parking and loading facilities.

1145.02 ESTABLISHMENT OF REGULATIONS.

Accessory off-street parking and loading facilities shall be provided for all residential, institutional, office, business, service and industrial uses in conformance with the provisions of this chapter.

## 1145.03 DEFINITIONS.

Definitions and standards are hereby established for determining required parking and loading facilities, as follows:

- (a) "Gross Floor Area" (GFA), for determining parking requirements, means the total area of the floors of the building.
- (b) "Customer service area" means the area used for service to the public and excludes areas used principally for nonpublic purposes, such as storage, incidental repair, processing, show windows, rest rooms and dressing rooms.
- (c) "Seating capacity" for places for assembly, means the number of seating units indicated on plans or based on six square feet of floor area per seat.
- (d) "Off-street loading space" means an open or enclosed part of a building, directly accessible to a public street, used for the loading of goods and products accessory to the main use.

## 1145.04 SCHEDULE OF PARKING REQUIREMENTS.

Accessory off-street parking spaces shall be provided not less than as set forth in the following schedule:

<u>Building, Use or Activity</u>	<u>Minimum Spaces Required</u>
(a) <u>Residential.</u>	
One-family dwelling	2 per dwelling
Two-Family dwelling	2½ per dwelling
Multiple family dwelling	2½ per dwelling
Rented rooms	1 per rented rooms, plus (2) per resident family
Hotel, motel & bed and breakfast inn	1 per rental unit, plus 1 for each employee.
Senior Citizen Housing (well elderly type or congregate type)	1.5 per dwelling
(b) <u>Community Facilities and Institutions.</u>	1 per 250 square feet of GFA
Art galleries, libraries, museums and community centers	
Auditoriums, gymnasiums, places of worship (excluding schools)	1 per 4 seats
Elementary, Middle and High School	The parking needs for these uses shall be developed so as to be sufficient to meet all the parking needs of the proposed use. No parking, loading or servicing shall be done on the street right-of-way or landscaped areas.

<u>Building, Use or Activity (Cont.)</u>	<u>Minimum Spaces Required (Cont.)</u>
(b) <u>Community Facilities and Institutions (Cont.)</u>	
Colleges, trade or business schools	1 per each 3 students
Child care, nursery schools	1.5 per employee
Health facilities; general and special hospitals	2 per bed
Nursing home, sanitarium, assisted living, etc.	1 per 2 beds
(c) <u>Recreation: Community and Commercial.</u>	
Dance halls, skating rink, swimming pools, lodge halls, assembly rooms	5 per 1000 square feet GFA
Tennis courts	2 per court
Bowling alleys	5 per lane
Indoor theater	1 for each 4 seats
(d) <u>Business and Offices.</u>	
Shopping centers:	
(1) 0-50,000 square feet (GFA)	5.0 per 1000 square feet (GFA)
(2) 50,001 or greater (GFA)	4.5 per 1000 square feet (GFA)
Retail stores and services:	
(1) 0-10,000 square feet (GFA)	(6) per thousand square feet (GFA)
(2) 10,000 square feet or greater per unit (GFA)	(5) per 1000 square feet (GFA)
Places serving food and drinks	1 per (60) square feet (GFA)
Offices	
(1) Medical and dental offices	5 per 1,000 square feet (GFA)
(2) Offices of other types	4 per 1, 000 square feet (GFA)
(e) <u>Manufacturing, Warehousing, Distribution.</u>	The parking needs for these uses shall be developed as to be sufficient to meet all the parking needs of the proposed use. No parking, loading or servicing shall be done on the street right-of-way or landscaped area.

- (f) Requirements for Additional Buildings or Uses.  
For buildings or uses not scheduled above, the Planning Commission shall apply the unit of measurement set forth in the above schedule which is deemed to be most similar to the proposed building or use.
- (g) Parking for Single and Mixed Uses. A building or group of buildings occupied by two to four different uses or activities operating normally during the same hours, shall provide spaces for not less than the sum of the spaces required for each use. A unit development of five or more retail stores and services, such as shopping centers, shall provide spaces for the total area of the building or buildings, as set forth in the schedule instead of the total requirements based on separate uses. Whenever a group of adjoining commercial sites have been developed and are owned separately, the Commission may find it to be in the public interest to encourage the coordination of the circulation system by agreements covering shared parking facilities, including coordination and unifying of ingress and egress driveways.
- (h) Joint Use. Institutions and places of amusement or assembly may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than fifty percent (50%) of their requirements. The Commission shall require evidence of an agreement covering shared facilities. Should a change in conditions cause a shortage in parking spaces, the required spaces shall be provided elsewhere as a condition precedent to the continued use of the building or use.
- (i) Parking District. Commercial uses which shall be subject to a parking assessment or fee levied within Parking District Number 1, as established in Ordinance 26-78 or such other subsequent legislation, shall be exempt from the requirements of this section.

#### 1145.05 LOCATION AND CONTINUATION OF FACILITIES.

Accessory parking facilities shall be provided on the same lot as the use served, except as may be permitted by conditions and agreements of this section and Section 1145.04(g) or (h).

- (a) Continuation. Off-street parking and loading facilities accessory to an existing use on the effective date of this section and those required by future developments or amendments, shall be continued and maintained in operation, and shall not be reduced below the requirements or detached from the use to which it is accessory unless an equivalent number of spaces shall be provided for such use in another location approved by the Planning Commission.
- (b) Distance. The required parking facilities shall be located within a distance of 750 feet of the permitted principal use or building to be served.  
(Ord. 78-01. Passed 5-14-01.)
- (c) Yards. No off-street parking of vehicles for residential uses shall be permitted in a residential, commercial, industrial or public facilities zone between the building line and the street line except in the following:
- (1) On a driveway of a single family or two-family dwelling; or
  - (2) On a parking area designated on a site plan approved pursuant to Chapter 1109.

For purposes herein a driveway shall be limited to an area not exceeding 20 feet in width from the street right-of-way to a garage or parking enclosure, but shall include any area used for the turning of vehicles but not to exceed an area of 200 square feet. For purposes herein, vehicles shall include any single, multiple axle or any other vehicle for use on streets or roads. In all commercial, industrial and public facilities district areas, except as provided in the C-4 District, open off-street parking may be located in a required front yard provided a minimum 10 foot wide landscaped strip is located between the parking area and the street right-of-way line. In all districts, off-street parking facilities may occupy the required side and rear yard. (Ord. 204-05. Passed 9-12-05.)

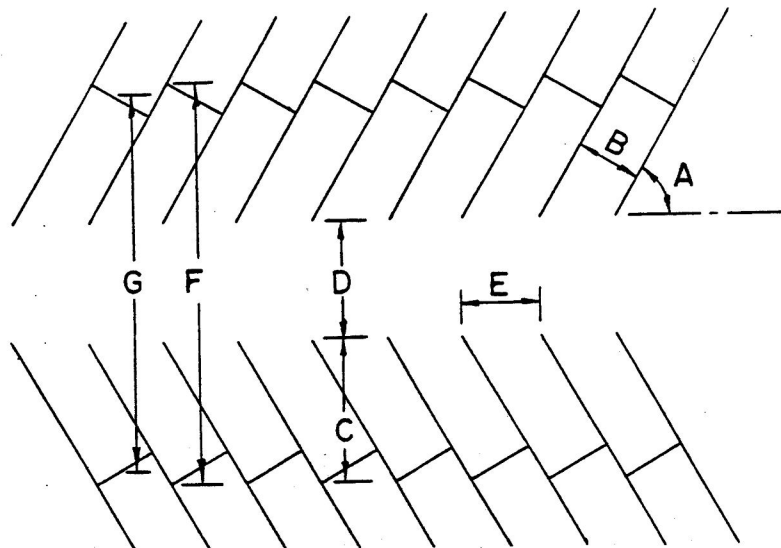
1145.06 LAND BANKING FOR PARKING:

Land banking of currently unneeded parking spaces is strongly encouraged. The applicant shall show the area to be banked on the site plan and marked as "land banked future parking". Sufficient parking shall be required to meet the current needs of the use.

1145.07 PARKING AREA DIMENSIONS:

A.	Parking Angle	0°	30°	45°	60°	90°
B.	Stall Width		10'	10'	10'	10'
C.	19' Stall to Curb		10'	18.2'	20.5'	21.5'
D.	Aisle Width One-way		12'	11'	13'	18'
	Two-way	24'	-	-	-	24'
E.	Curb Length Per Car		23'	20'	14.1'	11.5'
F.	Total Bay Width (Wall-to-Wall)		44'	47.4'	54'	61'
G.	Center-to-Center Width (Assuming front bumper overhangs)		-	38.7'	46.9'	56'

EXAMPLE - 60°



## 1145.08 PARKING AREA DESIGN.

(a) Grading, Marking, Pavement and Curbing.

Parking areas and driveways insofar as possible shall be graded and drained so as to dispose of all surface water, without injury or nuisance to adjacent properties or the public, and improved with concrete or asphalt, in accordance with the standards of the City. For industrial uses paved parking areas and drives shall extend from the street right-of-way to the rear of the building, and parking areas or drives beyond the rear of the building do not have to be hardsurfaced. Parking spaces shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles in accordance with section 1145.07, and shall be so improved with bumper guards or curbs to define parking spaces or limits of paved areas.

(b) Landscaping. Landscape features or other visual barriers between all parking areas and a side or rear lot line of an adjoining residential district shall be required. Such landscaping shall also be required around the perimeter of parking areas and adjacent to a public street.

Parking areas containing more than 6,000 square feet of area or 20 or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil as well as perimeter landscaping. For each 100 square feet or fraction thereof of parking area, at least five square feet of landscape area shall be provided.

Interior landscape requirements:

- (1) Minimum area. The minimum landscape area permitted shall be 64 square feet with a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang.
- (2) Surface. Any landscaped area provided under this section shall not contain bare soil. Any ground area shall be covered with mulch, vegetative ground cover, stones or other surface permeable by water.
- (3) Natural or landscaped detention basins may count toward the minimum square footage landscaping requirements when the basins are in the front or side yards.
- (4) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet. Concrete or other wheel stops shall be provided to ensue no greater overhang or penetration on the landscaped area.

Joint use of parking areas is encouraged. The Planning Commission may permit parking to extend to the side or rear property line in the case of a joint parking area.

The Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions and the use and character of adjacent properties.

(c) Illumination of Parking Areas. Parking and circulation areas, pedestrian areas and related outdoor areas shall be illuminated to provide safety and security to users of these areas, to provide security for property, and to maintain privacy for adjacent properties. Exterior lighting shall be designed, installed and maintained according to the following standards:

- (1) Illumination levels. Except as provided in subsection (c)(5)B. hereof, exterior lighting shall provide minimum maintained horizontal footcandle (fc) illumination as follows:
- | <u>Activity Type</u>                       | <u>Maintained Footcandles</u> |
|--|-------------------------------|
| Parking and pedestrian area <sup>(1)</sup> | 0.6 fc minimum                |
| Property security only                     | 0.2 fc minimum                |
| Vehicle use only                           | 1.0 fc average                |
- <sup>(1)</sup>Exterior lighting in these areas may be reduced to the property security level during hours when these areas are not in use.
- (2) Residential parking. The minimum illumination levels in subsection (c)(1) hereof shall not apply to residential or multi-family parking areas with ten or fewer parking spaces. These areas shall be provided with appropriate residential-type luminaries as shown on site plans approved by the Planning Commission.
- (3) Uniformity ratio. Average illumination levels shall not exceed four times the minimum level.
- (4) Light trespass. In order to maintain privacy, exterior lighting shall be designed and maintained to provide a maximum of one horizontal footcandle illumination at side or rear property lines which are adjacent to a residential use or zoning district.
- (5) Luminaire height.
- A. The maximum luminaire height in the C-3, C-4 and I-2 Districts shall be twenty-five (25) feet.
  - B. The maximum luminaire height in all other districts shall be ten (10) feet.
  - C. The Planning Commission may approve greater heights upon a showing by the applicant that the additional height complies with both of the following standards:
    1. The additional height is necessary to efficiently illuminate outdoor areas; and
    2. The additional height will have no adverse effect on adjacent properties.
- (6) Glare. Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. Except in industrial districts, all luminaries over ten feet in height shall be cut-off types which includes shields or other devices which eliminate all light above an angle of eighty-five degrees, as measured from the vertical axis of the light source. For the purpose of this subsection, "glare" means the brightness of a light source which causes eye discomfort.
- (7) Lighting plan submission. Site plans submitted to the Planning Commission shall include data analyses, prepared by persons competent to do so, that the proposed exterior lighting system complies with the standards in this section.

#### 1145.09 DRIVEWAYS TO PARKING AREAS.

(a) General. The location, width and number of driveways serving off-street parking facilities shall be planned in such a manner as to interfere as little as possible with the use of adjacent property and the flow of traffic on the street system.

(b) Driveway Depth. Access drives to parking areas of more than 500 spaces shall extend into the parking facility a distance of not less than seventy-five feet from the street right-of-way with a solid curb or other barrier on each side of the drive.

(c) Forward Movement. Parking facilities shall be designed so that all vehicles may be driven forward into the street, except for one and two-family dwellings located on local residential streets. One and two-family dwellings located on streets designed as collector streets or arterial streets as shown on the City's Thoroughfare Plan or Comprehensive Plan shall comply with this provision. (Ord. 78-01. Passed 5-14-01.)

(d) Driveway Width. The width of driveways at the curb line and at the right-of-way line shall comply with the requirements in Table 2. The Commission may permit wider driveways for three or more entrance/exit lanes for those drives with a high volume of traffic. In the case of a four-lane drive, the lanes shall be designed as two adjacent entrance and exit lanes divided by a minimum six-foot wide barrier.

TABLE 2  
WIDTH OF DRIVEWAYS

	<u>Maximum Width at Curb</u>	<u>Width at R.O.W. Line (feet)</u>	
	<u>Line (feet)</u>	<u>Minimum</u>	<u>Maximum</u>
Residential	22	10	20
Commercial or Public Facility	38	12	24
Industrial	80	24	40

(Ord. 204-05. Passed 9-12-05.)

(e) Drive-In Storage Area. Drive-in facilities which provide services to customers waiting in their cars such as fast food pick-up windows, drive-in bank windows and car washes shall provide storage area for waiting vehicles of at least 130 feet in order to insure that waiting vehicles shall not extend into a public right-of-way. The Commission may increase the required storage area for uses which shall require additional vehicle storage space. (Ord. 78-01. Passed 5-14-01.)

#### 1145.10 LOADING FACILITIES.

(a) Allocation of Use. Space required and allocated for any off-street loading shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles, and shall be available for its designated purpose when needed.

(b) Location of Facility. A loading space shall not be permitted in any required front, side or rear yard. Loading spaces may be located within any area between a building which it serves and a required yard.

(c) Access Driveways. Each required off-street loading space shall be designated for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with the traffic movements.

(d) Improvements. All accessory off-street loading spaces shall be improved as required for parking areas as set forth in this chapter.

#### 1145.11 APPROVAL OF FACILITIES.

Drawings of accessory off-street parking and loading facilities shall be submitted in accordance with all the provisions of this chapter and Chapter 1109.

CHAPTER 1146  
Wireless Telecommunications Regulations

1146.01	Purpose.	1146.06	Fees.
1146.02	Definitions.	1146.07	Exemption of certain City property.
1146.03	Applicability.		
1146.04	Use regulations.		
1146.05	Minimum standards for construction, erection, maintenance and removal.		

CROSS REFERENCES  
Fees - see P. & Z. 1109.03

1146.01 PURPOSE.

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§151 et seq.) and the interests of the City in regulating Wireless Telecommunication Facilities for the following reasons:

- (a) To provide for orderly development within the City;
- (b) To protect property values;
- (c) To maintain the aesthetic appearance of the City, including, but not limited to, its unique residential character, historic character, unobstructed open spaces and attractive commercial/office areas;
- (d) To protect residential properties, open spaces and nonintensive commercial zoning districts which are characteristic of the City from adverse effects of Towers and related Facilities;
- (e) To promote Collocation of Wireless Telecommunications Facilities in order to decrease the total number of Towers in the City;
- (f) To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and,
- (g) To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Ordinance.

The regulations establish a hierarchy of acceptable land areas for the location of Wireless Telecommunication Facilities through the establishment of such as a conditional use in certain zoning districts which determination is dependent upon the location and characteristics of such land areas.

