

# **ZONING CODE**



## **WARRENSVILLE HEIGHTS**

**AS ADOPTED BY  
CITY COUNCIL**

**NOVEMBER 4, 2020  
ORDINANCE NO. 2020-124**

# **CODIFIED ORDINANCES OF WARRENSVILLE HEIGHTS**

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1121.01 INTERPRETATION; GENERAL DEFINITIONS.

As used in this Planning and Zoning Code:

- (a) The word "shall" shall be interpreted as mandatory and shall be complied with unless waived by the appropriate commission, board or authority having jurisdiction; "may" shall be interpreted as having permission or being allowed to carry out a provision; "should" shall be interpreted as expressing that the application of a criterion or standard is desired and essential unless commensurate criteria or standards are achieved.
- (b) All words used in the singular shall include the plural and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.
- (c) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (d) The term "such as" shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative.
- (e) "Board" means the Board of Zoning Appeals of the City.
- (f) "Build" means establish, construct, erect, assemble, reconstruct, enlarge, alter, or develop.
- (g) "Building Commissioner" means the chief building official of the City.
- (h) "City" means the City of Warrensville Heights, Ohio.
- (i) "Code" means the Planning and Zoning Code of the City, unless otherwise designated.
- (j) "Commission" means the Planning and Commission of the City.
- (k) "Council" means Council of the City.
- (l) "County" means Cuyahoga County, Ohio.
- (m) "Developer" means a person or firm commencing proceedings under this Code to effect a subdivision or development of land for himself or herself or for another.
- (n) "District" means a section of the City for which uniform zoning regulations, as provided herein, govern the use of land, structures, and premises, the permitted height, and area of structures and the area or open spaces about structures.
- (o) "Engineer" means the Engineer of the City.
- (p) "Lot" means a parcel of land, the perimeter of which has been approved by Council and recorded at the office of the County Recorder.
- (q) "Person" means an individual, firm, association, corporation, trust or other legal entity.
- (r) "Regulation" means a rule, restriction or other mandatory provision intended to control, require, or prohibit an act and includes "requirement".

1121.02 ACCESSORY USE OR BUILDING.

"Accessory Use" or "Accessory Building" means a permitted subordinate use or building which is located on the same lot with and incident to the main use or main building and which is subordinate in area, extent, and purpose to the main use or building served.

1121.03 AREAS (BUILDING COVERAGE, DWELLING UNIT, FLOOR, LOT).

- (a) “Building Ground Coverage” or “Building Area” means the horizontal area of ground covered by a building and is measured from the vertical projections of the outermost wall surfaces of the building and generally expressed in square feet or as a percentage of the total lot area.
- (b) “Dwelling Unit Area” means the horizontal area of usable and habitable space available exclusively to the occupant within a dwelling unit and is measured from the interior wall faces of the dwelling unit.
- (c) “Gross Floor Area” means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for fire stairways, elevators, closets, or thickness of exterior walls, expressed in square feet.
- (d) “Lot Area” (site area) means the total horizontal area within a lot boundary line, expressed in square feet or acres.

1121.04 BASEMENT.

“Basement” means a portion of a building partially or entirely underground whose ceiling, or underpart of the floor above, is four feet (4') or less above the average finished grade elevation.

1121.05 BUFFER AREA.

“Buffer Area” means an area of land, together with landscaping, fencing, walls and/or hedges required by this Code and approved by the Commission and/or Council, which may be required to separate uses or zoning districts to eliminate or minimize conflicts between them.

1121.06 BUILDING.

“Building” means a structure permanently built and affixed to the land which is maintained or intended for the shelter or enclosure of persons, animals or property of any kind. The term shall be used synonymously with “structure”, unless specific structures are noted, and shall be construed as if followed by the words “or part or parts thereof”. “Structure” means that which is constructed on or under the ground or connected thereto and includes, but is not limited to, buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, platforms, pools, poles, tanks, tents, towers, sheds, signs, walls, and the like.

1121.07 BUILDING HEIGHT.

“Building Height” means the vertical distance measured from the finished grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. The finished grade may not be less than the average finished grade across the width of the lot measured at the front building line.

1121.08 BUILDING LINE (SET-BACK LINE).

“Building Line” (set-back line) means a line parallel to and measured from a street line or

front lot line defining the limits of a front yard in which no building structure or use may be located above ground, except as provided in this Code. If no building line is established or if building lines are in conflict, then the Commission shall determine the building line using other similar standards in the City.

**1121.09 BUILDING PERMIT.**

"Building Permit" means a permit issued by the Building Commissioner to construct, alter or repair a building or part thereof exactly as shown on plans approved by the City.

**1121.10 BUSINESS SERVICES.**

"Business Services" means services provided primarily to other business operations, which may include consulting services, property and/or equipment maintenance services, financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations.

**1121.11 CONDITIONAL USE PERMIT.**

"Conditional Use Permit" means a Use (hereinafter defined) which is permitted in a District only by a Conditional Use Permit as regulated herein. The nature of each conditional use, or its effect upon persons or property, requires consideration and approval under special or conditional circumstances and such conditional uses shall only be permitted when specific findings are made and when that conditional use has met the conditions set forth in this Code.

**1121.12 DENSITY.**

"Density" means a unit of measurement which describes either the number of dwelling units per acre of land or the amount of land or site area per dwelling unit.

**1121.13 DWELLING, MULTI-FAMILY.**

"Multi-Family Dwelling" means a building consisting of three or more dwelling units with varying arrangements of entrances and party walls.

**1121.14 DWELLING UNIT.**

"Dwelling Unit" means a single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation and physically separated from any other rooms or dwelling units which may be in the same structure.

**1121.15 DWELLING UNIT, SINGLE-FAMILY DETACHED.**

"Single-Family Detached Dwelling Unit" means a free-standing building designed for or used exclusively for residence purposes by a single housekeeping unit.

**1121.16 DWELLING UNIT, SINGLE-FAMILY ATTACHED.**

"Single-Family Attached Dwelling Unit" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same

structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

**1121.17 FAMILY.**

"Family" means one (1) or more persons occupying a dwelling unit and living as a single unit, excluding however, both for-profit and non-profit group homes, halfway houses, drug and substance abuse treatment facilities, and other rehabilitation or residential, multiple person treatment facility, unless specifically exempted from zoning regulations and restrictions by the Ohio Revised Code or Federal Housing Laws.

**1121.18 FAMILY HOME.**

"Family Home" means a residence licensed according to Chapter 5119 of the Ohio Revised Code to provide accommodations to not more than five (5) unrelated adults and which provides supervision and personal services to at least three (3) of those adults, where the adults live as a single unit and the residence serves as the adults' sole, bona fide permanent residence, but which does not provide nursing care or include residents who require "Skilled Nursing Care" or "intermediate nursing care" and shall not include "homes" and "homes for the aging" as defined in ORC Chapter 3721.

**1121.19 GARAGE.**

"Garage" means a building or portion thereof designed for and used for the parking, standing or temporary storage of vehicles.

**1121.20 GASOLINE SERVICE STATION.**

"Gasoline Service Station" means a building or part thereof, structure or space used for the retail sale of gasoline, lubricants and motor vehicle accessories and for minor services and repairs.