**1146.02 DEFINITIONS.**

As used in this section:

- (a) "Collocation" means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.
- (b) "Lattice Tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
- (c) "Monopole" means a support structure constructed of a single, self-supporting, hollow metal tube securely anchored to a foundation.
- (d) "Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).
- (e) "Technically Suitable" means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purposes for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capabilities within developed areas of the City.
- (f) "Telecommunication(s)" means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."
- (g) "Wireless Telecommunication Antenna" or "Antenna" or "Antenna Array" means the physical device or array of physical devices through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (h) "Wireless Telecommunication Equipment Shelter" or "Equipment Shelter" means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.
- (i) "Wireless Telecommunication Facility" or "Facility" means a facility consisting of the equipment and structure involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services. For the purpose of this chapter, a Wireless Telecommunication Facility is not considered a public utility as defined by the Ohio Revised Code.
- (j) "Wireless Telecommunication Tower" or "Tower" means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

**1146.03 APPLICABILITY.**

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City without compliance with the provisions of this chapter.

## 1146.04 USE REGULATIONS.

(a) Conditionally Permitted Use. A Wireless Telecommunication Tower may be permitted as a conditional use upon approval by the Planning Commission through submission of an application to the Planning Director, provided the applicant demonstrates compliance with each of the Collocation requirements in subsection (b) below, the applicable conditionally permitted use regulations of the zoning district in which the Wireless Telecommunication Tower is proposed to be located, as well as the standards set forth in Section 1146.05 of this chapter.

(b) Collocation.

- (1) The applicant must demonstrate that there is no Technically Suitable space for the applicant's Antenna(s) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure that could support the proposed Antenna(s) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Collocate on the existing Tower, building or structure and the Collocation request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for Collocation. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Collocate an Antenna(s) on another Tower, building or structure within the City which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.
- (2) All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure foundation that is designed to be buildable up to, but not including, two hundred (200) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate three (3) Antenna platforms or Antenna arrays of equal loading capacity for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least three (3) separate users of the Facility.

If an Equipment Shelter is initially constructed to accommodate one (1) user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least three (3) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be presented to the Planning Director evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Collocation of another user of the Facility within thirty (30) days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the Planning Director and the Planning Commission.

(c) Accessory Use. The installation of a Wireless Telecommunication Antenna(s) where the construction or erection of a Tower is not proposed by the applicant, shall be a conditionally permitted accessory use on existing structures, other than buildings, (such as steeples, smokestacks, towers, etc.) provided that the Antenna shall be obscure from views from neighboring properties, public rights-of-way, and other public areas and all electronic and relay equipment for the Antenna shall be housed within the existing structure or an existing building on the same lot.

#### 1146.05 MINIMUM STANDARDS FOR CONSTRUCTION, ERECTION, MAINTENANCE AND REMOVAL.

Except as otherwise provided in this chapter, all Wireless Telecommunication Facilities shall comply with the following standards:

- (a) Spacing. There shall be a separation of a minimum of one-half (1/2) mile between Wireless Telecommunication Towers, including a separation of at least one (1) mile from any such Tower located outside the City's corporate limits.
- (b) Height.
  - (1) The maximum height of a free-standing Wireless Telecommunication Tower, including its Antenna and all appurtenances, shall be less than two hundred (200) feet above grade.
  - (2) The maximum height of any Wireless Telecommunication Antenna or Equipment Shelter, installed on an existing building or structure pursuant to Section 1146.04(c) hereof, shall be no greater in height than fifteen (15) feet above the roof line of the existing building or structure to which it is attached.
  - (3) The height of any Equipment Shelter shall not exceed fifteen (15) feet from the approved grade.
- (c) Setbacks. All Wireless Telecommunication Towers shall be set back from property lines a distance of two and a half times the height of the Tower when located adjacent to a residential district. Otherwise the Tower, and related Facilities shall comply with the required setbacks for the zoning district in which they are located. In no event shall a Wireless Telecommunication Tower be located in front of the principal building on the lot, if any, or in front of the front yard setback when no principal building is present on the lot.

- (d) Design.
- (1) All Wireless Telecommunication Towers shall be of a Monopole design, as opposed to a Lattice design. No guy wired Towers shall be permitted. All wires and conduit serving Antennas shall be located inside the Tower.
  - (2) All Wireless Telecommunication Facilities shall be subject to review by the Planning Commission for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and Antennas shall be as determined by the Planning Commission for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).
  - (3) The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.
- (e) Landscaping. A landscape buffer area of not less than twelve (12) feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which there is a direct view of the Facilities, other than the Tower itself. The landscape buffer area shall have a tight screen fence of hardy evergreen shrubbery not less than eight (8) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Landscape plans are subject to review and approval by the City Forester.
- (f) Engineering.
- (1) A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and City regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna(s), Equipment Shelter, and appurtenances. The report shall certify that:
    - A. Radio frequency emissions are in compliance with the regulations of the FCC, and
    - B. The use of the Facilities will not adversely affect or interfere with radio transmissions for public safety purposes.
  - (2) The applicant shall submit required engineering reports to the City Engineer for review and approval. The applicant shall provide sufficient information to the City Engineer that the proposed tower will be adequately anchored. The City Engineer may employ the services of outside engineers or technical assistance, which he deems necessary to review the proposal.
- (g) Maintenance.
- (1) The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.

- (2) On an annual calendar year basis the owner/user of the Wireless Telecommunication Facility shall submit to the Chief Building Official a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the Facility with all governmental requirements including, but not limited to, the structural integrity and stability of any Towers or Antennas, electrical safety standards, and auxiliary power source safety standards.
- (h) Lighting Prohibited. Except as required by law, a Wireless Telecommunication Antenna or Tower shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by FAA regulations, the most visually nonobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.
- (i) Security.
- (1) A security fence not less than eight (8) feet in height, but not greater than ten (10) feet in height, shall fully enclose those portions of the Wireless Telecommunication Facility which come in contact with the ground. Gates shall be locked at all times.
- (2) A permanent warning sign with a minimum size of one (1) square foot and a maximum size of three (3) square feet shall be posted on the site, as well as an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Mayor, the Chief Building Official, the Fire Department, and the City Police Department with information regarding whom to contact, an address, and a telephone number in the event of an emergency.
- (3) Other security measures for the Facility shall be determined by the Planning Commission as are appropriate under the circumstances of the particular application.
- (j) Advertising Prohibited. No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.
- (k) Outdoor Storage. There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the Facility construction period and to supply temporary emergency power to the Facility only during a power outage.
- (l) Access to Facility. The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the Facility shall be a minimum of eighteen (18) feet in width with a minimum overhead clearance of eleven (11) feet and shall be set back a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment.  
If the access road to the Facility is more than one thousand five hundred (1,500) feet from the public right-of-way, the Planning Commission may determine, in its sole discretion, whether a turnaround shall be provided for emergency vehicles at the site and whether a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional one thousand five hundred (1,500) feet of the driveway. There shall be a maximum of two (2) off-street parking spaces on the Facility site.

- (m) Accessory Equipment Shelter. One (1) Equipment Shelter(s) accessory to a Wireless Telecommunication Tower or Antenna shall be permitted on a lot. The maximum cumulative total size of all Equipment Shelters accessory to a Wireless Telecommunication Tower or Antenna at a Facility shall not exceed seven hundred (700) square feet. The maximum height of an Equipment Shelter shall not exceed fifteen (15) feet above the approved grade at the site for an Equipment Shelter with a pitched roof and a maximum height of ten (10) feet above the approved grade at the site for an Equipment Shelter with a flat roof. The roof and facade of the Equipment Shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility. Any Equipment Shelter located on the roof of an existing building shall comply with Section 1146.04(c) of this Chapter. The Wireless Telecommunication Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
- (n) Utilities to be Underground. All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.
- (o) Time Limit for Commencement and Completion. After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the permit shall expire.
- (p) Abandonment and Removal of Facilities.
- (1) The applicant for the Wireless Telecommunication Facility shall be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the City Law Director of not less than one hundred dollars (\$100.00) per vertical foot from grade of the Wireless Telecommunication Facility. If an access drive which is separate from the existing access drive on the property is required to be constructed for a Wireless Telecommunication Facility, the owner/operator of the Facility shall also be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the City Law Director of not less than twenty-five dollars (\$25.00) per linear foot of access drive. The bond(s) shall insure that an abandoned, obsolete or destroyed Wireless Telecommunication Facility and/or access drive shall be removed. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the Facility.
  - (2) The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Planning Commission as to the continuing operation of each of its Facilities within the City.

- (3) The owner/user of the Wireless Telecommunication Facility shall provide a thirty (30) day notice to the Chief Building Official of cessation of use or abandonment of the Facility. The Chief Building Official shall notify the owner/user in writing and advise that the Facility must be dismantled and removed from the site and the site restored to a landscaped condition within ninety (90) days of cessation of use or abandonment all at the cost of the owner/user. The owner/user shall have the right to appeal the Chief Building Official's decision to require removal of an abandoned Facility to the Board of Zoning Appeals.

#### 1146.06 FEES.

(a) In addition to any other fees required under the City's Zoning Code and Building Code, the Planning Director shall collect fees as set forth in Section 1109.03 of the Medina City Code.

(b) The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the City for any technical and/or engineering services deemed necessary by the Planning Commission or the Board of Zoning Appeals to perform any reviews required by the Codified Ordinances which are not covered by the fees set forth in Section 1109.03 of the Medina City Code.

#### 1146.07 EXEMPTION OF CERTAIN CITY PROPERTY.

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.

CHAPTER 1147  
Signs

1147.01	Purpose.	1147.11	Violation.
1147.02	Interpretation.	1147.12	Signs for residential uses in all districts and signs in Residential, Open Space-Conservation, and Public Facilities Districts.
1147.03	Application.	1147.13	Signs in the M-U district.
1147.04	Nonconforming signs.	1147.14	Signs in commercial and industrial districts.
1147.05	Administration.	1147.15	Signs in the Historic District.
1147.06	Sign computation.	1147.16	Conditional sign permit design guidelines.
1147.07	General standards.		
1147.08	Sign identification, maintenance and repair.		
1147.09	Abandoned signs.		
1147.10	Prohibited signs.		

CROSS REFERENCES  
Unlawful traffic signs - see TRAF. 313.07

1147.01 PURPOSE.

Sign regulations, including provisions controlling the type, design, size and location thereof, are established to promote the public health, safety, and general welfare through the provision of standards for existing and proposed signs of all types by:

- (a) Enhancing and protecting the physical appearance of the community;
- (b) Promoting and maintaining visually attractive residential, commercial, industrial, and other use districts;
- (c) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain safe and orderly pedestrian and vehicular environments;
- (d) Providing review procedures that enable the City to evaluate the appropriateness of a sign to the site, building and surroundings; and
- (e) Prohibiting all signs not expressly permitted by this Chapter.

(Ord. 195-07. Passed 12-10-07.)

1147.02 INTERPRETATION.

(a) In their interpretation and application, the provisions of this Chapter, as most recently amended, shall be held to be the minimum requirements.

(b) The provisions herein shall not amend or in any way interfere with other codes, rules or regulations governing signs within the City. Whenever there is a conflict between any provisions of any adopted ordinance, the more restrictive provisions shall govern.

(Ord. 195-07. Passed 12-10-07.)

1147.03 APPLICATION.

(a) The regulations contained in this Chapter shall apply to signs outside of the public right-of-way, except when specifically stated otherwise.

(b) A sign may only be erected, established, painted, created or maintained in the City in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.

- (c) Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include:
- (1) Any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
  - (2) Graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when the stripes or other painting technique does not include lettering, logos or pictures.
- (d) In addition, the following signs and displays shall be specifically exempted from and not regulated by this Chapter:
- (1) Safety and public purpose signs and flags of any nation, government or public service organization, as determined by the Safety Director or designee thereof.
  - (2) Scoreboards on athletic fields.
  - (3) Cornerstone inscriptions, commemorative plaques or other text and graphics that are part of facades and/or intended for viewing from within the property.
  - (4) Gravestones, religious symbols or monuments in cemeteries or monument sales lots.
  - (5) Signs not exceeding one square foot in sign area such as street numbers on buildings, security system signs or stickers, identification of store hours, emblems of credit cards accepted, and seals indicating membership in business or trade associations.
  - (6) Signs accessory to juvenile activities, such as a child's lemonade stand or temporary play-related sidewalk markings.
  - (7) Holiday or other temporary decorations.
  - (8) Instructional signs, as determined by the Planning Director.
  - (9) Other signs similar in nature in the judgment of the Planning Director to the above signs.  
(Ord. 195-07. Passed 12-10-07.)

#### 1147.04 NONCONFORMING SIGNS.

(a) Continuation. The purpose of this Section is to provide for the continuation of, as well as limitations on, nonconforming signs.

(b) Maintenance. A nonconforming sign shall be maintained in good condition pursuant to this Chapter, and may continue until such sign is required to be removed as set forth in this Section.

(c) Servicing. Sign panel replacement (including changeable copy), painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, subject to the following requirements:

- (1) The sign shall be restored to its original design;
- (2) There shall be no changes to location, structure or framing; and
- (3) All work is in compliance with applicable codes and regulations, as well as all other provisions of this Chapter.

(d) Alteration and Removal. A nonconforming sign shall immediately lose its legal nonconforming status, and shall be brought into compliance with this Chapter or removed, when one or both of the following occurs:

- (1) The structure or graphics portion of the sign is damaged or removed to an extent of 50 percent or more of the present replacement value of the sign; and/or
- (2) Beginning on January 1, 2013, an application is submitted for the lot on which a nonconforming sign is located that requires site plan review pursuant to this chapter.

(e) Severability. Nothing in this Chapter shall prohibit the construction of a nonconforming sign for which a Zoning Certificate has been issued prior to the effective date of this Chapter, or any amendment thereto, provided that construction is completed within 90 days after the issuance of the Zoning Certificate. (Ord. 195-07. Passed 12-10-07.)

#### 1147.05 ADMINISTRATION.

(a) Zoning Certificates Required. From and after the effective date of this Chapter, no person may erect, alter or relocate any of the signs permitted by this Chapter, except for signplates and temporary signs, without first obtaining a Zoning Certificate from the Planning Director and paying the required fee and meeting all application and issuance requirements established by the Planning Director.

(b) Maintenance. Routine maintenance of a sign shall not be considered an alteration of a sign, provided that the maintenance does not alter the type of installation, surface area, height, or otherwise make the sign nonconforming.

(c) Removal. When a sign requiring a Zoning Certificate is removed for any reason, all mast arms, guys of any nature, clips, brackets, and all other components of the removed sign shall be removed with the sign. A new Zoning Certificate shall be required for any subsequent installation of a sign, including but not limited to reinstallation of the removed sign.

(d) Registration Required. All temporary signs, except for real estate signs, located in nonresidential districts shall be registered pursuant to requirements established by the Planning Director.

(e) Fees. Each application or approval pursuant to this Chapter shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the reviewing official or board or commission, where appropriate, may refer an application to qualified consultants for a report if the reviewing official or board or commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 195-07. Passed 12-10-07.)

#### 1147.06 SIGN COMPUTATION.

The following regulations shall control the computation and measurement of sign area, sign height, and building frontage:

- (a) Determining Sign Area. Sign area shall include the sign face and frame, but shall not include the structural support unless such structural support is illuminated or determined to constitute an integral part of the sign design.
  - (1) For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of one rectangular shape that encompasses the entire background or frame.

- (2) For a ground or wall sign comprised of individual letters, figures or elements, the area of the sign shall be the area of one rectangular shape that encompasses the perimeter of all of the elements in the display, including any open space separating such elements.
  - (3) For a window sign comprised of individual letters, figures or elements, the area of the sign shall be the area of one or more rectangular shapes that encompass the perimeter of each of the elements in the display, excluding any open space separating such elements.
  - (4) One minor extension may be permitted to extend above or below the sign area when the area of the extension is less than 25 percent of the open space created by the extension. For the purposes of this Chapter, only the open space within the sign area shall be included in the calculation.
  - (5) The area of a sign with more than one face shall be computed by adding together the area of all sign faces. When two identical sign faces are joined back to back, and not more than 12 inches apart or form an angle not more than 45 degrees, the sign area shall be the area of one of the sign faces.
  - (6) Air under a ground sign between supporting posts, air between a projecting sign and the wall to which it is attached, and lighting fixtures and associated brackets shall not be included in the calculation of sign area.
  - (7) Street address numerals not exceeding seven inches in height shall not be included in the calculation of sign area. Street address numerals exceeding seven inches in height shall be included in the calculation of sign area.
- (b) Determining Sign Height. The height of a sign shall be measured from the average grade at the base of the sign or support structure to the tallest element of the sign structure. Decorative caps, finials, and similar design elements not exceeding 12 inches in height and located on top of supporting posts for a ground sign shall not be included in the calculation of sign height. A ground sign on a man-made base, including a graded earth mound, shall be measured from the lowest point of the base or mound.
- (c) Determining Building Frontage and Building Unit for Wall, Awning, and Canopy Signs. For the purposes of this Chapter, the length of the building wall that faces a street or building wall that contains a public entrance to the uses therein shall be considered building frontage.
- (1) Building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
  - (2) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
  - (3) A building shall have only one building frontage except as otherwise set forth below.
  - (4) A building shall be considered to have two frontages whenever the lot fronts on two or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any building shall be considered its primary frontage, and only one additional wall shall be considered its secondary frontage.
  - (5) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(Ord. 195-07. Passed 12-10-07.)

## 1147.07 GENERAL STANDARDS.

- (a) Setbacks. All permanent ground signs shall be located not closer than 10 feet to any side lot line and not closer than five feet to any right-of-way.
- (b) Illumination.
- (1) Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this Chapter. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses and districts.
  - (2) External illumination shall be limited to fixtures that use a maximum 150 watt metal halide, tungsten-halogen or incandescent lamp. Such fixtures shall be directed towards and concentrated on the sign face to prevent glare upon adjacent properties and rights-of-way.
  - (3) Illumination shall be provided solely by electrical means or devices.
  - (4) Internal illumination shall be prohibited for awning signs, as well as for all signs in the M-U District and Historic District.
- (c) Traffic and Pedestrian Hazards.
- (1) No sign shall obstruct traffic sight lines, traffic sign signals at railroad grade crossings or other safety signs.
  - (2) No sign shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape, window, door, entrance to or exit from any building.
- (d) Design Criteria. The following design criteria shall apply to all signs:
- (1) Signs in series. Signs to be seen in series, (such as signs on multi-tenant buildings) shall be designed with continuity and compatibility in terms of style, materials, color, size, and placement on the building facade.
  - (2) Wall sign placement. A wall sign shall be designed to fit within a frame of architectural space specifically intended for signage, and shall not project beyond the ends or top of the building wall to which it is attached.
  - (3) Ground sign compatibility and landscaping. A ground sign shall be compatible with the design and materials of the building with which the sign is associated. Approved year-round landscaping shall be provided around the base of a ground sign.
- (e) Construction. All signs and parts thereof, including cables, guys, braces, supports, etc., shall be securely constructed in conformance with applicable City Building, Fire, and Electrical Codes, and the applicable standards of this Chapter. Wood products should be treated to prevent deterioration. A lightning grounding device shall be provided where required. Letters, figures, and characters shall be securely attached to the sign structure. All signs shall have a surface or facing of materials which are durable for the intended life of the signs. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood or nails.
- (f) Rights-of-Way. No signs shall be erected, placed or overhung in a right-of-way or supported, braced or guyed from or to a public sidewalk, street, alley or public thoroughfare except those signs provided or approved by the City Engineer.
- (g) Accessory Use. A sign shall be accessory to the principal use of the lot on which the sign is located, except as otherwise permitted by this Chapter.

(h) Smooth Sign Face. No nails, tacks or wires shall be permitted to protrude from the front of any sign.

(i) Changeable Copy. Changeable copy area, permitted for ground signs only (excluding pole signs), shall not exceed 40 percent of the total sign area of a single sign.

(j) Electronic Message Center Signs. Electronic message center signs, permitted for ground signs only (excluding pole signs), shall be conditionally permitted in all districts, except the M-U, Historic, and TC-OV Districts, where such signs shall be prohibited. An electronic message center sign shall meet the following requirements:

- (1) Frequency. Copy change shall not be more frequently than once per 60 seconds.
- (2) Color. Copy shall be limited to a single color, as determined by the Planning Commission.
- (3) Illumination. An applicant shall provide a photometric plan outlining proposed illumination levels (in footcandles). Illumination levels shall not exceed one footcandle, as measured from adjacent rights-of-way and residential uses and districts.

(k) Outline Lighting of the Building or Roof Line. Outline lighting of the building or roof line shall be conditionally permitted in all districts, except the M-U and Historic Districts, where such signs shall be prohibited. Outline lighting of the building or roof line shall meet the following requirements:

- (1) Color. Copy shall be limited to a single color, as determined by the Planning Commission.
- (2) Illumination. An applicant shall provide a photometric plan outlining proposed illumination levels (in foot-candles). Illumination levels shall not exceed one foot-candle, as measured from adjacent rights-of-way and residential uses and districts.

(Ord. 195-07. Passed 12-10-07.)

#### 1147.08 SIGN IDENTIFICATION, MAINTENANCE AND REPAIR.

All signs, temporary or permanent, including supports, guys, braces and anchors for such signs, regardless of whether or not a Zoning Certificate is required, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of such sign. The Planning Director may order any sign to be painted or refurbished at least once each year, if needed, to keep the sign in a safe, presentable, and good structural condition.

(Ord. 195-07. Passed 12-10-07.)

#### 1147.09 ABANDONED SIGNS.

Abandoned signs shall be deemed to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and a blighting influence on nearby properties. Whenever a sign is abandoned, the Planning Director shall first document the date of sign abandonment. An abandoned sign shall be considered a violation of this chapter only after the Planning Director further documents that both of the following circumstances exist:

- (a) A period of not less than 180 consecutive days has elapsed since the date of sign abandonment; and
- (b) No Zoning Certificate has been issued during such period for the building, building unit and/or use associated with the abandoned sign.

(Ord. 195-07. Passed 12-10-07.)

**1147.10 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter, or exempt from regulation pursuant to this Chapter, shall be prohibited in the City. Such signs shall include but not be limited to the following:

- (a) Abandoned signs.
- (b) Billboard signs.
- (c) All other off-premises signs, except temporary signs for civic or community affairs of a public or semi-public nature, not for private gain.
- (d) Pole signs with a single pole.
- (e) Temporary changeable copy signs.
- (f) Rooftop signs except those signs that appear to be a continuation of the face of the building or a mansard roof so long as the sign does not extend above the upper edge of the mansard roof line.
- (g) Animated signs.
- (h) Signs painted on sidewalks.
- (i) Signs attached to trees, utility poles, streetlights, and public benches including benches at bus stops.
- (j) Mobile signs, except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the right-of-way than the front line of the principal building.
- (k) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- (l) Signs erected or attached to accessory structures and fences.
- (m) Internal illumination of all or part of the roof.
- (n) Any sign not specifically authorized by this Chapter.  
(Ord. 195-07. Passed 12-10-07.)

**1147.11 VIOLATION.**

Any sign erected or altered which does not conform to the provisions of this Chapter shall be considered a violation of this Zoning Ordinance and, therefore, subject to the provisions set forth in Sections 1107.04 and 1107.05 of this Zoning Ordinance. (Ord. 195-07. Passed 12-10-07.)

**1147.12 SIGNS FOR RESIDENTIAL USES IN ALL DISTRICTS AND SIGNS IN FACILITIES DISTRICTS.**

RESID

The following signs shall be permitted for residential uses in all districts, and for all uses in the R-1, R-2, R-3, R-4, O-C, and P-F Districts:

- (a) One permanent signplate for each single-family dwelling unit, one permanent signplate for each two-family dwelling unit, one permanent signplate for each public entrance to each multi-family residential building, and one permanent signplate for each public entrance to each nonresidential building.
- (b) One permanent ground sign at each residential development entrance, not exceeding 20 square feet in area and six feet in height.
- (c) One permanent ground sign, not exceeding 40 square feet in area and six feet in height, for each nonresidential building.
- (d) In the O-C and P-F Districts only, in addition to one permanent ground sign referenced in subsection (c), above, one permanent wall sign on the primary building frontage side of the building, not exceeding one square foot in area for each one linear foot of primary building frontage or 100 square feet, whichever is less, for each nonresidential building; and one permanent wall sign on the secondary building frontage side of the building, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, or 25 square feet, whichever is less, for each nonresidential building.

- (e) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two family dwelling unit, one temporary ground sign for each multi-family residential building, and one temporary ground or wall sign for each public entrance to each nonresidential building. Such sign shall not exceed six square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, such sign shall be permitted for a maximum of 15 consecutive days, and not more than 60 days during each year. A real estate sign shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the sign pertains. A sign that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the sign pertains. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.
- (f) Temporary window signage not exceeding a total of six square feet in area for each nonresidential building. Such signage shall be permitted for a maximum of 15 consecutive days. Real estate signage shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the signage pertains. Signage that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the signage pertains.

(Ord. 195-07. Passed 12-10-07.)

#### 1147.13 SIGNS IN THE M-U DISTRICT.

The following signs shall be conditionally permitted in the Multi-Use District and subject to the guidelines set forth in Section 1147.16:

- (a) One permanent signplate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding 12 square feet in area per side and six feet in height, for each nonresidential building.
- (c) In lieu of one permanent ground sign referenced in subsection (b), above, one permanent wall sign on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or 12 square feet, whichever is less, for each nonresidential building unit; and one permanent wall sign on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, or three square feet, whichever is less, for each nonresidential building unit.
- (d) In lieu of the permanent ground sign or permanent wall sign(s) referenced in subsections (b) and (c), above, one permanent window sign on the primary building frontage side of the building unit, not exceeding six square feet in area, for each nonresidential building unit.
- (e) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two family dwelling unit, and one temporary ground or wall sign for each nonresidential building. Such sign shall not exceed six square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, such sign shall be permitted for a maximum of 15 consecutive days, and not more than 60 days during each year. A real estate sign shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the sign pertains. A sign that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the sign pertains. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.

- (f) Temporary window signage not exceeding a total of six square feet in area for each nonresidential building. Such signage shall be permitted for a maximum of 15 consecutive days. Real estate signage shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the signage pertains. Signage that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the signage pertains.

(Ord. 195-07. Passed 12-10-07.)

#### 1147.14 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following signs shall be permitted for nonresidential uses in the C-B, C-1, C-2, C-3, C-4, and I-1 Districts.

- (a) One permanent signplate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding 40 square feet in area and six feet in height, for each nonresidential building.
- (c) In the C-3 and C-4 District only, one permanent pole sign, with two or more supports, for the primary entrance to a shopping center that exceeds 50,000 square feet in floor area. Such sign shall not incorporate a changeable copy sign or an electronic message center sign. Such sign shall further be conditionally permitted and subject to the guidelines set forth in Section 1147.16. The maximum size of such sign shall be related to the floor area of the building or grouping of buildings and based on the following table:

<u>Shopping Center Floor Area</u>	<u>Max. Sign Size (Sq. Ft.)</u>	<u>Max. Height (Ft.)</u>	<u>Min. ROW Setback (Ft.)</u>	<u>Other Property Line Setback (Ft.)</u>
50,001 to 100,000	70	15	15	50
100,001 to 150,000	100	25	20	50
150,001 to 200,000	200	27	30	50
200,001 to 250,000	300	29	40	50
250,001 to 300,000	400	30	50	50
300,001 and greater	500	30	50	50

For the purposes of this Section, a shopping center shall be defined as a planned and integrated grouping of nonresidential buildings meeting all of the following requirements:

- (1) It shall be comprised of a minimum of four building units;
  - (2) All building units shall share access to a common parking area; and
  - (3) It shall have not less than 100 feet of frontage on the street on which the primary entrance is located.
- (d) One permanent wall or awning or canopy sign on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or 300 square feet, whichever is less, for each nonresidential building unit; and one permanent wall sign on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, or 75 square feet, whichever is less, for each nonresidential building unit.

- (e) Permanent window signage on the primary building frontage side of the building unit not exceeding one square foot in area for each one linear foot of primary building frontage or 16 square feet, whichever is less, for each nonresidential building unit; and permanent window signage on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, or four square feet, whichever is less, for each nonresidential building unit. Permanent window signage shall cover not more than 20 percent of the window panel to which it is affixed.
- (f) In the C-1 and C-2 District only, one temporary ground or wall sign not exceeding six square feet in area for each nonresidential building. In the C-B, C-3, and C-4 District only, one temporary ground or wall sign not exceeding 12 square feet in area for each nonresidential building. In the I-1 District only, one temporary ground or wall sign not exceeding 24 square feet in area for each nonresidential building. Such sign shall be permitted for a maximum of 15 consecutive days, and not more than 60 days during each year. A real estate sign shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the sign pertains. A sign that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the sign pertains.
- (g) Temporary window signage not exceeding a total of eight square feet in area, for each nonresidential building unit. Such signage shall be permitted for a maximum of 15 consecutive days. Real estate signage shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the signage pertains. Signage that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the signage pertains.

(Ord. 195-07. Passed 12-10-07.)

#### 1147.15 SIGNS IN THE HISTORIC DISTRICT.

All signs in the Historic District, regardless of the underlying zoning of the properties on which they are proposed to be located, shall be conditionally permitted for all uses and subject to the standards set forth in Section 1147.16. Only the following signs shall be conditionally permitted for all uses in the Historic District:

- (a) One permanent signplate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding 12 square feet in area per side and six feet in height, for each nonresidential building.
- (c) In lieu of one permanent ground sign referenced in subsection (b), above, one permanent wall or awning or canopy sign on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or 100 square feet, whichever is less, for each nonresidential building unit; and one permanent wall sign on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, or 25 square feet, whichever is less, for each nonresidential building unit.
- (d) Permanent window signage on the primary building frontage side of the building unit not exceeding one square foot in area for each one linear foot of primary building frontage for each nonresidential building unit; and permanent window signage on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four linear feet of secondary building frontage, if any exists, for each nonresidential building unit. Permanent window signage shall cover not more than 20 percent of the window panel to which it is affixed.

- (e) One permanent projecting sign, not exceeding four square feet per side, for each ground floor nonresidential building unit with not less than 12 linear feet of primary building frontage. Said sign shall be rectangular in shape, shall be located not more than 14 feet above finished grade as measured from top of sign, and shall maintain a minimum vertical clearance of eight feet from bottom of sign to finished grade. A projecting sign may extend into a public right-of-way, provided that such sign shall maintain a minimum horizontal separation of one foot from outer edge of sign to outside edge of curb.
- (f) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two family dwelling unit, one temporary ground sign for each multi-family residential building, and one temporary ground sign for each public entrance to each nonresidential building. Such sign shall not exceed six square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, such sign shall be permitted for a maximum of 15 consecutive days, and not more than 60 days during each year. A real estate sign shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the sign pertains. A sign that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the sign pertains. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.
- (g) Temporary window signage not exceeding a total of four square feet in area for each single-family dwelling unit, two-family dwelling unit, multi-family residential building, and nonresidential building unit. For a residential use, such signage may be erected for an unspecified time. For a nonresidential use, such sign signage shall be permitted for a maximum of 30 consecutive days. Real estate signage shall be exempt from the time limits referenced above and shall be removed within seven days after the close of sale, rent or lease of the property to which the signage pertains. Signage that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the signage pertains.

95-07. Passed 12-10-07.)

#### 1147.16 CONDITIONAL SIGN PERMIT DESIGN GUIDELINES.

In reviewing a proposal for a conditional sign permit, the Historic Preservation Board (Historic District) and Planning Commission (M-U and TC-OV Districts, as well as all electronic message center and pole signs, and outline lighting of the building or roof line), as applicable, shall consider whether the proposed sign or lighting meets the following design guidelines, which are in addition to the design criteria for all signs listed in Section 1147.07(d):

- (a) Lettering should be large enough to be easily read but not overly large or out of scale with the building or site.
- (b) A sign should be consolidated into a minimum number, and harmonious use, of materials and elements.
- (c) The ratio between a message and its background should permit easy recognition of the message.
- (d) The size, style, and location of a proposed sign should be appropriate to the site and use with which the sign is associated.

- (e) A sign should complement the building with which it is associated, as well as adjacent buildings, by being designed and placed to enhance the architecture of the building.
- (f) The color of a sign should be compatible with the color of the building facade with which it is associated. A sign should be designed with a minimum number, and harmonious use, of colors.
- (g) A permanent window sign should be comprised of individual letters, logos or design elements that are not encompassed by a solid opaque background, so as not to obscure the view through the window with which the sign is associated.
- (h) The size of the lettering and graphics on a projecting sign should be appropriate for viewing by pedestrians.
- (i) A ground sign that provides a directory of occupants for a multi-occupant building should have simplicity of design, to compensate for the additional amount of information provided (i.e. utilize common elements such as the same background color, or other common elements, etc.).
- (j) The area of a wall sign should not exceed 80 percent of the area of the frame of architectural space specifically intended for signage.
- (k) A projecting sign that is comprised of multiple elements hanging from the same supports should be designed such that all such elements are compatible in size, shape, and color.
- (l) Multiple signs associated with a single use should contain similar materials, colors, and design elements, regardless of sign type(s).
- (m) An awning or canopy sign should be located on the valance of the awning or canopy.”  
(Ord. 195-07. Passed 12-10-07.)