**1121.21 GRADE.**

"Grade" means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Specifically:

- (a) "Average Grade" means the mean elevation of the land measured at the set-back line between the side lot lines.
- (b) "Established Street Grade" means the elevation established by the City Engineer measured at the roadway centerline in front of the lot.
- (c) "Finished Grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.
- (d) "Natural Grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill

**1121.22 HOUSES OF WORSHIP.**

"Houses of Worship" means a building originally designed and constructed for religious worship such as church, synagogue, temple, mosque or word of similar import expressed in English or another language.

**1121.23 LICENSED HEALTH CARE FACILITY.**

"Licensed Health Care Facility" means a health care facility licensed to provide medical

services by the State of Ohio.

**1121.24       LOADING SPACE.**

“Loading Space” means an off-street space for the temporary parking of delivery and pick-up vehicles, at least twelve feet (12’) wide and of a length needed to accommodate delivery vehicles, and exclusive of any required automotive parking area driveway or parking aisle.

**1121.25       LOT.**

“Lot” means a parcel of land occupied or intended to be occupied by a main building or use of by a group of buildings, together with accessory buildings and uses and open spaces as required by this Code, and having frontage on a public street. Specifically:

- (a)   “Corner Lot” means a lot abutting on two or more streets at their intersection.
- (b)   “Double Frontage Lot” means an interior lot having frontage on two (2) streets.
- (c)   “Front Lot Line” means the street line of the lot in the case of an interior lot and the street line designated by the Building Commissioner as the front lot line in the case of a corner lot.
- (d)   “Interior Lot” means a lot other than a corner lot.
- (e)   “Lot Depth” means the mean distance from the front lot line to the rear lot line.
- (f)   “Lot Frontage” means the width of a lot measured along the front lot line.
- (g)   “Lot Width” means the width measured along the setback building line as established on the Zone Map or in this Code.
- (h)   “Rear Lot Line” means the lot line generally opposite the front lot line. If the rear lot line is less than ten feet (10’) in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet (10’) long, lying wholly within the lot and farthest from the front lot line.
- (i)   “Side Lot Line” means a lot line other than a front or rear lot line.

**1121.26       MAIN USE OR BUILDING.**

“Main Use or Building” means the principal use, purpose or activity conducted in a building or structure or on land.

**1121.27       NONCONFORMING.**

- (a)   “Nonconforming Lot” means a lot existing lawfully at the time this Code or an amendment hereto became effective, but which does not conform to the lot area, width, access or other requirements of the District in which it is located.
- (b)   “Nonconforming Structure” means a structure existing lawfully at the time Code or an amendment hereto became effective, but which does not conform to the area, height or bulk of building, yard or other regulations of the District in which it is located.
- (c)   “Nonconforming Use” means the use of a building or land existing

lawfully at the time Code or an amendment hereto became effective, but which does not conform to the main or accessory use regulations of the District in which it is located.

(d) Nonconforming, Lot, Structure, or Use shall be deemed abandoned if the nonconforming use ceases for a period of six (6) months.

1121.28 OCCUPANCY PERMIT.

“Occupancy Permit” means an official document of the City issued by the Building Commissioner confirming that the use of all or a part of a building, structure or parcel of land is in apparent compliance with the provisions of all existing codes, or is a lawfully existing non-conforming building or use and hence may be occupied and used lawfully for the purposes designated thereon as of the date of issuance.

1121.29 OPEN SPACE.

“Open Space” means an area on which no building extends above the finished grade and which is open to the sky. Open Space may include natural vegetation, landscape features, pedestrian plazas or parks and parking and driveways.

1121.30 PARKING.

“Parking” of motor vehicles is specifically defined as follows:

- (a) “Off-Street Parking” or “required parking” means the amount of parking which is required by Code, which is located entirely off of the public street right of way and behind the parking setback for that particular District and which is intended to support a principal permitted use.
- (b) “Parking Space” means an open paved area, not less than the areas specified in the zoning district, which is maintained for vehicle parking and which has sufficient aisle space for safe egress and ingress.
- (c) “Structured Parking” means any multi-story structure designed for automobile parking with multiple levels for parking vehicles including parking garages, parking ramps, and parking decks.

1121.31 PERSONAL SERVICES.

“Personal Services” means services provided to individual members of the general public where the primary purpose is not the transfer of ownership of tangible goods. Such operations may include personal grooming services such as barber shops, beauty parlors, tanning salons, nail salons, dry cleaning services, and tailoring, or may involve other personal improvement services such as tutoring or counseling.

1121.32 SITE DEVELOPMENT PLAN.

“Site Development Plan” means a required set of preliminary and final drawings submitted to induce the Commission to grant an approval or recommend an approval to Council as required in certain districts for any change to any structure or land or to the intensity of use of any structure or land. Such plans shall indicate topography, proposed buildings, areas, uses, open spaces, parking, etc., as required and in sufficient detail to evaluate a proposal in compliance with the standards of this Code.

1121.33 SET-BACK LINE.

"Set-Back Line" means a line established by the Code or on the Zone Map, generally parallel with and measured from the lot line, defining the limits of the yard in which no building, structure or use may be located above ground, except as may be provided in this

1121.34 STORY.

"Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is a story if its ceiling is over five feet (5') above the level from which the height of the building is measured, if it is used for business purposes or if it contains any dwelling unit.

1121.35 STREET.

"Street" means any road, thoroughfare, drive, freeway, easement, or accessway, public or private, which is specifically designed, dedicated, and maintained for public vehicular traffic. "Street" refers to the entire area within the right of way, including pavement, tree lawn, and sidewalk, and shall be built to the standards of and approved by the Engineer.

1121.36 SUBDIVISION.

"Subdivision" mean the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purposes - whether immediate or future - of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) 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.

1121.37 USE.

"Use" means any purpose for which buildings, structures, or land may be arranged, designed, intended, maintained, or occupied; or any activity, occupation, business, profession, or operation conducted in a building or structure or on land.

1121.38 WIRELESS TELECOMMUNICATIONS ANTENNA.

"Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

1121.39 WIRELESS TELECOMMUNICATIONS FACILITY.

"Wireless Telecommunications Facilities" means equipment and structures 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 land-based telephone lines.

1121.40 VARIANCE.

"Variance" means an exception to or modification of certain terms of this Code where such change will not be contrary to the public interest and where owing to special conditions or unique circumstances of a property a literal enforcement of the provisions

or requirements of the Code would result in an unnecessary hardship or practical difficulty and where the authorization of such exception or modification will not violate the spirit and intent of the Code, will result in a more harmonious and useful development, and substantial justice will be done.

**1121.41 YARD.**

“Yard” means an open space on the same lot with a building or group of buildings, lying between the building or group of buildings and the nearest lot line, unoccupied and unobstructed from the ground upward, except such encroachments of structures permitted herein. A yard shall be measured between a lot line and a line parallel to such lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, exclusive of the features permitted to extend into the required yard under this Code. The measurement of the yard shall be taken at right angles from the lot line to the line of the building. Specifically:

- (a) “Front Yard” means an open unoccupied space across the full width of a lot, bounded by the front building line, the front lot line and the side lot lines.
- (b) “Rear Yard” means an open unoccupied space extending across the rear of a lot between side lot lines.
- (c) “Required Yard” means the minimum yard or setback required between a lot line and a building line in order to comply with the regulations of the District in which the lot is located.
- (d) “Side Yard” means an open unoccupied space extending from the rear line of the required front yard to the rear-most part of the building and bounded also by the side lot line and the side of the building. In any District, the side yard on the street side of a corner lot shall be not less in width than the requirement of the setback building line established in this Code or shown on the Zone Map for that side of such corner lot.