TITLE SEVEN - Nonconforming and Conditionally Permitted Uses  
Chap. 1151. Nonconforming Uses.  
Chap. 1153. Conditional Zoning Certificates.

CHAPTER 1151  
Nonconforming Uses

1151.01 Purpose.

1151.02 Regulations.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13; 1103.99  
Nonconforming uses; retroactive measures - see Ohio R.C. 713.15  
Conditional zoning certificates - see P. & Z. Ch. 1153  
Nonconforming use defined - see P. & Z. 1105.66

1151.01 PURPOSE.

The purpose of this chapter is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Ordinance or amendments thereto.

1151.02 REGULATIONS.

The lawful use of any building or land existing on the effective date of this Zoning Ordinance or amendments thereto may be continued, although such use does not conform with the provisions of this Ordinance.

- (a) Alterations. A building or structure containing a nonconforming use may be altered, improved or reconstructed, enlarged or extended, provided such work is not to an extent exceeding, in the aggregate cost during any ten-year period, the assessed value of the building or structure on the effective date this Zoning Ordinance unless the building or structure is changed to a conforming use.
- (b) Restoration. Nothing in this Zoning Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure, damaged by fire, collapse, explosion or acts of God, subsequent to the effective date of this Ordinance (see section 1103.01), wherein the expense of such work does not exceed fifty percent of the replacement cost of the building or structure at the time such damage occurred.

- (c) Construction Approved Prior to Ordinance. Nothing in this Zoning Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Zoning Ordinance (see section 1103.01) or any amendment thereto, provided that construction is commenced within ninety days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty days; and the entire building has been completed within two years after the issuance of such zoning certificate.
- (d) Displacement. No nonconforming use shall be extended to displace a conforming use.
- (e) Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued and goods and/or services not produced for a period of one (1) year or more, any further use shall be in conformity with the provisions of this Zoning Ordinance.
- (f) Unsafe Structures. Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- (g) Certificate of Nonconforming Use. The Planning Director may upon his own initiative, or shall upon request of the owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Planning Director, who shall maintain as a public record a file of all such certificates.
- (h) District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.
- (i) Substitution of Nonconforming Uses. So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this section. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

CHAPTER 1153  
Conditional Zoning Certificates

- |         |                                    |         |  |
|---------|------------------------------------|---------|--|
| 1153.01 | Purpose.                           | 1153.04 | Conditionally permitted use regulations. |
| 1153.02 | Procedures for making application. |         |  |
| 1153.03 | Basis of determination.            |         |  |

CROSS REFERENCES

- Appeals from zoning decisions - see CHTR. Art. V §7
- Council to hold public hearing - see Ohio R.C. 713.12
- Zoning districts; general regulations - see P. & Z. Ch. 1113
- Nonconforming uses - see P. & Z. Ch. 1151

1153.01 PURPOSE.

The purpose of this chapter is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Zoning Ordinance.

1153.02 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure permitted under this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application form shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)

- (b) Data Required with Application.
  - (1) Form supplied by the Planning Commission completed by the applicant.
  - (2) Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings, their uses and the acreage or area involved, including that for parking.
- (c) Review by Planning Commission. The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Zoning Ordinance. Such review by the Planning Commission shall be completed and made public within forty-five days of the date of submission.
- (d) Hearing. After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application. Notice shall be sent to all adjoining property owners and shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- (e) Issuance and Revocation of Conditional Zoning Certificates; Violation. Only upon conclusion of hearing procedures relative to a particular application, and adequate review and study, may the Planning Commission issue a conditional zoning certificate. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Ordinance.
- (f) Reapplication. No application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by the required fee.
- (g) Termination. The conditional zoning certificate shall become void at the expiration of one year after the date of issuance unless the structure or alteration thereof is started.

#### 1153.03 BASIS OF DETERMINATION.

(a) Planning Commission's Duties. The Planning Commission shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein are satisfied by the completion and operation of the proposed development. The Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.

(b) General Standards. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;

- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (3) Will not be hazardous or disturbing to existing or future neighboring uses;
- (4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service adequately;
- (6) Will be in compliance with State, County and City regulations;
- (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.

#### 1153.04 CONDITIONALLY PERMITTED USE REGULATIONS.

- (a) Regulations applicable to conditionally permitted uses are as follows:
  - (1) All structures and activity areas should be located at least 100 feet from all property lines.
  - (2) Loudspeakers which cause a hazard or annoyance shall not be permitted.
  - (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - (4) There shall be no more than one advertisement oriented to each abutting road identifying the activity.
  - (5) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
  - (6) Elementary school structures should be located on a collector thoroughfare.
  - (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
  - (8) Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.
  - (9) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
  - (10) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into the area, especially if a residential area.
  - (11) Such uses should be properly landscaped to be harmonious with surrounding uses, especially if residential uses.
  - (12) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.

- (13) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- (14) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.
- (15) Such developments should be located on or immediately adjacent to State highways.
- (16) Special provisions for group dwellings:
  - A. Group dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements; the entire group as a unit requiring one front and rear and two side yards as specified for dwellings in the appropriate district.
  - B. Each two or two and one-half story group dwelling development shall have a minimum court of forty feet in width and forty feet in length, in addition to its required yards, and each one story group dwelling development shall have a minimum court of thirty feet in width and thirty feet in length, in addition to its required yards.
  - C. In a group dwelling development, no two separate dwelling structures shall be closer than fifteen feet to each other along the sides or end of a court.
  - D. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles or other street improvements.
  - E. The court shall have an unobstructed opening, not less than thirty feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
- (17) Such uses shall be permitted under the following conditions:
  - A. Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district, and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
  - B. No more than two driveway approaches shall be permitted directly from any thoroughfares and shall not exceed thirty feet in width at the property line.
  - C. If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
  - D. At least a six-inch high pedestrian safety curb shall be installed along all street right-of-way lines, except at driveway approaches, where parking and/or service areas adjoin any right-of-way lines.
- (18) Any temporary structures must be indicated as such on site plans submitted to the Planning Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission.

- (19) Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry or recreation, or adjacent to sparsely settled residential uses.
- (20) A. Purpose. It is the purpose of this subsection to recognize and accommodate in a unified development, creative and imaginative residential development and to permit those innovations in the technology of land development that are in the best interests of the City. In order to accomplish this purpose, it is the intent in establishing this subsection to achieve:
1. A variety of dwelling types including single-family and multiple family dwellings compatible with the purposes of planned unit developments (PUD's);
  2. Flexible spacing of lots and buildings in order to encourage:
    - (A) The separation of pedestrian and vehicular circulation;
    - (B) The conservation of natural amenities of the landscape;
    - (C) The provision of readily accessible recreation areas and green spaces;
    - (D) The creation of functional and interesting residential areas; and
    - (E) The provision of a necessary complement of community facilities, such as central sanitary sewers and central water supply systems.
  3. In large-scale PUD's suitable associated commercial and other nonresidential uses consistent with the demand created by the PUD and compatible with existing and proposed land uses adjacent to the PUD; and
  4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.
- B. Special provisions governing PUD's. Because of the special characteristic of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this section and those of the other chapters of the Zoning Ordinance, the provisions of this subsection shall prevail. Subjects not covered by this subsection shall be governed by the respective provisions found elsewhere in the Zoning Ordinance. Except as specifically noted, nothing in this section shall be interpreted to exempt PUD's from all provisions of the Subdivision Regulations of the City. All PUD's are subject to site plan review requirements of Chapter 1109.
- C. Uses. With an approved PUD, compatible residential, commercial, institutional and open space uses may be combined as will enhance the living environment of the planned development. All such uses shall be arranged to be compatible with each other and not to adversely affect adjacent property and/or the public health, safety and general welfare.

1. The full range of residential dwelling types shall be permitted, including all types of dwelling ownership and physical arrangements.
2. Commercial uses may be limited to those types judged by the City to be compatible with the purpose and the predominantly residential nature of planned unit developments. Commercial uses shall only be permitted in those PUD's of seventy-five acres or more, provided that such commercial development shall not exceed the maximums specified in subsection E. 1. hereof.
3. Institutional uses may be permitted within a planned unit development as will be compatible with the predominantly residential nature of a PUD. Such uses should be limited to five percent of the total PUD area and shall be limited to uses, such as schools, churches and cultural facilities judged appropriate by the Planning Commission and compatible with the predominantly residential nature of a PUD. Institutional uses shall be further controlled by the standards in subsection L. hereof.
4. Open space uses such as natural environmental features, swimming pools, tennis courts and other recreational facilities deemed appropriate by the Planning Commission shall be permitted as part of the required open space within the PUD. Such uses shall be designed to be used primarily by the residents of the PUD.

D. Minimum project area.

1. The gross area of a tract of land to be developed in a PUD shall be a minimum of twenty-five acres. Smaller parcels may be considered for approval as a PUD on the basis of their potential to meet the objectives of this subsection as stated in subsection A. hereof, and the planning standards prescribed herein for PUD's.
2. All land within the PUD shall be contiguous in that it shall not be divided into segments by (A) any limited access highway, or (B) any tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the planned development.

E. Density.

1. Total dwelling units (DU) per net acre and total commercial area in a PUD shall not exceed the following maximums:

	DU/Net Acre	Commercial Acres/100 DU
R-S	2.5	1
R-1	3.5	1
R-2	4	1
R-3	6	.75
R-4	8	.4

- Net acres in a PUD shall be calculated by subtracting from the gross area of the proposed PUD all street rights of way existing prior to PUD approval, plus the total area reserved for commercial and institutional uses. Included within total net acres are all areas reserved for residential dwellings, open space and rights of way platted as part of the PUD.
2. Dwellings within the PUD may be arranged in any manner and at any density, provided that overall density does not exceed the density maximums specified above.
- F. Yard, height and floor area regulations.
1. Lot widths, setbacks and side yards and building heights are flexible in order to allow for a variety of structural and design arrangements. In reviewing building spacing proposals in PUD plans, the Planning Commission shall be guided by factors such as spacing necessary for adequate visual and acoustic privacy, adequate light and air, fire and emergency access, glassed wall areas, building configurations, energy efficient siting principles and relationship of building sites to circulation patterns.
  2. Because of the flexibility intended for building siting within a PUD, individual building sites should be selected on the basis of topographic, land use, visual and privacy considerations. Individual building sites shall be designated on the preliminary and final development plans.
  3. All buildings on the perimeter of the PUD shall be separated from the PUD boundary by a yard equal to at least the yard required by the conventional zoning district. Structures within the PUD which exceed the maximum building height of the conventional zoning district shall be separated from the PUD perimeter by a distance equal to at least the building height. The Planning Commission may require greater distances if necessary to further the building siting principles in subsection F. 1. hereof.
- G. Open space.
1. A minimum of thirty percent of the net area of the PUD shall be reserved in perpetuity for common open space and recreational facilities. Such open space shall be available to and accessible to all residents of the PUD and shall be designed primarily for their use. Open space shall be exclusive of all streets, nonrecreational buildings and individually-owned land. Design of common open space areas shall be governed by the following standards:
    - (A) Permanent water bodies should comprise no more than thirty percent of the required open space, at the discretion of the Planning Commission, depending on the water body's utility as a recreation or open space asset to the PUD. Such water bodies should generally be at least five acres in area.

- (B) Open space areas and recreation areas shall be distributed throughout the PUD and located so as to be readily accessible, available to, and usable by all residents of the PUD. Each parcel within the PUD should be designed to abut upon common open space areas.
  - (C) Common open space may be improved with appropriate recreation facilities and structures as long as total paved or roofed areas do not exceed five percent of the total open space area.
  - (D) Significant natural amenities such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to the above standards.
- 2. The sections creating and regulating planned unit developments shall not be interpreted to exempt any such development from compliance with the open space provisions of Section 1113.06. Public open space dedicated under the provisions of Section 1113.06 shall be included as part of the common open space required by subsection G.1. hereof.
  - 3. Public open space and the adjacent circulation system should be designed to limit through traffic on local streets. Public open space which is to be developed as a major activity center such as a swimming pool or recreation center should be located on a thoroughfare designed to accommodate the resulting trip desires and traffic volumes.
- H. Disposition of common open space. Planned unit developments shall receive approval subject to submission, prior to final subdivision approval, of legal instruments setting forth a plan or manner of permanent care and maintenance of common open spaces and recreation facilities. Approval by the Planning Commission of such instruments shall be based on the following standards:
- 1. The instruments shall guarantee that open space as shown on the final development plan will remain as such. The Planning Commission may require that all development rights to the open space be deeded to the City or such other appropriate public body, or that permanent restrictive covenants be attached to the open space.
  - 2. Common open space and recreation facilities shall be deeded to a homeowners association, funded community trust or similar entity. If a private entity is to hold title to common open space and recreation facilities, such entity shall not be dissolved nor shall it dispose of any common open space or recreation facility without first offering to dedicate the same to the City. Membership in a homeowners association shall be mandatory of all property owners within the planned unit development.

3. Such instruments shall convey to the City and other appropriate governmental bodies the right of entrance to the common open space and recreation facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public interest. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions with the costs levied as a lien against the property. Advance notice is not necessary for emergency entrance onto such common areas and facilities.
4. The Planning Commission may require a bond in lieu of provision or dedication of the required open space in cases where final subdivision plats are approved in stages. The amount of such bonds shall be calculated on the basis of three hundred sixty dollars (\$360.00) for each dwelling unit not provided with its full complement of open space, according to the following formula:

$$(0.03A) - OS$$

$$0.3A \quad x \quad DU \quad x \quad \$360.00 = \text{Bond}$$

Where A = Total area within approved final plats to date

DU = Total dwelling units approved on final plats to date

OS = Total open space approved on final plats to date

- I. Circulation. Vehicular and pedestrian circulation systems shall be designed to insure safe, efficient movement through the PUD and into the surrounding highway systems. Design of circulation systems shall be governed by the following standards:
  1. Safe and easy access by emergency vehicles shall be provided for all areas of the PUD.
  2. There shall be no direct access from single-family residential lots to an arterial thoroughfare, and direct access from single-family residential lots to collector thoroughfares shall be minimized.
  3. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within the PUD shall be designed to discourage their use by through traffic.
  4. The pedestrian and bicycle circulation system and their related walkways shall be insulated as much as possible from the vehicular system in order to provide separation of pedestrian and bicycle movement from vehicular movement. This may include pedestrian and bicycle overpasses or underpasses in the vicinity of schools, commercial areas and such other areas likely to generate a considerable amount of pedestrian and bicycle traffic.
  5. Standards for design and construction of streets and thoroughfares within PUD's shall be subject to standards specified in the Subdivision Regulations.

- J. Utilities. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- K. Erosion and sedimentation control. Erosion and sediment control plans shall be reviewed by the City Engineer and shall conform to Chapter 1335.
- L. Commercial and institutional uses.
  - 1. The Planning Commission may approve an amount of commercial acreage up to the maximums specified in subsection E.1., and shall be guided by such considerations as whether the location is appropriate for such uses, the relationship of such uses to the adjoining circulation pattern and the relationship of such uses to land use and development patterns adjoining the PUD.
  - 2. When planned unit development districts include commercial or institutional uses, such buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial or institutional areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal vehicular and pedestrian circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
  - 3. At no time shall the development of the commercial area be started until the minimum amount of dwelling units has been built as set forth in subsection (a)(20)E. hereof.
- M. General procedure.
  - 1. Procedures for review and disposition of the PUD proposals are established in Sections 1153.02, 1109.02 and 1167.04. In general, the procedure requires approval of a conditional use certificate and site plan review, approval of a preliminary plan and approval of a final development plan. Accordingly, applications and procedures for a conditional zoning certificate, site plan review and for preliminary plan approval are designed to proceed simultaneously, with the consent of the Planning Commission and the applicant.

2.
    - (A) Site plans for planned unit developments approved by the Planning Commission shall be referred by the Planning Commission to Council if such site plan provides for any nonresidential use which is not permitted or conditionally permitted in the conventional zoning district.
    - (B) Within thirty days of referral by the Planning Commission, Council shall either approve the site plan as originally approved by the Planning Commission, or refer the site plan back to the Planning Commission, along with a written statement as to the reasons for nonapproval. The Planning Commission shall again review the site plan and Council's written comments. The Planning Commission may then approve the site plan with the modifications requested by Council and issue a conditional zoning certificate or re-refer the original site plan, with or without modifications, back to Council. Within thirty days of re-referral by the Planning Commission, Council shall either approve the site plan and direct that a conditional zoning certificate be issued, or reject the site plan. Council shall take no action which overrules the recommendations of the Planning Commission except by a vote of two-thirds of the members of Council.
    - (C) In reviewing site plans referred by the Planning Commission, Council shall be guided by the specific standards and criteria within the PUD provisions, the additional criteria in subsection N. hereof, and the site plan review criteria in Chapter 1109.
  3. Site plan approval by the Planning Commission shall be automatically revoked if the construction approved has not begun within one year from the date of approval. When construction has been delayed due to circumstances beyond the control of the developer, the Planning Commission may grant an extension of time during which construction may be begun, not to exceed ninety days.
- N. Additional criteria for approval by Planning Commission. In addition to the approval standards in Section 1109.02(c), the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:
1. The proposed PUD can begin construction within one year of the date of final plat approval;

2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
  3. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development;
  4. Any proposed nonresidential development will be compatible with the purposes of the PUD and with adjacent uses;
  5. The area surrounding the development can be planned and zoned in coordination with the proposed development;
  6. The approved site plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project.
- O. Supplementary conditions and safeguards. In approving any planned unit development, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this chapter.
- P. Amendments and extensions.
1. Minor amendments to the approved final plan (such as slight changes in a building location or in the landscaping plan) may be approved over the signature of the Planning Director. Major changes in the approved site plan (such as revised density or alterations in common open space areas) shall be approved according to the procedure for plans in Sections 1153.02, 1109.02 and 1167.04.
  2. Any land contiguous to an approved PUD may be added thereto and shall be subject to all procedural and substantive PUD regulations of the City.
- (21) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- A. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. "Marker" refers to name of the deceased.
  - B. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - C. Minimum area required for a cemetery site shall be forty acres.
  - D. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.

- E. Pavement width of driveways shall be at least twenty feet (ten feet per moving lane).
- F. Drives shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
- G. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.
- H. Sufficient parking space shall be provided as not to deter traffic flow within the cemetery.
- I. Area drainage and/or sanitary facilities are subject to approval by the City Engineer prior to the issuance of a conditional use permit.
- J. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Planning Commission.
- K. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings. Such shrubs, trees and hedges shall not be less than two feet in height and must be maintained in good condition.
- L. Provisions shall be made for landscaping throughout the cemetery.
- M. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- N. No grave sites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.
- O. A grave site shall not be within 200 feet of an existing residence unless the owner of such residence gives his written consent.
- P. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission and the City Engineer. Guarantees shall be in a form approved of by the Planning Commission and may be one of the following:
  - 1. A performance bond of twenty-five thousand dollars (\$25,000) for cemeteries of forty acres. An additional five thousand dollars (\$5,000) shall be required for each ten acres over forty acres or for each ten acres added at a later date. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Planning Commission and the City Engineer.
  - 2. Other methods as might be worked out by the Planning Commission, Council, developers and their legal advisors.

- Q. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and Council. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.
- (22) In the interests of the community and other industries within the I-2 Heavy Industrial District, the Planning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effect likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
- (23) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands and concession stands.
- (24) A conditional zoning certificate for a use permitted under these regulations shall be issued for a three-year period only. After a three-year period has elapsed, a new conditional zoning certificate shall be required and may be issued, provided that the Planning Commission and the zoning inspector determine that the use has been and is being operated according to the specifications of the Zoning Ordinance and the previous conditional zoning certificate. If necessary, the Planning Commission may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the conditional zoning certificate.
- (25) All facilities and structures shall meet all City and/or State health, building, electrical and other applicable codes.
- (26) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- (27) The proposed site plan for the project shall comply with all of the standards, criteria and regulations of Chapter 1109.
- (28) No zoning certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Site plans shall show the following: drainage, including storm water, location of all buildings, fuel tanks, if any, off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets, and topography. No zoning certificate shall be issued until the approval by the appropriate State, County and City health departments has been obtained concerning the proposed sanitary sewerage facilities.

- (29) The design and construction of all access drives, access points to public streets and parking and service areas shall be approved by the Planning Commission.
- (30) A performance bond or other financial guarantee acceptable to the Planning Commission shall be placed with the City to insure that the landscaping is installed, that the hard-surfacing of the access drives and parking and service areas is installed, and that adequate storm water drainage is installed, all in accordance with the plans approved by the Planning Commission.
- (31) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, the vehicle shall be entirely within a building.
- (32) It is the intent of this subsection to permit trailer parks that house only independent trailers, and such trailer parks should be located on or have direct access to major thoroughfares. The area shall be in one ownership, or if in several ownerships the application shall be filed jointly by all the owners of the properties included in the plan. The following conditions shall apply:
- A. In addition to the other requirements of this subsection, the application shall include any other data the Planning Commission may require.
  - B. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park, unless separated therefrom by a natural or artificial barrier.
  - C. The park shall be graded to be well drained.
  - D. Trailer spaces shall be a minimum of 4,000 square feet for each space and at least forty (40) feet wide and clearly defined. The density of the development shall not exceed eight trailers per acre of total project site; the minimum size of the project to be developed shall be at least ten (10) acres.
  - E. There shall be at least a twenty (20) feet clearance between trailers. No trailer shall be closer than twenty (20) feet from any building within the park or fifty (50) feet from any property line building the park.
  - F. All trailer spaces shall abut upon a driveway of not less than twenty (20) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving and street lighting shall meet the requirements of City street standards.
  - G. Each park shall provide service buildings to house laundry, storage facilities and offices. Construction shall meet the standards of the City and/or County Building Code. Walkways not less than four feet wide and paved shall be provided from the trailer spaces to the service buildings.
  - H. Each trailer space shall be provided with a three-wire 240-volt electric service, and City and/or County approved water and sewer connections; all utility lines within the park shall be installed underground.

- I. Adequate garbage and rubbish cans shall be provided not further than 300 feet from any trailer space.
  - J. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the Fire Department which serves that area.
  - K. No pet animal shall run at large or commit any nuisance within the limits of any trailer park, on adjacent properties or the surrounding area.
  - L. In addition to the 4,000 square feet of each trailer lot, recreation and open space shall be provided within the overall trailer park tract at the rate of at least 1,500 square feet per trailer site; the shape, location, design and landscaping of recreation and open spaces shall be approved by the Planning Commission. All recreation and open spaces shall be maintained in a neat, orderly and safe condition so as not to create a menace to the health and safety of any park occupant, visitor, neighboring land occupant or the general public.
- (33) Such uses shall be permitted under the following conditions:
- A. The premises shall be used for vehicle servicing only. No rental, storage, parking or sales of trailers or vehicles of any type, or tools or other equipment, shall be permitted.
  - B. The sale of seasonal products, such as Christmas trees, landscaping materials, garden materials and equipment, etc. shall not be permitted.
  - C. The rental, leasing or permitting of parking of vehicles, except for servicing and/or emergency purposes, shall not be permitted.
  - D. All signs, streamers, announcements, flags and other attention and/or advertising devices not specifically permitted under Title Five - Sign Code, of Part Thirteen - Building Code of these Codified Ordinances shall have the prior and temporary approval of the Planning Commission before installation or use.
- (34) It is the intent of this subsection to permit appropriately located senior citizen's housing developments a variation in density and parking regulations. The area proposed shall be in single ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:
- A. The development shall be located within convenient walking distance of shopping community facilities.
  - B. Each dwelling unit shall be occupied by a household in which the head is sixty-two years of age or older; except that one dwelling unit may be occupied by a custodian for the development without regard to age.
  - C. The density of the development shall not exceed eighteen dwelling units per acre.
  - D. No dwelling unit in the development shall include more than two bedrooms.

- (35) Veterinary Offices.
- A. There shall be no burial or incineration of animals on the premises.
  - B. All activities shall be conducted within a totally enclosed and air-conditioned building.
  - C. Animals treated shall be those ordinary household pets capable of being cared for entirely within the confines of a dwelling unit.
  - D. Trash storage areas shall be screened from view from adjacent dwellings. All parking areas and driveways shall be separated from adjacent dwellings by a landscaped strip at least five feet wide. The landscaped strip shall be improved with shrubs, hedges, trees or a decorative fence to screen paved areas from adjacent dwellings.
  - E. No animals shall be kept overnight on the premises.
- (36) Dwelling units are permitted under the following conditions:
- A. First floor dwelling units in the C-2 Public Square Area as defined in Section 1135.08(a) shall not be in buildings which face on Public Square.
  - B. First floor dwelling units shall not detract from the use of adjacent buildings for commercial purposes and shall not be detrimental to the function of the C-2 Public Square Area as a service center for both the City and County.
- (37) Sexually Oriented Business Location.
- A. A sexually oriented business shall not be operated within 500 feet of:
    - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    - 2. A public or private education facility as defined in Section 711.02 of the Business Regulation Code;
    - 3. A boundary of a residential, multi-family or historical district as defined in these Codified Ordinances;
    - 4. A public park or recreational area as defined in Section 711.02 of the Business Regulation Code;
    - 5. Any public library;
    - 6. A hospital, nursing home, assisted living or other institution used for human medical care;
    - 7. Another sexually oriented business.
  - B. For the purpose of subsection (37)A. hereof, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the sexually oriented business premises to the nearest property line of the restricted locations designated in subsection (37)A. hereof.
  - C. Any sexually oriented business lawfully operating on the effective date of this zoning code (see section 1103.01), that is in violation of subsection (a)(37) hereof shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

- D. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of an establishment identified in subsection (a)(37) hereof. This provision applies only to the renewal of a valid sexually oriented business license, and does not apply when an application for a sexually oriented business license is submitted after a sexually oriented business license has expired or has been revoked.
- E. A sexually oriented business shall not be substantially enlarged.
- (38) Such uses shall be conducted not closer than 100 feet from any R District. Where the I District abuts upon but is separated from R District by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
- (39) In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-1 or I-3 District, the Planning Commission may require any conditions deemed necessary. In regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Planning Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

TITLE NINE - Subdivision Regulations  
Chap. 1161. General Provisions and Penalty.  
Chap. 1163. Definitions.  
Chap. 1165. Administration and Enforcement.  
Chap. 1167. Approval Procedure.  
Chap. 1169. Plan and Plat Specifications.  
Chap. 1171. Design Standards.  
Chap. 1173. Improvements.  
APPENDICES

CHAPTER 1161  
General Provisions and Penalty

EDITOR'S NOTE: The Subdivision Regulations codified as Title Nine of this Part Eleven - Planning and Zoning Code were adopted by Ordinance 143-96, passed September 23, 1996. Amendments to Ordinance 143-96 will be indicated by legislative histories placed at the end of the new or amended sections.

1161.01	Official name.	1161.04	Interpretation.
1161.02	Purpose.	1161.99	Penalty.
1161.03	Authority to adopt regulations.		

CROSS REFERENCES  
Construction and interpretation generally - see ADM. Ch. 101  
Violation of rules and regulations - see Ohio R.C. 711.102

1161.01 OFFICIAL NAME.  
The official name of these regulations shall be "Subdivision Regulations of the City of Medina, Medina County, Ohio," and shall be referred to herein as "these Regulations."

**1161.02 PURPOSE.**

These Regulations are adopted to secure and provide for:

- (a) The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.
- (b) Adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and the avoidance of congestion of the population.
- (c) The orderly, efficient and appropriate development of land.
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.
- (e) Safe and convenient vehicular and pedestrian movement.
- (f) The promotion of public health, safety, morals, comfort, convenience, prosperity or general welfare.
- (g) The accurate surveying of land and preparing and recording of plats.
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.

**1161.03 AUTHORITY TO ADOPT REGULATIONS.**

The authority for the preparation, adoption and implementation of these Regulations is derived from Chapter 711, Ohio R.C. which permits the adoption of uniform rules and regulations governing subdivision of land.

**1161.04 INTERPRETATION.**

The provisions of these Regulations shall be construed to be minimum requirements.

**1161.99 PENALTY.**

Whoever violates any rule or provision of these Regulations or fails to comply with any order pursuant thereto shall be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas by a legal representative of the City in the name of the City, and for the use thereof.

CHAPTER 1163  
Definitions

1163.01	General provisions.	1163.15	Planning Commission or Commission.
1163.02	General terms.	1163.16	Plat.
1163.03	Building setback line.	1163.17	Preliminary plan.
1163.04	Comprehensive plan.	1163.18	Private survey plat.
1163.05	Cul-de-sac.	1163.19	Public utility.
1163.06	Dead-end street.	1163.20	Secretary.
1163.07	Easement.	1163.21	Staff.
1163.08	Improvements.	1163.22	Street.
1163.09	Lot or parcel.	1163.23	Subdivider.
1163.10	Corner lot.	1163.24	Subdivision.
1163.11	Double frontage lot.		
1163.12	Lot lines.		
1163.13	Minor subdivision.		
1163.14	Pedestrian walkways.		

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.101  
General definitions - see ADM. 101.02

1163.01 GENERAL PROVISIONS.

Throughout these Regulations, the following terms shall have the meaning given in this chapter.

1163.02 GENERAL TERMS.

- (a) Words used in singular include the plural.
- (b) Words used in present tense include the future tense.
- (c) "Shall" is mandatory; "may" is permissive.

1163.03 BUILDING SETBACK LINE.

"Building setback line" means a line establishing the limits of a yard which abuts a street and in which no building may be located.

**1163.04 COMPREHENSIVE PLAN.**

"Comprehensive plan" means the fully adopted plan showing the location and extent of existing and future land development and redevelopment, including open space and thoroughfares within the City and territory within three miles therefrom.

**1163.05 CUL-DE-SAC.**

"Cul-de-sac" means a local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

**1163.06 DEAD-END STREET.**

"Dead-end street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**1163.07 EASEMENT.**

"Easement" means a grant of the use of land for a specific purpose.

**1163.08 IMPROVEMENTS.**

"Improvements" means grading, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, street lights, street trees and the appropriate appurtenances required to render land suitable for the use proposed.

**1163.09 LOT OR PARCEL.**

"Lot" or "parcel" means a division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map or by metes and bounds for purposes of sale, lease or separate use.

**1163.10 CORNER LOT.**

"Corner lot" means a lot at the point of intersection of and abutting on two intersecting streets.

**1163.11 DOUBLE FRONTAGE LOT.**

"Double frontage lot" means a lot, other than a corner lot, that abuts more than one street.

**1163.12 LOT LINES.**

"Lot lines" means the boundaries of a lot.

**1163.13 MINOR SUBDIVISION.**

"Minor subdivision" means a division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five lots after the original tract has been completely subdivided.

**1163.14 PEDESTRIAN WALKWAYS.**

"Pedestrian walkways" means a dedicated public right of way limited to pedestrian use.

**1163.15 PLANNING COMMISSION OR COMMISSION.**

"Planning Commission" or "Commission" means the Medina City Planning Commission.

**1163.16 PLAT.**

"Plat" means a final map of all or a portion of a subdivision which, if approved, may be recorded.

**1163.17 PRELIMINARY PLAN.**

"Preliminary plan" means a drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.

**1163.18 PRIVATE SURVEY PLAT.**

"Private survey plat" means a map of one or more parcels of land, prepared by a registered surveyor, for the purpose of providing information necessary or incident to the transfer of such parcels in cases not requiring the platting of such parcels.

**1163.19 PUBLIC UTILITY.**

"Public utility" means any person, firm, corporation, governmental agency or board having a public utility commission permit to furnish under regulations to the public, electricity, gas, steam, telephone, transportation or water, or any other similar public utilities.

**1163.20 SECRETARY.**

"Secretary" means the Secretary of the Planning Commission.

**1163.21 STAFF.**

"Staff" means persons so designated by the Planning Commission.

**1163.22 STREET.**

"Street" means a public or private right of way for vehicular and pedestrian use.

**1163.23 SUBDIVIDER.**

"Subdivider" means any individual, firm, association, corporation, trust or any legal entity, including agents, commencing proceedings under these Regulations to subdivide land.

**1163.24 SUBDIVISION.**

"Subdivision" means 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. However, 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. "Subdivision" also means 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 or 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.

CHAPTER 1165  
Administration and Enforcement

1165.01	City Engineer's duties.	1165.06	Waivers.
1165.02	Plat recording.	1165.07	Appeals.
1165.03	Sale of land in subdivision.	1165.08	Severability.
1165.04	Revision of plat after approval.	1165.09	Repeal.
1165.05	Fees.		

CROSS REFERENCES

Engineer to approve plats - see Ohio R.C. 711.08 et seq.

Amendments - see Ohio R.C. 711.09

Duties of Planning Commission - see CHTR. Art. V, Sec. 6

**1165.01 CITY ENGINEER'S DUTIES.**

The City Engineer or his representative, shall administer these Regulations, except where specific authority is given to other officials as set forth in these Regulations.