**1121.42 ZONE MAP.**

“Zone Map” means the official map of the City dividing the land within the City into several Use Districts to demonstrate the overall development plans for the City.

## **CHAPTER 1123** **ENFORCEMENT; INSPECTION; PENALTY**

- 1123.01 Interpretation; Purpose.
- 1123.02 Application To Existing Buildings.
- 1123.03 Permit And Conformity Required For Construction, Alteration And Repairs.
- 1123.04 Certificate Of Occupancy.
- 1123.05 Frontage Required.
- 1123.06 Required Areas Not To Be Diminished.
- 1123.07 Lot Grades.
- 1123.08 Conformance With Plans.
- 1123.09 Inspections.
- 1123.10 Violations.
- 1123.99 Penalty.

### **1123.01 INTERPRETATION; PURPOSE.**

In interpreting and applying the provisions of this Planning and Zoning Code, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. This Planning and Zoning Code shall not interfere with, repeal, abrogate or annul any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which may hereafter be adopted and issued pursuant to law relating to the use of buildings or premises; nor shall this Planning and Zoning Code interfere with, abrogate or annul any private easements, covenants, agreements or restrictions. However, where this Planning and Zoning Code imposes greater restrictions on use or height or requires larger lots or yards than are otherwise imposed or required, the terms of this Planning and Zoning Code shall control.

### **1123.02 APPLICATION TO EXISTING BUILDINGS.**

Nothing contained in this Planning and Zoning Code shall require any change in the plans, construction or designated use of a building completed at the time of passage of an Ordinance adopting this Zoning Code or for which a permit has been issued before the passage of this section and construction of which is begun within thirty days of the issuance of such permit, diligently prosecuted to its completion, and completed according to the plans and descriptions on which such permit was issued, within one year of the issuance of the permit.

### **1123.03 PERMIT REQUIRED FOR CONSTRUCTION, ALTERATION AND REPAIRS.**

The Building Commissioner shall cause examination to be made of every application for a building permit and shall issue no permit for any building or structure to be built, altered or repaired in violation of the City Ordinances. No building or structure shall be built, altered or repaired except after the issuance of such permit and in conformity with such permit and the plans, statements and other documents required by the Ordinances of the City. No permit for excavation or construction shall be issued by the Building Commissioner unless the plans, specifications and intended use conform to the provisions

of this Planning and Zoning Code. Any such permit issued in violation hereof shall be void.

**1123.04 CERTIFICATE OF OCCUPANCY.**

No owner shall use or permit the use of any building or premises or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly in its use or structure, until a Certificate of Occupancy, which shall be a part of the building permit, has been issued by the Building Commissioner. Such certificate shall show that such building or premises, or part thereof, and the proposed use thereof, are in conformity with the provisions of this Planning and Zoning Code. It shall be the duty of the Building Commissioner to issue a Certificate of Occupancy, provided that the Building Commissioner is satisfied that the building or premises and the proposed use thereof conform with all the requirements of this Planning and Zoning Code. Under such rules and regulations as may be established by the Building Commissioner. The Building Commissioner may issue a temporary Certificate of Occupancy for a part of a building for a period or not more than thirty days.

**1123.05 FRONTAGE REQUIRED.**

No building shall be constructed on any lot unless such lot has a frontage on a public highway or upon a public street, which has been duly dedicated and accepted for public use.

**1123.06 REQUIRED AREAS NOT TO BE DIMINISHED.**

Lot and/or yard areas required by this Planning and Zoning Code for buildings in each Zoning District shall not be included as a part of the required lot or yard areas of any other building; nor shall such lot or yard areas be diminished below the requirements of this Planning and Zoning Code

**1123.07 LOT GRADES.**

The average grade of each lot, except as hereinafter otherwise provided, shall not exceed fifteen inches above the average established grade of that section of the street or streets on which such lot abuts. No artificial grading of any lot shall be made which will increase the height of any part of the grade thereof in such a manner that any part so graded is in excess of fifteen inches above the established average grade of the street along the line or lines bounding such lot. Wherever the average natural grade of any lot as determined by the City Engineer is above the lot grade hereby established, such average natural grade may be maintained for such lot. In the event that the topography of any land is such that the lot grade here established would, in the opinion of the City Engineer, work an injustice upon the owner or would render the improvement or development of the land difficult and impracticable, the City Engineer may approve establishing a different lot grade than that herein established.

**1123.08 CONFORMANCE WITH PLANS.**

Since the City has adopted a general town plan, as shown by the Zone Map, no building or structure of any class or use shall be erected so that any part thereof shall come within the street lines shown at such time on such Zone Map, except as provided in subsection

(c) hereof. There is hereby reserved to Council and to the Planning Commission the right to amend or modify the general town plan as shown on such Map, in whole or in part, by the acceptance or approval of allotments or subdivisions, the establishment of streets or highways, or otherwise, and upon such amendment or modification, the provisions of subsection (b) hereof relative to the erection of buildings or structures shall no longer apply to the area so amended or modified. No such amendment or modification shall be effective unless first approved by both Council and the Planning Commission and Council.

1123.09        INSPECTIONS.

The Building Commissioner shall cause inspection to be made of all buildings and structures in process of construction, and such other buildings, structures and premises as found necessary or proper to be inspected in the enforcement of this Planning and Zoning Code.

1123.10        VIOLATIONS.

- (a) When any construction, alteration or repair of any building or structure is being done in violation of this Planning and Zoning Code, it shall be unlawful to proceed further upon such work and such work shall be suspended forthwith.
- (b) When any building, structure or premises are being used or occupied in violation of this Planning and Zoning Code, it shall be unlawful to continue such use or occupancy and such use and occupancy shall be suspended forthwith.
- (c) It shall be the duty of the Building Commissioner to notify the owner, or the owner's agent, of such unlawful work, use or occupancy, and to cause a written or printed notice of the suspension thereof to be posted conspicuously and as near as practicable to the scene of the unlawful work, use or occupancy. No person shall remove, deface, cover or conceal such notice or do any further work on such building or structure, or continue the use or occupancy of such building, structure or premises until such notice shall have been rescinded by the Building Commissioner or the Planning Commission, subject to the concurrence of Council; provided that the Building Commissioner may direct such covering or protection to be made as the public safety may require, and the person performing the suspended work, use or occupancy shall immediately make such covering and protection as directed.

1123.99        PENALTY.

- (a) The owner of any building or premises or part thereof where anything in violation of this Planning and Zoning Code shall be placed, or shall exist, and any architect, builder or contractor who assists in the commission of any such violation, and any person who violates any of the provisions of this Planning and Zoning Code, the rules and regulations of the Planning Commission and the Board of Zoning Appeals made pursuant thereto and any resolutions of Council passed incident or pursuant thereto, or fails to

comply therewith, and for which no other penalty is provided is guilty of a misdemeanor of the first degree.

- (b) The imposition of any penalty shall not preclude:
  - (1) The Building Commissioner, or his or her designee, from issuing a warning notice to correct said violations within a reasonable amount of time, and if said violations are not corrected, then implementing a fine of \$250 for the first offense, \$500 for the second offense, and \$750 for each subsequent offense thereafter.
  - (2) The Director of Law of the City, or his or her designee, from instituting an appropriate action or proceeding in a court of competent jurisdiction to restrain, correct or abate a violation or to require compliance with the provisions of this Planning and Zoning Code.
- (c) Each day such violation or failure to comply exists shall constitute a separate offense.

## **CHAPTER 1124** **CONDITIONAL USE PERMITS**

- 1124.01      Conditional Use Permits Generally.
- 1124.02      Planning Commission Approval Required.
- 1124.03      Applications For Conditional Use Permits.

### **1124.01      CONDITIONAL USE PERMITS GENERALLY.**

. Conditional Use Permits shall be required for certain uses as set forth in this Zoning<sup>[1]</sup>Code. Because of their uncommon or unique nature or characteristics, infrequency of occurrence, large area requirements, potential for impact upon persons or adjacent properties, or for other reasons, such uses may not be permitted in a District without consideration in each case of those potential impacts and the standards and conditions under which they may be permitted and desirable at specific locations and in certain districts. <sup>[1]</sup><sub>[SEP]</sub>

### **1124.02      PLANNING COMMISSION AND COUNCIL APPROVAL REQUIRED.**

Uses designated as conditionally permitted uses in a District are not permitted by right in the District. Those uses enumerated in this Code as being conditionally permitted may be permitted in the District where enumerated only if a determination is made by the Planning Commission and confirmed by City Council that such use conforms to accepted planning standards and the criteria provided herein and subject to compliance with any specific conditions or standards attached to the approval by either the Planning Commission or City Council, otherwise such uses shall be prohibited in the District. The application of planning standards, for determining the acceptability, location, and extent of such conditionally permitted uses, is a planning function and not in the nature of a variance or appeal. <sup>[1]</sup><sub>[SEP]</sub>

### **1124.03      APPLICATIONS FOR CONDITIONAL USE PERMITS.**

Applications for a Conditional Use Permit shall be made on forms provided by the City's Building Department. Upon receipt of a completed application, the request shall be scheduled for the next regularly scheduled Planning Commission meeting. The Planning Commission may recommend approval, denial, or approval with specific conditions and standards for the operation of the proposed conditional use. The recommendation of the Planning Commission shall be forwarded to City Council for its concurrence at the next regular Council meeting. <sup>[1]</sup><sub>[SEP]</sub> No Conditional Use Permit shall be issued without the approval of City Council.

## **CHAPTER 1125 AMENDMENTS**

- 1125.01      Amendments Submitted By City Council And/Or Planning Commission.
- 1125.02      Petition By Landowners.
- 1125.03      Action by Planning Commission
- 1125.04      Public Notice of Hearing.
- 1125.05      Action By City Council.
- 1125.06      Keeping Zone Map Current.

### **1125.01      AMENDMENTS INITIATED BY CITY COUNCIL AND/OR PLANNING COMMISSION.**

City Council may, on its own motion or on petition, after the public notice and hearing pursuant to Section 1125.04 of this Chapter, filing of documents and hearing required by law, amend this Planning and Zoning Code in any respect. No such amendment shall be passed unless the ordinance shall have first been submitted to the Planning Commission for its consideration and recommendation. Any amending ordinance submitted to Council by the Planning Commission may be passed without further reference to such Commission.

### **1125.02      PETITION BY LANDOWNERS.**

- (a) Applications for a text amendment to this Planning and Zoning Code or for the rezoning of land to a different District shall be filed with the Clerk of Council with a non-refundable filing fee and a deposit of to reimburse the City for any expense incurred in the review process in such amounts as may be established by City Council. The Finance Director may request an additional deposit at any time when the deposit is depleted.
- (b) Applications for rezoning shall be made on forms provided by the Building Commissioner and shall include eighteen (18) copies of the following information, at a minimum:
  - (1) A letter containing a full and complete statement, signed by a principal of the corporation or partnership or an individual requesting rezoning, including:
    - A. The location of the property to be rezoned;
    - B. The present use of the property;
    - C. The proposed use of the property;
    - D. A general statement regarding the type of building to be constructed, including its height and square footage;
    - E. A statement regarding the identity of the Applicant, and the Applicant's interest in the property.
  - (2) A proposed Site Development Plan locating the building and improvements intended to be developed if the zoning is approved. Printed on the Site Development Plan shall be a "box score" listing:
    - A. All of the Zoning Code requirements for the proposed use;

- B. The actual dimensions shown on the Site Development Plan; and
- C. The amount of any variance requested.

(3) A legal description of the property, which description shall include all easements or other restrictions on the use of the land.

(4) Proof of each business entity's registration with the Ohio Secretary of State or equivalent registration if the entity was formed in a different state or country.

(c) Applications for text amendments to this Zoning Code, not including rezoning, shall be made on forms provided by the Building Commissioner and shall include eighteen (18) copies of the following information, at a minimum:

- (1) A letter containing a full and complete statement, signed by a principal of the corporation or partnership or an individual requesting the text amendment, including:
  - A. The full text of the relevant code section(s) clearly showing the requested amendment.
  - B. An explanation of the reason for the requested amendment.
- (2) Proof of each business entity's registration with the Ohio Secretary of State or equivalent registration if the entity was formed in a different state or country.

**1125.03 ACTION BY PLANNING COMMISSION.**

Upon receipt of a complete application for an amendment to the Planning and Zoning Code or upon initiation of an amendment by the Commission, the Planning Commission shall conduct a public hearing on such request after notice of said hearing pursuant to Section 1125.04 of this Chapter. Upon conclusion of the public hearing the Commission shall make a report and recommendation to City Council within sixty (60) days of said hearing unless such time period shall have been extended with the consent of the applicant. The Planning Commission may recommend approval of the zoning amendment, approval with modifications, or denial.

**1125.04 PUBLIC NOTICE OF HEARING.**

Notice of the public hearing before the Planning Commission for a text amendment or for rezoning of land shall be provided as follows:

- (a) Placement of an advertisement in a newspaper of general circulation within the City at least thirty (30) days prior to the date of such public hearing;
- (b) Posting in a public space at City Hall at least thirty (30) days prior to the date of such public hearing; and
- (c) For the rezoning of land, sending written notice by first class mail at least ten (10) days before the date of the public hearing to owners of property contiguous to and directly across the street from the parcel or parcels which are the subject of such rezoning request. Such notice shall be sent to the addresses of owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board.

1125.05 ACTION BY CITY COUNCIL.

Upon receipt of the report and recommendation of the Commission for a text amendment or rezoning, said proposed amendment or request for rezoning shall be introduced at the next regular Council meeting occurring at least seven (7) days after receipt of the report and recommendation. The Council may refer a proposed amendment to a committee of Council for further study at any time prior to adoption. The Council may declare a moratorium for a period not to exceed 120 days if it finds and determines the necessity of preventing applications for Site Development Plan approval to the Commission, or applications for building permits to the Building Commissioner, during a period when amendments to the Planning and Zoning Code are being reviewed by the Council, and legislation is pending to amend the Planning and Zoning Code, in order to prevent the vesting of property owners' rights during the limited period of time when such legislation is being considered.

1125.06 KEEPING ZONE MAP CURRENT.

On the passage of any amendment changing the zoning or districting of any area, it shall be the duty of the Building Commissioner forthwith to cause such change to be entered upon the Zone Map by an appropriate designation. A copy of the Official Zoning Map shall be kept on file in the office of the Building Commissioner.

## **CHAPTER 1127** **NONCONFORMING USES, LOTS AND STRUCTURES**

- 1127.01 Purpose
- 1127.02 Nonconforming Uses; extensions and changes.
- 1127.03 Nonconforming lots.
- 1127.04 Nonconforming structures.
- 1127.05 Completion of construction.