**1165.02 PLAT RECORDING.**

No plat of any subdivision shall be recorded in the office of the Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid, and the Planning Commission shall institute proceedings to have the plat stricken from the County records.

**1165.03 SALE OF LAND IN SUBDIVISION.**

No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

#### 1165.04 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.

#### 1165.05 FEES.

Each application for a permit or approval pursuant to these Regulations shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the reviewing official or board or commission, where appropriate, may refer an application to qualified consultants for a report if the reviewing official or board or commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)

#### 1165.06 WAIVERS.

The Planning Commission may waive certain provisions of these Regulations as specified herein, where unusual or exceptional factors or conditions require such modification, provided that the Planning Commission shall:

- (a) Find that unusual topographical or exceptional physical conditions exist.
- (b) Find that strict compliance with these Regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (c) Permit any modification to depart from these Regulations only to the extent necessary to remove the extraordinary hardship.
- (d) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.
- (e) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Regulations when modified.

#### 1165.07 APPEALS.

Rights of appeal shall be as set forth in Ohio R. C. Chapter 711, or in other applicable sections of the Ohio Revised Code.

#### 1165.08 SEVERABILITY.

If any article, section, paragraph, clause or part of these Regulations is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of these Regulations.

#### 1165.09 REPEAL.

All prior subdivision regulations and amendments thereto are hereby repealed.

CHAPTER 1167  
Approval Procedures

1167.01	Purpose.	1167.03	Minor subdivisions.
1167.02	Classification and determination of subdivision type.	1167.04	Major subdivision.

CROSS REFERENCES

Plat acknowledgement and recording - see Ohio R.C. 711.06  
Plat approval - see Ohio R.C. 711.09

1167.01 PURPOSE.

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

1167.02 CLASSIFICATION AND DETERMINATION OF SUBDIVISION TYPE.

There are two basic types of subdivisions:

- (a) Minor Subdivision. The City Engineer may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road and does not involve more than five lots after the original tract has been completely subdivided.
- (b) Major Subdivision. Any subdivision that does not meet the requirements of a minor subdivision is a major subdivision.

1167.03 MINOR SUBDIVISIONS.

(a) Staff Granted the Authority of Review and Approval. The City Engineer is authorized to represent the Planning Commission in the review and approval of a minor subdivision, and to endorse the conveyance of a parcel or parcels of land in a minor subdivision for transfer without plat.

(b) Submission of Minor Subdivision. Any person proposing to create a minor subdivision shall submit the following to the City Engineer:

- (1) A legal description of the parcel or parcels sought to be transferred, on a conveyance of such parcel or parcels.
- (2) Two copies of property line survey by a registered surveyor of the parcel or parcels sought to be transferred.  
(Ord. 78-01. Passed 5-14-01.)
- (3) Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the City Engineer, where appropriate, may refer an application to qualified consultants for a report if the City Engineer deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)

(c) Action by the City Engineer. Within seven working days after submission of a minor subdivision, or within a mutually agreed upon extension, the City Engineer shall either approve or disapprove the application for transfer without plat. If the City Engineer does not approve the transfer without plat, the applicant shall be notified in writing of the reason for disapproval. If the City Engineer approves the transfer without plat, the conveyance shall be stamped: "Approved by Medina City Planning Commission; no plat required, " and the signature of the City Engineer shall be affixed along with the date of such approval. The approval shall expire at the end of sixty days, unless the conveyances are recorded in the office of the County Recorder during such period.

(d) Action by the Health Commissioner. The City Engineer shall within seven days after submission of a minor subdivision, which would require an individual sewer system, submit the proposed subdivision to the Health Commissioner who shall approve or disapprove building sites for individual sewer systems. If disapproved the Health Commissioner shall notify the owner of the reasons for disapproval.

(e) Three-Mile Area. The Planning Director is authorized to represent the Planning Commission in the review and approval of a minor subdivision and to endorse the conveyance of a parcel or parcels of land in a minor subdivision for transfer without plat. Subdivision outside the City but within the City's three-mile extraterritorial jurisdiction, shall not be approved by the Planning Director until the survey plat is given zoning approval by the applicable township.

#### 1167.04 MAJOR SUBDIVISION.

(a) General Procedure. Major subdivisions shall be approved in four stages: preliminary discussion stage, preliminary plan stage, improvement plan stage and the final plat stage.

- (1) Preliminary discussion stage. The preliminary discussion stage requires the subdivider to discuss the proposed subdivision with the appropriate agencies so that he can become familiar with subdivision requirements, existing conditions and future plans.
- (2) Preliminary plan stage. The preliminary plan stage requires the subdivider to present all information needed to enable the Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also ensures that the subdivider will not be required to expend excessive moneys without some assurance that his plat will be finally approved.
- (3) Improvement plan stage. The improvement plan stage requires the subdivider to present all the information needed to enable the City Engineer to check the drainage areas and to determine that the storm sewers, sanitary sewers, water lines and material proposed for street construction meet the requirements of these Regulations and the specifications of the City Engineer.
- (4) Final plat stage. The final plat stage requires the subdivider to present a complete survey plat to enable the Commission to determine that the subdivision fully complies with these Regulations and conforms to the approved preliminary plan and the improvement plans.

(b) Preliminary Discussion. The subdivider shall consult with the Planning Commission. He shall submit a preliminary discussion map including all items required by Section 1169.02. (Ord. 78-01. Passed 5-14-01.)

(c) Preliminary Plan Procedure.

- (1) Submission of preliminary plan. The subdivider shall make application to the Planning Commission for approval of a preliminary plan. All information required by Section 1169.03 shall be submitted to the Planning Director. (Ord. 50-05. Passed 2-28-05.)
  - A. One copies of application for preliminary approval.
  - B. Thirteen copies of the preliminary plan including a vicinity map. (See Appendix A).
  - C. Any other data that the City Engineer deems necessary. (Ord. 78-01. Passed 5-14-01.)
  - D. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if the Planning Commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)
- (2) Planning Commission action. The Planning Commission within forty-five days of the date of official filing shall approve, approve conditionally or disapprove the preliminary plan. The action shall be noted on both the preliminary plan and the preliminary plan application form, and a copy of each returned to the subdivider. The action shall also be entered on the official records of the Commission, and a copy of the preliminary plan with action noted kept on file.
- (3) Effect of approval. Approval of a preliminary plan by the Planning Commission is not an acceptance of the subdivision for record. It is an approval of a general plan as a guide for the preparation of improvement plans and a subdivision plat for final approval and recording upon fulfillment of all requirements of these Regulations. Approval of a preliminary plan shall be effective for a period of one year following the date of approval by the Planning Commission, unless an extension of time is granted. Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved. Construction of improvements shall not begin until action on the final plat has been taken.

(d) Improvement Plan Procedure. The developer's engineer shall prepare improvement plans which include all phases of the work to be performed to make the land suitable for development into the use proposed. These plans shall be complete and precise in all details and be submitted to and approved by the City Engineer before any improvements are constructed. As part of this submission the developer shall provide evidence that the following approvals have been received:

- (1) Wetlands approval letter from the Army Corp of Engineers.
- (2) Water system extension approval by Ohio EPA.
- (3) Erosion control plan approved by Medina County Soil & Water Conservation Service. (Ord. 78-01. Passed 5-14-01.)

- (e) Final Plat Procedure.
- (1) Submission of final plat. The subdivider shall make application to the Planning Commission for approval of a final plat. The final plat submitted shall conform to the approved preliminary plan. Subdivisions may be submitted for final approval in consecutive sections, provided that preliminary plan and improvement plan approval have been given for the entire subdivision. All items as required by Section 1169.05 shall be submitted to the City Engineer as follows:  
(Ord. 50-05. Passed 2-28-05.)
- A. One copy of the application for final plat approval.
  - B. One copy of restrictive covenants pertaining to the site.
  - C. Original tracing and two copies of final plat and vicinity map.
  - D. Three copies of approved improvement plans.  
(Ord. 78-01. Passed 5-14-01.)
  - E. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if the Planning Commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. (Ord. 50-05. Passed 2-28-05.)
  - F. One copy of financial guarantees and insurance approved by the Law Director and Finance Director in an amount stated by the City Engineer (see Section 1173.08).
  - G. The City Engineer may request additional copies of any of the above items and any other additional information deemed necessary. Within five working days of the date of submission, the City Engineer shall determine if all the items as required by Section 1169.05 have been submitted. If all the required items have not been submitted, the City Engineer shall notify the subdivider of such omissions.
- (2) Official filing of final plat. The City Engineer shall present to the Planning Commission the final plat documents, which meet the requirements of Section 1169.05, at the next meeting after all required documents have been submitted. Upon determination by the Planning Commission that the final plat has been properly submitted, the Commission shall accept the final plat as being officially filed and shall certify on the copies the date of acceptance.
- (3) Planning Commission action. The Planning Commission shall approve or disapprove the plat within forty-five days from the date of official filing or within a mutually agreed upon time extension; otherwise the final plat shall be deemed to have been approved. One of the following actions shall be taken by the Planning Commission;

- A. Final approval. The Planning Commission may give final approval before all required improvements are installed, authorizing its chairman to sign the plat at such time as a construction agreement and a performance guarantee (refer to Section 1173.08(e)), acceptable to the Law Director and City Engineer, are provided for the purpose of assuring installation of such improvements. The amount of such performance guarantee shall be sufficient to cover the cost of all improvements, based upon an estimate prepared by the subdivider's consulting engineer and approved by the City Engineer. For the purpose of satisfying the performance guarantee requirement of this section, it shall be sufficient for the subdivider to submit the guarantee of a solvent bank or other financial institution that funds in the amount of the performance guarantee requirement have been committed to the installation of such improvements, in accordance with Ohio R.C. 1151.298, and that such funds will be disbursed by such bank or financial institution with the prior approval of the City Engineer. Upon receipt of the City Engineer's certification and determination that all the requirements of these Regulations have been met, the Planning Commission may give final approval and shall indicate such approval and date on the tracing of the final plat. The final plan shall then be submitted to Council for approval. A two-thirds vote of Council shall be required to override the recommendation of the Planning Commission. Council shall endorse the subdivision by affixing the Clerk of Council's signature to the tracing of the final plat.
- B. Disapproval. Should the Planning Commission determine to disapprove the final plat, written notice of such action, including reference to the regulations or regulation violated by the plat, shall be mailed to the subdivider. The action shall also be entered on the official records of the Commission.
- C. Approval without Commission action. In the event the Planning Commission fails to approve or disapprove the final plat within forty-five days from the date of its official filing, or within a mutually agreed upon time extension, the final plat shall be deemed to have been approved.
- (4) Effect of approval. Final approval of a plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, highway or other public ways or open space upon the plat unless such acceptance is also endorsed by Council upon the tracing of the final plat.
- (5) Recording of final plat. After final approval of a plat by the Planning Commission the subdivider shall deliver the tracing of such plat to the City Engineer, who after rechecking and assigning a City lot number shall secure approval of the Tax Map Department. The City Engineer shall then present the plat to the County Auditor for transfer and to the County Recorder for recording. All fees required in connection with the above process as well as costs of reproductions of such plat shall be paid by the subdivider. Upon recording of the final plat, a copy of the plat shall be permanently retained by the Planning Commission and filed with the City Engineer.

CHAPTER 1169  
Plan and Plat Specifications

1169.01	Purpose.	1169.04	Improvement plans and specifications.
1169.02	Preliminary discussion map.	1169.05	Final plat.
1169.03	Preliminary plan.		

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.  
Plat defined - see P. & Z. 1163.16

1169.01 PURPOSE.

The purpose of this chapter is to inform the subdivider of the specific information he must provide to permit adequate review, approval and recording of plats.

1169.02 PRELIMINARY DISCUSSION MAP.

A map shall be submitted by the subdivider as a basis for informal discussion. The map shall show the following information:

- (a) Application for preliminary discussion map.
- (b) Location: tract boundaries, township and north point.
- (c) Existing highways and proposed streets on and adjacent to the tract.
- (d) Statement of how sewage disposal and water supply will be provided.
- (e) Utility transmission lines and easements.
- (f) Existing zoning districts. Topography (U. S. G. S. or better).
- (g) Watercourses and wetlands subject to flooding.

1169.03 PRELIMINARY PLAN.

The subdivider shall furnish the following:

- (a) Application for Preliminary Plan Approval.
- (b) Preliminary Plan Drawing (see Appendix A). The plan shall be prepared in accordance with Chapter 1171 by a registered surveyor, city planner, landscape architect or professional engineer. The plan shall be accurately and clearly drawn. The drawing shall include the proposed plan or alternate plans of the subdivision, and shall show the following:
  - (1) Identification.
    - A. Proposed name of subdivision, which must not duplicate others in the County, township, tract or original lot or section number.

- B. Names, addresses and telephone numbers of owners, subdivider and registered surveyor, city planner, landscape architect or professional engineer.
  - C. Maximum sheet size 24" x 36" with drawing scaled to fit, north arrow and date.
- (2) Existing data.
- A. Boundary line survey showing bearings and distances as surveyed by a registered surveyor.
  - B. Easements, showing location, width and purpose.
  - C. Streets on and adjacent to the subdivision: names, location, right of way and roadway width. Planned public improvements: highways or other major improvements planned by public authorities for future construction on or near the subdivision, including journalized routes for highways.
  - D. Utilities on and adjacent to the subdivision: location, size and invert elevations of sanitary and storm sewers; location and size of water mains; fire hydrants. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers and culverts.
  - E. Ground elevations on the subdivision showing contours with an interval of not more than five feet if ground slope is in excess of four percent and two feet if ground slope is less than four percent.
  - F. Subsurface conditions on the subdivision: any conditions that are not typical, such as abandoned mines.
  - G. Other conditions on the subdivision:
    - 1. Watercourses and wetlands subject to flooding.
    - 2. Rock outcroppings.
    - 3. Wooded areas.
    - 4. Isolated preservable trees one foot or more in diameter.
    - 5. Any structures or other significant features.
  - H. Other conditions on adjacent land within 200 feet;
    - 1. Approximate direction and gradient of ground slope including any embankments or retaining walls.
    - 2. Location and type of buildings, fences, tree lines, etc.
    - 3. Railroad lines.
    - 4. Power lines and towers.
    - 5. Other nearby nonresidential uses of land.
    - 6. Owners of adjacent unplatted land (for adjacent platted land, refer to subdivision plat by name, plat book and pages).
  - I. Zoning requirements:
    - 1. District.
    - 2. Lot size and yard requirements.
    - 3. Proof of any variances or special exceptions which may have been granted.

- J. Planned public improvements showing highways or other major improvements planned by public authorities for future construction on or near the subdivision.

(3) Proposals.

- A. Streets showing proposed streets, indicating each street by a letter except where the street is a continuation of an existing street, right-of-way widths, approximate grades and proposed improvements.
- B. Other rights of way or easements showing location, width and purpose.
- C. Lots showing numbers, dimensions and area of irregular lots in square feet. Final lot numbers will be assigned by the City Engineer just prior to recording
- D. All minimum building setback lines based on current zoning.
- E. Land parcels within the subdivision not to be divided into lots.
- F. Public sites reserved or dedicated for parks, playgrounds or other public uses.
- G. Sites for other uses: multi-family dwellings, shopping facilities, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- H. Total site data including acreage, number of residential lots, typical lot size and acres in parks and other public uses.
- I. When extensive changes of topography are contemplated, a plan showing the proposed topography.

- (4) Other information. The Planning Commission and/or City Engineer may require such additional information as deemed necessary.

(c) Vicinity Map (see Appendix A). The map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map shall show:

- (1) Subdivision name, township, tract and north arrow.
- (2) Existing and proposed main traffic arteries.

#### 1169.04 IMPROVEMENT PLANS AND SPECIFICATIONS.

(a) Drawings showing cross sections, profiles, elevations, construction details, grading plans, specifications and cost estimates, and all calculations and computations for all required improvements shall be prepared by a professional engineer. The improvement plans shall be prepared as directed by the City Engineer and subject to his approval.

(b) If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the subdivider shall inform the City Engineer in writing of the conditions requiring the modifications. Written authorization from the City Engineer to make the required modification must be received before proceeding with the construction of the improvement.

(c) At the completion of the construction, and before acceptance, the subdivider shall furnish the City Engineer a set of linen or mylar tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed.

#### 1169.05 FINAL PLAT.

The subdivider shall furnish the following:

(a) Application for Final Plat Approval.