### **1127.01 PURPOSE.**

The purpose of this Chapter is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Code and amendments hereto but which do not conform to the existing provisions hereof. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Code which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Chapter to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

### **1127.02 NONCONFORMING USES; EXTENSIONS AND CHANGES.**

A Nonconforming Use existing at the time of the passage of this Chapter may be continued. A Nonconforming Use shall not be extended without the approval of the Commission, except that the extension of the use to any portion of the building, which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter, shall not be deemed an extension of a Nonconforming Use. A Nonconforming Use, if changed to a conforming use, may not thereafter be changed back to a Nonconforming Use. Whenever a Nonconforming Use has been discontinued for a period of six (6) consecutive months or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the Nonconforming Use. At the end of the six (6) months period of abandonment, the Nonconforming Use shall not be re-established, and any further use shall be in conformity with the provisions of this Code.

### **1127.03 NONCONFORMING LOTS**

When a Nonconforming Lot can be used in conformity with all applicable provisions of this Code, except that either the area or the width of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a Nonconforming Lot cannot reasonably be established due to the setback requirements of the District in which it is located, the Commission may grant variances to setback requirements as necessary to establish a permitted use of the District, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Code.

1127.04 NONCONFORMING STRUCTURES.

- (a) Alterations or Enlargements: A Nonconforming Structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the District in which it is located.
- (b) Restoration of Damaged Structure: Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding, and continued use of any Nonconforming Structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Code, provided that not more than fifty percent (50%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity, and further provided that such replacement or repair occurs within one (1) year of the date of damage. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the Nonconforming Structure and use shall not be reconstructed except either in a manner conforming with this Code or with the special approval of the Commission and the concurrence of City Council.
- (c) Repairs and Maintenance: Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

1127.05 COMPLETION OF APPROVED CONSTRUCTION.

Nothing in this Chapter shall prohibit the completion or construction and use of a Nonconforming Structure for which a Building Permit has been issued prior to the effective date of this Code or amendment thereto, and provided that construction is commenced within ninety (90) days and provided that the entire Nonconforming Structure and the establishment of the use shall have been completed within one (1) year after issuance of the Building Permit.

## **CHAPTER 1129** **VARIANCES AND APPEALS**

- 1129.01 Determinations.
- 1129.02 Variance Authority.
- 1129.03 Variance Applications.
- 1129.04 Notice and Hearing.
- 1129.05 Area Variances.
- 1129.06 Use Variances.
- 1129.07 Action By Board Of Zoning Appeals.
- 1129.08 Action By Council.
- 1129.09 Time Limitation.
- 1129.10 Appeals Of Administrative Decisions.

### **1129.01 DETERMINATIONS.**

Where specifically authorized by the provisions of this Planning and Zoning Code, the Planning Commission may, with the consent and approval of City Council, make a determination that a requested Use which is not expressly listed as a permitted use within a particular Use District is a similar, harmonious, and compatible use within said District where the approval of said Use will not adversely affect other properties and is consistent with the spirit and intent of both the specific District and this Planning and Zoning Code. Where a Use is determined by the Commission and Council to be similar, harmonious, and compatible to the listed permitted uses in a District, it shall thereafter be treated as a permitted Use within the identified Use District. Such determinations by the Commission and Council shall be considered interpretations of this Code and not Use variances.

### **1129.02 VARIANCE AUTHORITY.**

The Board of Zoning Appeals may recommend and the City Council may confirm, upon appeal, in specific cases, such variances from the terms of this Planning and Zoning Code only when there are practical difficulties or unnecessary hardships in carrying out the strict interpretation of the Code and only so long as the granting of such variances will be in harmony with the general purpose and intent of the Code and that the public health, safety and general welfare will continue to be secured and substantial justice done.

### **1129.03 VARIANCE APPLICATIONS.**

- (a) Each application for a variance shall be made on forms provided by the Building Commission and shall include twelve (12) copies of the following:
  - (1) A statement of justification for the requested variance along with substantiating evidence regarding the required findings of fact as set forth herein.
  - (2) The specific section of the Code for which a variance is being sought.
  - (3) Written proof of control of the property by ownership, option or

lease.

(4) Proof of each business entity's registration with the Ohio Secretary of State or equivalent registration if the entity was formed in a different state or country.

(b) It shall be the responsibility of each applicant to provide sufficient information and clear and convincing evidence to support the requested variance.

**1129.04 NOTICE AND HEARING.**

(a) The Board of Zoning Appeals shall hold a public hearing on each application for a variance and shall give at least ten (10) days notice of the time and place thereof by:

(1) Sending written notice by first class mail at least ten (10) days before the date of the public hearing to owners of property contiguous to and directly across the street from the parcel or parcels which are the subject of such request. Such notice shall be sent to the addresses of owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board. The failure of delivery of such notice shall not invalidate any such variance; and

(2) By any two (2) of the following methods:

A. Publication in a newspaper of general circulation in the City;

B. Posting on the City website; or

C. Posting in a public space at City Hall.

(b) During such ten (10) days, the application, together with any maps, plans and reports submitted to the Board of Zoning Appeals, shall be on file for public examination in the office of the Clerk of Council.

**1129.05 AREA VARIANCES.**

No appeal for an area variance, that is a variance involving provisions relating to spatial or dimensional requirements, such as yard dimensions, setbacks, height, parking, or similar requirements or provisions of this Planning and Zoning Code, shall be recommended or granted by the Board of Zoning Appeals or granted by City Council unless the Board and/or Council determine by clear and convincing evidence that a practical difficulty exists or will result from the literal enforcement of the Code and that granting such variance is consistent with the provisions and requirements of Section 1129.02 of this Chapter. The following standards shall be considered and weighed by the Board and Council in determining whether the granting of an area variance is warranted:

(a) Whether the property in question will yield a reasonable return and 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 will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

- (d) Whether the variance will adversely affect the delivery of governmental services (i.e. water, sewer, garbage, fire, police, or other).
- (e) Whether the property owner purchased the property with knowledge of the zoning restriction.
- (f) Whether the property owner's predicament can be obviated through some method other than a variance.
- (g) Whether the spirit and intent of this Code will be observed and substantial justice done by granting the variance.
- (h) Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific Use District.
- (i) Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning District or general vicinity.
- (j) Whether the practical difficulty is created by this Code and not by any action or actions of the property owner or the applicant.
- (k) Whether the variance desired will adversely affect the public health, safety, or general welfare.
- (l) Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

#### 1129.06 USE VARIANCES.

No appeal for a use variance, that is, a variance for the approval of a use which is not permitted in the District, shall be recommended by the Board or granted by Council unless the Board and Council determine by clear and convincing evidence that an unnecessary hardship exists or will result from the literal enforcement of the Code and that granting such variance is consistent with the provisions and requirements of Section 1129.02 of this Chapter. The following standards shall be considered and weighed by the Board and Council in determining whether the granting of a use variance is warranted to afford relief of an unnecessary hardship:

- (a) Whether uses permitted in the District may be reasonably established on the property and whether the permitted uses are economically viable on the property in question without the variance.
- (b) Whether the variance is the minimum variance necessary to afford relief to the property owner.
- (c) Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- (d) Whether the variance requested arises from an exceptional condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.
- (e) Whether the hardship condition was created by actions of the applicant.
- (f) Whether the spirit and intent of the Code will be observed and substantial justice done by granting the variance.
- (g) Whether the use requested is similar in character to the permitted uses in the subject District.
- (h) Whether the subject property is adequate to meet the needs and

requirements of the proposed use.

**1129.07 ACTION BY BOARD OF ZONING APPEALS.**

In recommending approval of a variance, the Board may prescribe appropriate conditions, stipulations, requirements, and safeguards in conformity with this Code. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.

**1129.08 ACTION BY CITY COUNCIL.**

Council shall consider the recommendation of the Board of Zoning Appeals along with the variance application, including any and all conditions, stipulations, requirements, and safeguards recommended by the Board. Council may include and attach the conditions, stipulations, requirements, and safeguards recommended by the Board, may modify the recommendations of the Board, and/or may prescribe such additional conditions, stipulations, requirements, and safeguards as it may deem necessary and appropriate as terms and conditions under which the variance is granted. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code. Any person, firm, or corporation aggrieved by any decision of the Council with regard to an application for a variance may appeal such decision to the Court of Common Pleas provided that such appeal shall be filed within thirty (30) days after the date of Council's action.

**1129.09 TIME LIMITATION.**

Variances shall become null and void if the use is not established or the building is not commenced within one (1) year of the date the variance becomes final or such other time frame as the Board of Zoning Appeals and Council may establish.

**1129.10 APPEALS OF ADMINISTRATIVE DECISIONS.**

The owner, agent or operator of any structure or premises shall have the right to appeal from any order of, or written notice issued by, the Building Commissioner within ten (10) days from the date such notice was given or mailed or order issued, and to appear before the Board of Zoning Appeals at a time and place fixed by the Board of Zoning Appeals to show cause why he or she should not comply with such notice. Such appeal must be in writing and filed with the clerk of the Board of Zoning Appeals or the Clerk of Council. Failure to file a written appeal with the Board of Zoning Appeals within the time prescribed herein shall constitute a waiver of the right to appeal. Except in cases of emergency, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board of Zoning Appeals.

## **CHAPTER 1131** **DISTRICTS AND MAP GENERALLY**

- 1131.01 Districts Established.
- 1131.02 Adoption of Zone Map.
- 1131.03 District Boundary Lines.
- 1131.04 Zoning Lot Divided By District Boundary.
- 1131.05 Annexed Territory.
- 1131.06 New Construction And Use To Conform To District Regulations.

### **1131.01 DISTRICTS ESTABLISHED.**

For the purpose of regulating the location of trades, industries, residential buildings and other uses of property, the number of square feet of lot area per dwelling unit, the width of lots, the location and size of yards, the heights of buildings and the alignment of buildings along street frontages, the City is hereby divided into the following districts:

- U-1 Single-Family Residential District.
- U-3 Multi-Family Residential District.
- U-4 Retail Business District.
- U-5 Special Commercial and Institutional District.
- U-6 Limited Industrial District.
- U-7 Planned Commercial Development District.
- U-7A Planned Mixed-Use Development District.
- U-7C Planned Residential Development District.
- U-7D Planned Residential Development District.
- U-8 City Hub District.

### **1131.02 ADOPTION OF ZONING MAP.**

The aforesaid districts are designated by symbols and the locations and boundaries are established on a map entitled "Warrensville Heights Zoning Map". Such Zoning Map and all designations, notations, schedules and other information shown thereon and all amendments thereto are hereby made a part of this Planning and Zoning Code. Such Zoning Map may be amended in the same manner as any other part of this Planning and Zoning Code, and the fact of such amendments shall be shown thereon.

### **1131.03 DISTRICT BOUNDARY LINES.**

The district boundary lines shown on the Warrensville Heights Zoning Map enclose an area of a designated district, and generally follow the center lines of streets or alleys, railroad rights of way, lot lines or their extensions. However, where a boundary line is shown by dimension or relationship as being located a specific distance from and parallel to a street line, this distance shall control; and where a boundary line does not coincide with any of the aforesaid lines, and where it is not located by dimensions shown on the Zoning Map, it shall be determined by use of the scale appearing thereon. In cases of uncertainty, the Planning Commission shall determine the exact location.

1131.04 ZONING LOT DIVIDED BY DISTRICT BOUNDARY.

Where any lot is partly in one District and partly in another District with different regulations, the part of such zoning lot within each District shall conform to the regulations of that District unless determined otherwise by the Planning Commission.

1131.05 ANNEXED TERRITORY.

Upon the annexation of any territory to this City after the passage of this Planning and Zoning Code, any zones, Districts and regulations in effect with respect to such territory up to the time of its annexation shall continue in effect until changed in the manner prescribed in this Planning and Zoning Code for amendments or changes. In the event that zones, Districts and regulations are not established in such territory at the time of its annexation, the annexed territory shall be deemed to be in the U - 1A District and the regulations of this Planning and Zoning Code applicable to such District shall be in force.

1131.06 NEW CONSTRUCTION AND USE TO CONFORM TO DISTRICT REGULATIONS.

Except as otherwise provided for in this Planning and Zoning Code, no building or premises shall hereafter be used and no building or part thereof shall be erected, raised, moved, reconstructed, enlarged or altered except in conformity with the regulations herein established for the District in which it is located.

1131.07 PROHIBITED USES.

The following uses shall be prohibited in any and all Zoning Districts:

- (a) Billboards and advertising devices except as specifically authorized in Chapter 1163;
- (b) Garbage, dead animal, or offal disposal or reduction plants;
- (c) Penal and correctional institutions;
- (d) Junk yards;
- (e) Crematories except as specifically authorized as accessory to a funeral parlor;
- (f) Manufacturing or other operations which create noise, smoke, vibration or odor deemed to be a public nuisance; and
- (g) Medical marijuana cultivation, processing, or dispensing facilities.

## **CHAPTER 1133** **U-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

- 1133.01 Permitted Uses.
- 1133.02 Conditionally Permitted Uses
- 1133.03 Accessory Uses.
- 1133.04 Minimum Lot Area, Width, and Frontage.
- 1133.05 Building Setbacks.
- 1133.06 Side Yards.
- 1133.07 Rear Yards
- 1133.08 Required House Sizes.
- 1133.09 Projections Into Required Yards.
- 1133.10 Height Regulations.
- 1133.11 Sidewalks.
- 1133.12 Accessory Garage Standards.
- 1133.13 Accessory Decks.

### **1133.01 PERMITTED USES.**

In a Class U-1 District, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than a detached single-family dwelling, occupied and used by one family as defined in Section 1121.19.

### **1133.02 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted in a Class U-1 District provided that they first obtain a Conditional Use Permit:

- (a) Churches.
- (b) Public Utility Facilities.
- (c) Community Centers, Parks, and Playgrounds.

### **1133.03 ACCESSORY USES.**

The following accessory uses may be permitted in a Class U-1 District, provided that such accessory use conforms to the criteria set forth herein and is located upon the same lot or use to which it is accessory.

- (a) Garages. Each dwelling shall have an enclosed garage space of at least one 264 square feet, provided however that any private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of lot area. Garages shall comply with the provisions of Section 1133.12.
- (b) Home Occupations. Home occupations are permitted for professional and business offices where each person employed in such business or profession actually resides at the residence. Such business or professional office shall not have any signage. No residence may be used as a store, trade or business for the sale or storage of any merchandise or other property.
- (c) Parking. The parking or storage of any truck, bus or other commercial vehicle is prohibited. Motor vehicles shall be parked only within an

enclosed garage or on a paved driveway. A motor vehicle which is not capable of operation on a public street or highway shall not be parked or permitted to remain outside of an enclosed garage. Parking shall conform to the provisions of Chapter 1161.