(b) Final Plat Drawing. The final plat shall be drawn in ink on tracing cloth or mylar, sheet size eighteen inches by twenty-four inches within the border, and shall be at a scale of not more than 100 feet to one inch and contain a north arrow. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

The final plat shall show the following:

(1) Identification:

A. Name of subdivision, which must not duplicate others in the County, township, tract and original lot, or section number.

B. Vicinity map at approximately 1" = 1,000' scale with north arrow.

(2) Control points: all dimensions, angles and bearings are to be referred to control points, nearest established street line, section lines or other established points.

(3) Lines and boundaries: center lines and right-of-way lines of streets, easements and other rights of way, natural and artificial watercourses, streams, shorelines, corporation lines and property lines of all lots and parcels with distances, radii, arcs, chords and tangents of all curves (nearest one-hundredth of a foot), bearings or deflection angles (nearest second).

(4) Street: name which must not duplicate or be similar to another in the Medina postal delivery area, and right-of-way width of each street within proposed subdivision and those adjoining.

(5) All building setback lines accurately shown with dimensions, based on current zoning.

(6) Lot identification: City lot number to be assigned by City Engineer prior to recording of plat.

(7) Total site data: including acreage, number of residential lots, typical lot size and acres in parks and other public uses.

(8) Land for public use showing boundaries and identifying the use of all parcels which are to be dedicated or reserved for public use or easements.

(9) Monuments showing location and description of those found, set or to be set.

(10) Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of recorder's maps.

- (11) Certification and seal by a registered surveyor to the effect that the plat represents a survey made by him which balances and closes, and that the monuments shown thereon exist or shall be set as shown, and that all dimensional and geodetic details are correct.
- (12) Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas, and that there are no unpaid taxes or special assessments against the land contained in the plat.
- (13) Notation for:
  - A. Certification of City Engineer that required improvements have been satisfactorily installed or adequate financial guarantees have been provided.
  - B. Approval of plat by chairman and secretary of the Planning Commission.
  - C. Endorsement of plat by Council.
  - D. Acceptance of offers of dedication by Council.
  - E. Proper notations for transfer and recording by the tax map draftsman, County Auditor and the County Recorder.
- (14) Protective covenants: If the owner desires protective covenants, private restriction and/or agreements, the record plat shall contain a reference thereto and the text thereof shall be filed and recorded with the plat.

CHAPTER 1171  
Design Standards

1171.01	Physical considerations.	1171.06	Public sites and open space.
1171.02	Streets.	1171.07	Conformity with Land Use and Thoroughfare Plan.
1171.03	Easements.		
1171.04	Blocks.		
1171.05	Lots.		

1171.01 PHYSICAL CONSIDERATIONS.

(a) Natural Land Use. Subdivisions should be planned to take advantage of the topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize destruction of trees and topsoil.

(b) Flood Hazard. If any portion of the land within the subdivision or other proposed new development is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. All subdivision proposals and other proposed new development shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize flood damage; and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy nor for such other uses that may increase danger to health, life or property, or aggravate the flood hazard.

1171.02 STREETS.

(a) Arrangement. The arrangement, character, extent, width and location of all streets shall conform to the locally adopted Land Use and Thoroughfare Plan. The design of proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands, so that the entire area can be served with a coordinated street system.

(b) Classifications.

- (1) Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with minor streets as possible. Such thoroughfares should traverse the community and be spaced approximately one mile apart.
- (2) Collector streets shall provide a traffic route from local streets to major arterial thoroughfares. These streets should be spaced at least one-fourth mile apart.
- (3) Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged.
- (4) Cul-de-sac streets are permitted in a residential area to discourage through traffic and promote public safety. Such streets should not be greater than 600 feet in length except where existing topographic conditions discourage the use of an alternate street pattern. Cul-de-sac streets shall normally have a sixty-foot right of way terminating in a turnaround having a minimum outside paving radius of fifty feet and a property line radius not less than sixty feet.
- (5) Parallel streets may be required along an existing or proposed major arterial thoroughfare to provide access to lots along such major arterial thoroughfares.
- (6) Service drives shall be designed to provide only secondary access.

(c) Street Right-of-Way Widths and Grades.

<u>Street Classification</u>	<u>Minimum R-O-W width (in feet)</u>	<u>Grades (by percent)</u>	
		<u>Maximum</u>	<u>Minimum</u>
Major arterial thoroughfare	100	5	.6
Collector streets	80	7	.5
Local streets	60	8	.5
Cul-de-sac streets	60	8	1.0
Parallel streets	40	8	.5
Service drives	30	8	.5

(d) Half Streets. Half streets shall be prohibited except where there is an existing half street adjacent to the subdivision, in which case the remaining half of the street shall be platted.

(e) Temporary Turnaround and Dead-End Streets. If such a street is of a temporary nature and a future extension into adjacent land is anticipated, then the turning circle beyond the normal street width shall be in the nature of an easement over the premises included in such turning circle, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no turnaround will be required.

(f) Horizontal and Vertical Curves. Angles in the alignment of street lines shall be connected by a curve with a radius on the center line of not less than 200 feet for local streets, 300 feet for collector and industrial streets and 500 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent at least 100 feet long on major arterial thoroughfares. Every change in street grade shall be made with a vertical curve to provide distance suited to the location, which in no case shall be less than 300 feet from a height of four and one-half feet.

(g) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than seventy-five degrees. In no event shall an intersection containing streets in excess of four be approved.

(h) Street Jogs. Street jogs with center line offsets of less than 125 feet shall be prohibited. If deemed necessary by the Planning Commission, the minimum distance between center line offsets may be increased.

#### 1171.03 EASEMENTS.

Where a subdivision is traversed by a drainage way, a storm water or drainage easement conforming substantially with the lines of such drainage way shall be provided. The easement shall be fifteen (15) feet wide or shall generally be centered upon, rear and side lot lines. Where deemed necessary by the City Engineer, a wider easement may be required.

#### 1171.04 BLOCKS.

(a) Residential Block Lengths. For residential block lengths inside the City the long dimension of a residential block shall not exceed eight hundred feet. For residential block lengths outside the City, but within the three-mile extraterritorial jurisdiction the long dimension of a residential block shall conform to the standards of the Medina County Subdivision Regulations. The Planning Commission may approve a longer block length if topographic or other conditions warrant.

(b) Pedestrian Walkways. Pedestrian walkways, with not less than ten feet right of way, or of such greater width as deemed necessary by the Planning Commission, shall be required across blocks where the Planning Commission deems that pedestrian access to schools, playgrounds, shopping centers, transportation and other community facilities is necessary.

(c) Commercial or Industrial Blocks. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading facilities.

#### 1171.05 LOTS.

(a) Zoning Conformance. The lot size, width, depth and the minimum building setback shall conform to the applicable zoning requirements.

- (b) Corner Lots. A lot at the junction of and abutting upon two intersecting streets is a corner lot.
- (c) Access to Public Streets. The subdividing of land shall provide each lot with access to an existing public street.
- (d) Double Frontage Lot. Lots shall not be laid out so that they have frontage on more than one street except:
- (1) Where the lots are adjacent to the intersection of two streets;
  - (2) Where it is necessary to separate residential lots from major arterial thoroughfares. Where double frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the City. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that a six-foot high solid board fence or masonry wall be constructed or that a ten-foot wide planting screen be provided.
- (e) Lot Lines. Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow Municipal, Township and County boundary lines rather than cross them, insofar as possible.
- (f) Lot Depth. Lot depth shall not exceed three and one-half times the lot width, except as otherwise authorized by the Planning Commission. In the three-mile extraterritorial area designated for residential development with no more than one dwelling unit per two gross acres, lot depth shall be limited only by consideration of interference with planned streets or the block criteria specified in Section 1171.04(a).

#### 1171.06 PUBLIC SITES AND OPEN SPACE.

- (a) Public Facilities. The design of the subdivision shall provide for parks, playgrounds, schools and other sites for public use. Such public facilities shall conform to the adopted Land Use and Thoroughfare Plan.
- (b) Natural Features. Due consideration shall be given to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine groves of trees. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation.

#### 1171.07 CONFORMITY WITH LAND USE AND THOROUGHFARE PLAN.

All proposed subdivisions shall substantially conform to the adopted Land Use and Thoroughfare Plan where not in conflict with an official zoning ordinance. Wherever a tract to be subdivided embraces a part of a proposed major thoroughfare or collector street, such part of the proposed public way shall be platted by the subdivider in the location and of the width indicated on the Land Use and Thoroughfare Plan.

CHAPTER 1173  
Improvements

1173.01	Required improvements.	1173.06	Oversize and/or off-site improvements.
1173.02	Grading and drainage improvements.	1173.07	Construction requirements.
1173.03	Street improvements.	1173.08	Agreements and guarantees.
1173.04	Sewer and water facilities.		
1173.05	Markers.		

CROSS REFERENCES

Construction of improvements - see Ohio R.C. 711.101  
Improvements defined - see P. & Z. 1163.08  
Plans and specifications - see P. & Z. 1169.04

1173.01 REQUIRED IMPROVEMENTS.

The improvements which are hereby required shall be designed, furnished and installed by the subdivider in accordance with the provisions of these Regulations and other regulations of the State and City. They shall be installed before the final plat is approved, or in lieu thereof, financial guarantees for such installation shall be approved prior to the approval of the final plat. The subdivider shall provide and install within the proposed subdivision improvements not less than set forth in Table 1.

TABLE 1  
SCHEDULE OF REQUIRED IMPROVEMENTS

Drainage Plan	Section 1173.02(a)	required
Drainage & Grading	Section 1173.02(b)	required
Storm systems	Section 1173.02(c)	required
Pavement	Section 1173.03(a)	required
Curbs and gutters	Section 1173.03(b)	required

Sidewalks	Section 1173.03(c)	both sides*
Street signs	Section 1173.03(d)	required
Street lights	Section 1173.03(e)	required
Street trees	Section 1173.03(f)	required*
Planting screens	Section 1173.03(g)	required
Underground Wiring	Section 1173.03(h)	required
Central water and sewer	Section 1173.04	required
Public sites	Section 1171.06	required**
Monuments	Section 1173.05	required

\* Planning Commission may vary required improvements in industrial subdivisions.

\*\* Planning Commission may vary required improvements in business and industrial subdivisions.

#### 1173.02 GRADING AND DRAINAGE IMPROVEMENTS.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. To this end the subdivision shall be graded as required by Section 1173.01, Table 1, and the following requirements and methods shall be followed:

- (a) Drainage Plan. Prior to the start of any construction of streets, the subdivider shall furnish a plot plan showing the slab or floor elevation of each house proposed to be constructed. He shall also show by the use of arrows how he proposes to surface drain each lot. The subdivider shall submit topographic maps showing the area to be drained with calculations prepared by a registered professional engineer in determining the proposed storm water collection system.
- (b) Drainage Requirements: Grading. No final grading, sidewalk or pavement construction or installation of utilities shall be permitted in any proposed street until the final plat has been approved or conditionally approved. The subdivider shall grade each subdivision as specified in Section 1173.01, Table 1, in order to establish street, block and lot grades in proper relation to each other to topography as follows:

- (1) Street grading plan. A grading plan shall be prepared for the streets along with street improvement details. The grading of the roadway shall extend the full width of the right of way. Planting strips shall be graded at a gradient of one-half inch ( $\frac{1}{2}$ "') per foot from the curb to the sidewalk or property line.
- (2) Block and lot grading.
  - A. Block grading shall be as follows: drainage into the streets or as specified by the City Engineer.
  - B. Lot grading shall be as follows: lots shall be graded so that water drains away from each building at a minimum grade of two percent. Surface drainage swales shall have a minimum grade of one percent (1%) and shall be designed so that surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way. The minimum grade of driveways shall be a minimum of four-tenths percent and a maximum of ten percent.
  - C. Engineered fill. All areas within the street right-of-way as well as all areas within the building area.,i.e., between the right-of-way line and the rear setback line of each lot, requiring fill, must first be completely stripped of all topsoil and vegetation prior to the placement of any fill. Additionally, all fill in these areas must be placed in accordance with the compacted fill specifications specified by the City Engineer.
- (3) Topsoil. If grading results in the stripping of topsoil, the topsoil shall not be removed from the site or used as fill, but shall be saved and uniformly spread over the lots as grading is finished.
- (4) Trees. As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the trees at the drip line.

(c) Drainage System Requirements. Grading of the subdivision, the road drainage system, and Off-road drainage systems shall be done with regard to the natural drainage of the area involved, and open ditches, conduits, catch basins, inlets and manholes of adequate size shall be constructed to provide for such drainage. The design criteria for the drainage systems shall be as approved by the City Engineer based on the Medina County Storm Water Management and Sediment Control Rules and Regulations.

- (1) All watercourses or ditches with a design capacity not exceeding the capacity of a thirty-six inch concrete pipe shall be enclosed. Existing creeks or ditches constructed by the subdivider which exceed the above limit shall be constructed with a minimum fifteen-foot wide continuous earth roadway to provide access for maintenance equipment to all sections of the ditch. The ditch easement shall be wide enough to contain ditch slopes and roadway with ample clearance for the operation of maintenance equipment. Open ditches will have a side slope ratio of two to one and a minimum of a two-foot bottom width.

- (2) No open ditch shall be constructed within 100 feet of the rear of a house, as measured from the house to the edge of the ditch easement.
- (3) Any storm drainage courses carried along side lot lines shall be enclosed with approved pipe.
- (4) Easements for drainage purposes shall be a minimum of fifteen feet in width. Where the watercourse is larger ( including retention and detention basins), easement widths shall be increased as determined by the City Engineer including any access easements. (See subsection (c)(2) hereof). Where watercourses cross plotted lots diagonally, the subdivider shall straighten such courses where practicable and shall substantially follow subplot lines. Easements shall be shown on the record plat and deeds and shall cover all existing or reconstructed watercourses.

(d) Protection of Drainage Systems. The subdivider shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the City Engineer as follows:

- (1) Any watercourse having a gradient in excess of two and one-half percent shall be enclosed with pipe with the necessary inlets and shall be piped to a storm sewer, if nearby, or otherwise to a natural watercourse. Where a street is of considerable length and of various gradients, a part of which requires storm sewers, the lengths between the storm sewers, even though less than two and one-half percent gradient, shall also be enclosed in pipe, when required by the City Engineer. Material and construction shall be in accordance with the specifications of the City Engineer. Watercourses or road gutters having a gradient of less than two and one-half percent but more than one and one-half percent shall be sodded or paved with brick, concrete, half tile or broken concrete slabs. All areas within the right of way not paved or sodded shall be fertilized and seeded.
- (2) All adjoining land where the vegetation has been injured or destroyed or where the land is in need of protection to prevent erosion, deposits in the drainage facilities and/or unsightly conditions shall be restored and protected as directed by the City Engineer.
- (3) In all cases, any drainage facilities within the subdivision shall be in a stable condition, free from either erosion or sedimentation and/or other debris.
- (4) All trenches under the paved areas shall be backfilled with gravel or screenings, or thoroughly compacted earth in four-inch layers, loose measurement as required by the City Engineer.

(e) Pipe Policy. Pipe strength and materials along with joining materials shall be subject to the approval of the City Engineer.

**1173.03 STREET IMPROVEMENTS.**

The subdivider shall design and construct pavements, curbs and gutters as shown herein.

- (a) Pavements. Streets or sections of streets shall be paved according to the classifications imposed by the City. A general street classification is implied by the adopted Land Use and Thoroughfare Plan on display in City Hall. Specific classifications may be obtained from the City Engineer. Classifications are controlled by width and strength specifications. No street in any new subdivision shall be classified lower than Type A, Class II for paving purposes. After the underground utilities and house connections are installed and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. The subdivider may construct a temporary roadway of slag or stone for use during the building construction period. Such pavements shall be maintained in a safe and passable condition by the subdivider without expense to the City.

(1) Width:

- A. Type "A" Streets. In all streets, or sections of streets in the commercial and industrial areas, where the stopping of vehicles for business purposes is frequent, and in all sections of streets on the State Highway System, the width of the pavement to be constructed or reconstructed therein shall be a minimum of thirty-one feet between back of curbs.
- B. Type "B" Streets. In all streets, or sections of streets which are Collector streets the width of the pavement to be constructed or reconstructed therein shall be a minimum of twenty-nine feet between back of curbs.
- C. Type "C" Streets. In all streets, or sections of streets, not designated as Type A or B Streets, the pavement to be constructed or reconstructed therein shall be a minimum of twenty-five feet in width between back of curbs.