(d) Storage Sheds. An accessory storage shed may be permitted provided that:

- (1) A detached accessory shed shall be located a minimum of six (6) feet from the rear lot line and three (3) feet from any side lot line.
- (2) A detached accessory shed located closer to the front lot line than eighty (80) feet, shall be no closer to any of its side lot lines than ten (10) feet;
- (3) The maximum height of a detached accessory shed shall be eleven (11) feet for a gables, hip, mansard or gambrel roof; no flat roof shall be permitted on any tool shed;
- (4) The floor area of said detached accessory shed shall not exceed one hundred twenty (120) square feet;
- (5) Not more than one (1) accessory building, other than a private garage, will be permitted on a residential lot; and
- (6) All detached accessory tool sheds shall have a four-inch thick concrete pad designed for adequate drainage so as to prevent the forming of pools of water at the base of the shed.
- (7) The materials, colors, and design of each storage shed shall match or complement the materials, colors, and design of the dwelling.
- (8) No storage shed shall exceed one hundred (100) square feet in area without first obtaining the approval of the Planning Commission.
- (9) No storage shed shall be installed without first obtaining a Building Permit.

(e) Roomers. The rental of rooms is prohibited.

(f) Keeping of Animals. The keeping of wild and exotic animals, farm animals, and/or fowl shall be prohibited.

(g) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment, and fenced courts, may be permitted provided such accessory recreation structures:

- (1) Are located in the rear yard behind the principal building;
- (2) Are located a minimum of ten feet (10') from the rear lot line; and
- (3) Comply with the side yard setbacks.

(h) Signs. Signs in conformance with Chapter 1163.

(i) Swimming Pools. Accessory swimming pools subject to conformance with Chapter 1167.

#### 1133.04 MINIMUM LOT AREA, WIDTH, AND FRONTAGE

In a Class U-1 District no lot shall be used to accommodate more than one (1) single family dwelling. In a Class U-1 District no lot shall be created, altered, or used, nor shall any dwelling unit be constructed or occupied on any lot not separately owned and duly recorded at the time of the passage of this Chapter, except in conformance with the minimum standards set forth in the following table:

Area District	Minimum Lot Area	Minimum Lot Width
A	7,800 Square Feet	60 Feet
B	7,800 Square Feet	75 Feet
C	12,000 Square Feet	85 Feet

Lots separately owned and duly recorded prior to the effective date of this ordinance shall be considered buildable lots.

#### 1133.05 BUILDING SETBACKS.

On any street frontage in a Class U-1 District, the location of the building or setback line shall be thirty percent (30%) of the average or normal depth of the lots having frontage along such street, but not more than a maximum of forty (40) feet, provided however, that where the average established setback of the lots in the block between two intersection streets is less than provided herein, the average established setback shall be the minimum setback line. On a corner lot, the building line along the side street frontage shall be a line parallel to the street line and distant therefrom fifteen percent (15%) of the average depth of the next adjoining lot on said side street.

#### 1133.06 SIDE YARDS.

Every detached single family dwelling shall have a side yard along each side lot line other than a street line or rear line. The least dimension of any side yard shall be three (3) feet, and at least twenty percent (20%) of the average width of the lot shall be devoted to side yards, provided however, that not more than twenty-five (25) feet need be so devoted. Accessory buildings shall comply with the minimum side yard setbacks for dwellings, except as provided elsewhere in this Chapter.

#### 1133.07 REAR YARDS.

Every main building shall have a rear yard extending the full width of the lot. The least dimension of such rear yard shall be twenty percent (20%) of the average depth of the lot and at least one-half (1/2) of the height of the building. Detached accessory sheds and/or garages shall be located not closer than six (6) feet from the rear lot line.

#### 1133.08 REQUIRED HOUSE SIZES.

Dwellings shall comply with the following standards:

- (a) A single-family dwelling shall have not less than four habitable rooms and bath, shall have a basement of not less than 400 square feet of floor area or a utility room of not less than 120 square feet of floor area and shall have a total floor area (exclusive of utility room, attic and basement) as follows:
  - (1) In the case of a one-story dwelling with a basement, the minimum floor area shall not be less than 1,100 square feet.
  - (2) In the case of a one-story dwelling without a basement, the minimum floor area shall not be less than 1,200 square feet.
  - (3) In the case of a one and one-half story dwelling the total floor area on the first floor shall not be less than 960 square feet and the upper floor area shall be provided with heating and plumbing facilities roughed in.

- (4) In the case of a two-story dwelling, the total floor area shall not be less than 1,250 square feet.
- (b) The ceiling of the first floor and second floor of any single-family dwelling shall not be less than seven feet, six inches high.
- (c) The roof shall have a pitch of not less than thirty degree.

#### 1133.09 PROJECTIONS INTO REQUIRED YARDS.

Between the front building setback line and the street line no building or structure (including walls and fences) or portion thereof, extending above the established grade, may be erected, except as otherwise provided in this Planning and Zoning Code, and as follows:

- (a) A one-story unenclosed porch not more than eight (8) feet in width and four (4) feet in depth may be constructed between the building line and the street line.
- (b) The following building features may extend not more than three (3) feet into any front setback, or two (2) feet into any side or rear setback:
  - (1) Cornices, canopies, eaves, overhangs and similar features;
  - (2) Chimneys;
  - (3) Bow windows, bay windows, and similar features.
  - (4) Steps and landings from required exit doors.
- (c) Accessibility ramps for disabled persons which meet Americans with Disabilities Act guidelines may extend into required front, side or rear yard setbacks subject to a determination by the Building Commissioner that the design of such facilities is reasonable and constitutes the least possible intrusion into the required setback. Such structures shall be considered temporary and any permit issued by the Building Commissioner shall contain a written agreement by the applicant to remove same upon termination of the accessibility need.

#### 1133.10 HEIGHT REGULATIONS.

No principal building shall be erected with a height in excess of thirty-five (35) feet. No detached accessory garage shall exceed fifteen (15) feet in height.

#### 1133.11 SIDEWALKS.

Sidewalks shall be required across the frontage of every lot and shall extend across the entire street frontage of each lot. Sidewalks shall conform to the specifications of Section 903.04.

#### 1133.12 ACCESSORY GARAGE STANDARDS.

- (a) Garages shall not exceed fifteen (15) feet in height unless specifically approved by the Planning Commission.
- (b) No garage shall be remodeled into habitable living space or demolished unless another garage complying with these regulations is constructed within one (1) year of the date of the remodeling or demolition permit.
- (c) No garage shall exceed five hundred (500) square feet in area without the approval of the Planning Commission.
- (d) No permit shall be issued for a garage without adequate building and site plans.

- (e) Garages shall be setback a minimum of three (3) feet from any side lot line and six (6) feet from the rear lot line.
- (f) The materials, colors, and design of each garage shall match or complement the materials, colors, and design of the dwelling.
- (g) Garages shall have gutters and downspouts. Water from downspouts shall be either connected to the storm sewer or discharged onto splash blocks and directed so as not to adversely impact adjacent properties.
- (h) Garages shall be completely enclosed. Open carports are not permitted.
- (i) Garages shall have at a minimum:
  - (1) A ceiling receptacle to accommodate a garage door opener;
  - (2) At least one (1) GFI wall receptacle; and
  - (3) At least one ceiling light fixture controlled by a wall switch.