(2) Strength:

- A. Class "T" Streets. In all streets, or sections of streets, where wheel-loads in excess of 8,000 pounds are expected to be frequent, the pavement to be constructed or reconstructed therein shall be of concrete meeting the requirements of the City specifications, and shall be a minimum of eight inches in thickness, with steel reinforcement and proper subsurface drainage, in accordance with the standards of the City.
- B. Class "II" Streets. In all streets, or sections of streets, where wheel loads in excess of 8,000 pounds are infrequent, the pavement to be constructed or reconstructed therein shall be of concrete meeting the requirements of the City specifications, and shall be a minimum of seven inches in thickness, with steel reinforcements and proper subsurface drainage, in accordance with the standards of the City.

- (b) Curbs and Gutters. Concrete curbs and gutters, integral with pavement shall be constructed according to City standards.
- (c) Sidewalks. Concrete sidewalks, four feet in width and four inches in thickness on both sides of each street are required in the subdivision including intersections and corner lots. All sidewalks shall be constructed according to City standards and at the location and grade indicated on the improved construction plans. All sidewalks in any approved subdivision or in any approved phase of a subdivision shall be completed within twenty-four months from the date of plat approval.
- (d) Street Signs. The developer shall pay for and the City shall install all street name and traffic control sign. The signs shall conform to the specifications of the Service Director. The signs shall be located as directed by the Service Director.
- (e) Street Lights. The subdivider shall arrange with the City Engineer for the installation of street lights in the subdivision. The subdivider shall install street lights and poles conforming to the specifications of the City.
- (f) Street Trees. The developer shall pay for and the City shall install all street trees. The trees shall conform to the specifications of the City. Trees shall be provided on streets with curbs and gutters as required in the improvement schedule. These fees will be determined by the City Forester in accordance with the current specifications. The fees shall be submitted by the Developer prior to final plat approval.
- (g) Planting Screens or Fences. The Planning Commission may require and permit planting screens or fences where reverse frontage lots abut a major arterial street or between a major arterial thoroughfare and a marginal access street, provided that such planting screens or fences shall not constitute a safety hazard. A plan of proposed planting screens or fences shall be submitted for approval with the final plat.
- (h) Underground Electric Utilities. In all subdivisions, electric service shall be underground.

#### 1173.04 SEWER AND WATER FACILITIES.

(a) Adequate central sanitary sewer systems, including manholes, house laterals and other incidentals, and water supply systems shall be provided by the subdivider, either by the installation of new systems or by connection to existing systems which are deemed adequate to handle the additional demands and volume which will result from the proposed subdivision. Water system extensions must be reviewed and approved by the City Engineer, sanitary sewer system extensions and all sanitary sewer matters must be reviewed and approved by the Medina County Engineer. The subdivider, prior to the submission of the plat for approval by the Planning Commission, must receive the prior written approval for the extension or installation of such central water system and central sanitary sewer system from the City Engineer, the County Sanitary Engineer, and the Ohio Department of Health.

(b) All trenches under paved areas shall be backfilled to the finish grade with gravel or screenings, or thoroughly compacted earth in four-inch layers, loose measurement.

#### 1173.05 MARKERS.

(a) Permanently installed markers which are adequate for a resurvey of the subdivision shall be shown on the record plat.

(b) In each plat of ten or less lots there shall be set at least four permanent markers; in each plat containing more than ten lots there shall be placed as many additional permanent markers as the surveyor deems necessary to properly control his original survey. Such permanent markers shall be made of solid iron pins at least one inch in diameter and at least thirty inches long, and driven to thirty inches below finished grade. As part of the As-Built Drawings (refer to section 1169.04(c)), the subdivider must submit locations and elevations for all markers.

(c) In addition to permanent markers, at each corner of each inlot shall be set a solid iron pin not less than one-half inch in diameter and thirty inches in length.

#### 1173.06 OVERSIZE AND/OR OFF-SITE IMPROVEMENTS.

Oversize and/or off-site extensions of utilities, pavements and other improvements shall be designed and constructed to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area. Where the City Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the subdivider shall install all improvements required to serve his subdivision plus the additional oversize and/or off-site improvements required. The subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements required. Such improvements shall be available for connections by individual property owners and/or subdividers of adjoining land.

#### 1173.07 CONSTRUCTION REQUIREMENTS.

(a) Preconstruction Meeting and Work Schedule. A preconstruction meeting will be held with the City Engineer prior to the commencement of any project. At this time the project will be discussed in regard to procedure, plans, materials, inspections, including conditions of adjoining improvements within the Street R-O-W, etc.

(b) Construction Inspections.

(1) Responsible official. The City Engineer shall be responsible for the inspection of all improvements.

(2) Authority and duties of inspectors. Inspectors for the City shall be authorized to inspect any work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call to the attention of the contractor any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the City Engineer. Inspection during the installation of improvements shall be made by the inspector to insure conformity with the approved plans and specifications as contained in the subdivider's construction agreement. (See Section 1165.05 (b) for fees).

- (3) Final inspection. Upon completion of all the improvements, the subdivider shall request in writing a final inspection by the City Engineer. The City Engineer shall make a final inspection of improvements.
- (c) Construction Responsibilities.
- (1) Cooperation of subdivider and/or contractor. The subdivider and/or contractor shall have available on the project, at all times, two approved copies of all required plans and specifications. He shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent superintendent acting as his agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications. He shall have full authority to execute the plans and specifications and to promptly supply such materials, tools, plant equipment and labor as may be required. A superintendent shall be furnished irrespective of the amount of work sublet.
  - (2) Work schedules. The subdivider and/or contractor shall submit weekly work schedules every Friday for the following week's work. Work which has not properly been scheduled shall not be accepted by the City Engineer. All work schedules must be inspected and approved by the City inspectors. Unsatisfactory progress reports will be returned for revision. The normal work week is assumed to be an eight-hour day, Monday through Friday; if overtime will be needed, it shall be indicated on the schedule.
  - (3) Grade stakes. Pavement and pipe grade stakes shall be set at twenty-five foot intervals on horizontal and vertical curves and for all grades less than one percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of fifty feet. Stakes shall be protected until their use is no longer needed. After the rough grading for the streets and utilities has been completed, the owner's engineers shall set a new set of line and grade stakes for the pavement. Stakes shall be set at a maximum of ten feet from the edge of the pavement, and at a maximum of twenty-five foot intervals on vertical and horizontal curves, and at a maximum of fifty foot intervals on tangents. Matters in question regarding the design or stake-out of the work shall be referred to the City Engineer for his interpretation.
  - (4) Repair of damage. Any damage done to the proposed or existing improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.
  - (5) Final cleaning up. Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition satisfactory to the inspector.

- (6) Maintenance of improvements of dedicated streets. The subdivider shall be responsible for the maintenance of the improvements during the construction period and shall be responsible for providing the services necessary to guarantee access to all occupied lots, until final acceptance of the improvements by the City Engineer. The subdivider shall be notified by the City Engineer of the need for maintenance or service. If the subdivider fails to perform such necessary maintenance or service within a time specified by the City Engineer, the City may perform maintenance or service and bill the subdivider for such service. Payment shall be guaranteed by the performance bond. In addition, the subdivider shall maintain all improvements for such periods specified in Section 1173.08(e).
- (7) City services. Services customarily rendered by the City to the residents thereof, such as garbage collections, snow removal and fire protection, will not be done by the City until the paving is completed. The owner shall so inform all prospective buyers by the erection of signs in conspicuous places at all entrances to the subdivision. Signs shall be not less than four square feet in area, with two-inch lettering. The furnishing of such services within the subdivision shall in no way obligate the City in the matter of maintenance of the pavement or any of the utilities until the expiration of the eighteen-month maintenance period as defined in Section 1173.08(e).

#### 1173.08 AGREEMENTS AND GUARANTEES.

All bonds, insurance and other financial guarantees required under this section shall be secured from companies authorized to do business in the State, and shall be deposited and remain at all times with the City Finance Director.

- (a) Plan Checking and Field Inspection. Prior to the commencement of Construction, the subdivider shall deposit an amount of money equal to the estimated cost of plan checking and field inspection. All work done by the Engineer in connection with checking, computing and correcting such plans for improvements, all Ohio Edison street light connection fees, and all street name sign installation fees and all other applicable fees directly related to the review, inspection and/or installation of subdivision improvements, shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Engineer shall notify the subdivider of this fact and shall do no further work in connection with such review until the subdivider has deposited such additional sum of money determined necessary by the Engineer to cover the cost of the work. The subdivider shall also pay to the Office of the Finance Director an amount fixed by City Council per man hour for field inspection of the improvements. The estimated inspection fees shall be determined by the Engineer. The subdivider is held responsible for all of the above listed fees. The performance bond posted by the subdivider guarantees the payment of all of the above listed fees, and no bonds will be released until all inspection fees have been paid in full.

- (b) Insurance. The owner shall save the City, its officers and agents harmless from all claims of any nature whatsoever by any person, firm or corporation, either for damages to person or to property, arising out of the carrying out of the work, and/or from liability from all claims relating to labor or material furnished for the entire work and material used in constructing the improvements. The owner shall, prior to recording of the record plat, furnish the City with evidence of paid-up insurance for the protection of himself and the City that provides public liability insurance and automobile insurance in the following minimum amounts and coverages:
- |                                 |             |
|---------------------------------|-------------|
| Bodily injury, each person:     | \$1,000,000 |
| Bodily injury, each occurrence: | \$2,000,000 |
| Property damage, each accident: | \$250,000   |
| Property damage, aggregate:     | \$500,000   |
- (c) Construction Agreement. To assure construction and installation of improvements required by these Regulations, the subdivider shall execute a construction agreement with the City in form and substance as determined by the City Engineer and approved by the Law Director. This agreement shall provide that all such improvements shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; such improvements shall be available to and for the benefit of the lands within such subdivision; such improvements will be completed and installed within the time for completion as set forth in the ordinance approving the record plat. Any further provisions that the Law Director may deem necessary to the public interest may be added, including the right to request surveys, resurveys, title searches or liquidated damage clauses. The construction agreement shall further provide that, if the improvements are not completed within the specified time, the City, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate each portion of money or bonds posted for the faithful performance of such works. Prior to Council accepting this Construction Agreement, the subdivider must submit a Performance Guarantee (refer to Section 1173.08(e)).
- (d) Commencement of Improvements. No construction of any improvements or clearing, grubbing and grading shall be commenced prior to the approval of the construction agreement by Council.

- (e) Performance Guarantee.
- (1) Type of guarantee. The subdivider, when requesting Council's approval of the Construction agreement and/or the record plat, shall execute and file with the Finance Director the construction agreement provided for herein, and also shall file with the Finance Director a full construction letter of credit in an amount equal to the estimated cost of all the improvements which he has agreed to build and install, plus an additional five percent of such cost. The additional amount shall provide for any margin of error in estimation and shall also be available to the City to offset increased construction costs and administrative costs which the City may incur if it is forced to complete the improvements under the forfeiture provisions hereof. The subdivider's engineer shall prepare a cost estimate and submit it to the City Engineer for approval. The letter of credit shall specifically stipulate that all draw requests must be approved in advance by the City Engineer. Additionally, the letter of credit becomes null and void only after the City Engineer certifies the completion of the work. Finally, the letter of credit must specifically state that the City may draw upon this letter of credit to complete any improvements not completed by the subdivider within the specific time periods established herein. The form of the letter of credit must be approved by the Finance Director and the Law Director. An example of an acceptable letter of credit can be found in the appendix of this section.
- (2) Term of guarantee. The letter of credit shall be for a period of time at least one year longer than the time in which the subdivider is to complete his improvements. In the case of a surety bond, it shall provide that no reasonable extension of time granted the subdivider by the City shall act as a release of the surety or sureties.
- (f) Final Inspection. Upon completion of all the various items of work, the subdivider may apply to the City for final inspection. If the City finds that all installations meet the requirements of the approved plans and specifications, and the same are approved and accepted by the City Engineer, then the performance bond may be discharged, provided that the subdivider has first posted his maintenance bond as provided for herein. All items found to be not acceptable by the City Engineer at the time of the final inspection must be corrected prior to the issuance of any building permits. The subdivider will not be allowed to apply for any building permits within the subject subdivision until all improvements (excepting sidewalks) have been completed to the satisfaction of the City Engineer and all required submittals have been forwarded to and approved by the City Engineer.

- (g) Maintenance Guarantees. A cash maintenance bond or a corporate surety bond shall be posted with the City in the amount of ten percent of the cost of improvements and shall be arranged for a period of 24 months from the date of final inspection and approval of improvements by the City Engineer. The bond shall be subject to approval by the Finance Director and the Law Director. The subdivider shall be responsible for routine maintenance of all improvements within twenty-four months, and shall repair all failures due to faulty construction as soon as they become apparent. The subdivider shall also make repairs due to erosion or abuse by utility companies and shall repair all failures for all other reasons during the maintenance guarantee period. The streets and other improvements shall be in a condition acceptable to the City Engineer at the end of the maintenance period. If the subdivider fails to perform such maintenance to the complete satisfaction of the City Engineer, the City Engineer may use such cash maintenance guarantee to complete the required improvements.
- (h) Bond Release. At the termination of the twenty-four month maintenance period the subdivider may apply to the City for an inspection of the various items of work. Before the inspection is made the subdivider shall cause the sanitary sewers, storm sewers and the surface of the pavement and walk to be cleaned. The City shall require the replacement of any defective work or materials, or of any walk that has been damaged within the twenty-four month maintenance period. When the City finds that any defects in workmanship or materials which might have developed within the twenty-four month maintenance period have been properly corrected and that other obligations of the bond have been satisfied, it shall notify the subdivider that the bond may be released, and the City shall assume all maintenance thereafter.
- (i) Bond Forfeited. If the improvements are not completed as proposed within the time limit that was established in the acceptance ordinance, or an extended time period approved by Council, the performance bond shall be forfeited and the money shall be collected by the City and used to complete the specified improvements. The money that is collected from the bond shall be used for no other purpose, except that the City may charge ten percent in addition to the cost of the improvements for administrative overhead. Any money remaining after the completion of the work shall be returned to the original depositor. If at the termination of the eighteen-month maintenance period the subdivider fails to make the repairs, corrections or improvements which are ascertained by the City Engineer, then the City may declare the bond and use the proceeds to make repairs and corrections necessary and to perform the maintenance required of the subdivider. The money so collected shall be used for no other purpose except that the City may charge ten percent in addition to the cost of the repairs, corrections or maintenance to offset administrative overhead, and any remaining funds shall be returned to the original depositor.
- (j) Miscellaneous. The guarantees for performance and maintenance provided for herein may be combined in a single document or instrument so long as the obligations are clearly stated and the City is not prejudiced by combining them. Any such combination bond must be approved by the Law Director. At any time during the existence of the performance or maintenance obligations, the subdivider may exchange one form of guarantee for another so long as the City is not thereby prejudiced. Any application for such a substitution must first have the approval of the Law Director.

**APPENDIX B  
EXAMPLES OF CERTIFICATIONS AND STATEMENTS  
CERTIFICATIONS AND STATEMENT  
City of Medina, Ohio**

1. Notarized Certification by Owners:

We the undersigned owners of the lands embraced within this subdivision hereby acknowledge this plat and subdivision to be our free act and deed, and do hereby dedicate to public use forever the streets, easements, parks, and other public sites and all improvements therein as shown upon this plat.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

State of Ohio)            ss  
\_\_\_\_\_County)

Before me, a Notary Public in and for said County and State, personally appeared the above named \_\_\_\_\_ and \_\_\_\_\_, husband and wife, who acknowledged the making of the foregoing instrument and the signing of this plat to be their free act and deed. In testimony whereof I have hereunto set my hand and affixed my official seal at \_\_\_\_\_ Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

2. Certification by Surveyor or Engineer:

I hereby certify that I have surveyed the land shown on this plat, that this plat is a correct representation of the land surveyed, and the subdivision thereof, and that I have found or set the pins and monuments shown, and that all lots conform to the Municipal Zoning Ordinance.

\_\_\_\_\_  
Registered Surveyor

3. Approved by the Medina City Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ .

\_\_\_\_\_  
Planning Director

4. This plat was duly accepted by Ordinance No. \_\_\_\_\_ of Medina City Council at a regular/special meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

5. Received for transfer \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Tax Map Draftsman

6. Received for transfer \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Medina County Auditor

7. Received for record \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ A.M./P.M.  
Recorded \_\_\_\_\_, 19\_\_ in volume \_\_\_\_\_ Page \_\_\_\_\_, Fee \$ \_\_\_\_\_,

\_\_\_\_\_  
Medina County Recorder

8. I certify that the required improvements have been installed and/or the necessary financial guarantees have been provided.

\_\_\_\_\_  
Medina City Engineer \_\_\_\_\_ date