#### 1133.13 ACCESSORY DECKS.

- (a) Decks shall be located a minimum of three (3) feet from any side lot line and ten (10) feet from any rear lot line.
- (b) All decks shall require a building permit prior to construction. No building permit shall be issued for a deck without adequate construction and site plans.
- (c) No deck which exceeds one hundred fifty (150) square feet in area shall receive a building permit without first obtaining site plan approval from the Planning Commission and City Council.

## **CHAPTER 1135** **U-3 Multi-Family Residential District**

- 1135.01 Permitted Uses.
- 1135.02 Conditionally Permitted Uses
- 1135.03 Accessory Uses.
- 1135.04 Maximum Density.
- 1135.05 Building Setbacks.
- 1135.06 Side And Rear Yards.
- 1135.07 Required Dwelling Sizes.
- 1135.08 Projections Into Required Yards.
- 1135.09 Height Regulations.
- 1135.10 Sidewalks

### **1135.01 PERMITTED USES.**

In a Class U-3 District, no building, structure, or premises shall be used, arranged to be used, or designed to be used in whole or in part, except for one or more of the following uses:

- (a) Single Family Dwellings.
- (b) Duplexes or Two-Family Dwellings.
- (c) Multi-Family Dwellings.

### **1135.02 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted in a Class U-3 District provided that they first obtain a Conditional Use Permit:

- (a) Churches.
- (b) Public Utility Facilities.
- (c) Community Centers, Parks, and Playgrounds.

### **1135.03 ACCESSORY USES.**

The following accessory uses may be permitted in a Class U-3 District, provided that such accessory use conforms to the criteria set forth herein and is located upon the same lot or use to which it is accessory.

- (a) Garages. Private garages may be permitted as approved by the Planning Commission.
- (b) Parking. Parking shall be provided at the rate of two (2) parking spaces per dwelling unit. Parking shall comply with the minimum standards for parking lots as set forth in Chapter 1161.
- (c) Storage Sheds. An accessory storage shed may be permitted provided as authorized by the Planning Commission.
- (d) Roomers. The rental of rooms is prohibited.
- (e) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment, swimming pools, and fenced courts, may be permitted as approved by the Planning Commission
- (f) Signs. Signs in conformance with Chapter 1163.

#### 1135.04 MAXIMUM DENSITY

In a Class U-3 District no lot shall be used to accommodate more than twenty (20) multi-family dwelling units per gross acre.

#### 1135.05 BUILDING SETBACKS.

On any street frontage in a Class U-3 District, the location of the building or setback line shall be thirty percent (30%) of the average or normal depth of the lots having frontage along such street, but not more than a maximum of forty (40) feet, provided however, that where the average established setback of the lots in the block between two intersection streets is less than provided herein, the average established setback shall be the minimum setback line. On a corner lot, the building line along the side street frontage shall be a line parallel to the street line and distant therefrom fifteen percent (15%) of the average depth of the next adjoining lot on said side street.

#### 1135.06 SIDE AND REAR YARDS.

Yards shall be related to the plan of the building as well as to a side or rear lot line. Buildings shall be arranged so as to assure visual and audible privacy between adjacent buildings and to avoid undue exposure to main streets or concentrated parking or loading facilities. An exterior wall containing the principal required windows of one or more habitable rooms shall be classified as a main wall, and other walls which may contain minor required windows of a habitable room, or windows of other rooms, shall be classified as end walls. Buildings shall be arranged so as to provide open yards, exclusive of driveways and parking areas as follows:

- (a) Yards between a building and side or rear lot line shall be not less than, main wall to a lot line, one and one-quarter times the height of building, but not less than twenty feet, end wall to a lot line, one-half of building, but not less than ten feet.
- (b) Yards between two buildings facing each other across an open space shall be not less than, main walls parallel or within thirty degrees of parallel, one and one-quarter times the total height of the opposing walls, and where walls overlap more than forty feet, the width of the yard shall be increased four inches for each additional foot that the walls overlap. An end wall shall be located from an opposing main wall not less than three-quarters of the total height of the walls. An end wall shall be located from an opposing end wall not less than one-half of the total height of the walls.
- (c) Side and rear yards when adjacent to a U-1 or U-2 District shall be fenced by open ornamental fences or freestanding or retaining walls or hedges. Such fence, wall or hedge shall be subject to the approval of the Building Commissioner.

#### 1135.07 REQUIRED DWELLING SIZES.

- (a) The minimum livable floor area for each multi-family dwelling when units are arranged one above the other shall be as follows:
  - (1) One Bedroom Unit – 600 Square Feet
  - (2) Two Bedroom Unit – 750 Square Feet
  - (3) Three Bedroom Unit – 900 Square Feet

- (b) The minimum livable floor area for each multi-family dwelling unit in an apartment building when units are arranged side by side shall be as follows:
  - (1) Dwelling Unit Without A Basement – 1,100 Square Feet
  - (2) Dwelling Unit With A Basement – 1,000 Square Feet
- (c) In any one apartment building not more than twenty-five percent of the dwelling units shall be one-bedroom units.
- (d) All exterior walls of multi-family dwelling buildings, exclusive of trim, shall be brick, and the ceiling of each dwelling unit shall not be less than seven feet, six inches high.
- (e) The roofline of each multi-family dwelling building shall have a pitch of not less than twenty degrees.
- (f) A two-family dwelling shall have:
  - (1) Not less than four habitable rooms and a bath for each family;
  - (2) A basement of not less than 800 square feet of floor area;
  - (3) A total floor area (exclusive of utility room, attic and basement) of not less than 1,000 square feet on each floor;
  - (4) Ceiling heights on the first and second floors of not less than seven feet six inches;
  - (5) A roofline pitch of not less than thirty degrees.

#### 1135.08 PROJECTIONS INTO REQUIRED YARDS.

- (a) Side Yards. The side yards herein provided for shall be open for their full required dimensions from the ground to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features, to the extent of not over six inches, except that within five feet of the street wall a cornice may project not over three feet into such yard, and provided that if the building is not more than two and one-half stories in height, the cornice may project not over two and one-half feet in such yard.
- (b) Rear Yards. The rear yards herein provided for shall be open for their full required dimensions from the ground, or other level, permitted by this chapter to the sky, unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other ornamental fixtures or eaves, not more than two feet wide

#### 1135.09 HEIGHT REGULATIONS.

No principal building shall be erected with a height in excess of fifty (50) feet. Chimneys, flagpoles, towers and other permitted appurtenances located upon or constituted as an integral part of a main building, may be erected above the height limits, but are limited to a height not exceeding sixty-five (65) feet above the finished grade. No detached accessory garage shall exceed fifteen (15) feet in height.

#### 1135.10 SIDEWALKS.

Sidewalks shall be required across the frontage of every lot and shall extend across the entire street frontage of each lot. Sidewalks shall conform to the specifications of Section 903.04.

## **CHAPTER 1137**

### **U-4 Local Retail District**

- 1137.01 Intent.
- 1137.02 Permitted Uses.
- 1137.03 Conditionally Permitted Uses
- 1137.04 Accessory Uses
- 1137.05 Building Setbacks.
- 1137.06 Parking Setbacks.
- 1137.07 Parking Required.
- 1137.08 Height Regulations.
- 1137.09 Sidewalks
- 1137.10 Special Provisions For Automotive Services
- 1137.11 Development Plans Required.
- 1137.12 Development Plan Approval.

#### **1137.01 INTENT.**

It is the intent of this Chapter to provide for the grouping of local retail shops and services in designated areas near residential neighborhoods primarily for the ordinary shopping needs of a daily and weekly nature, as well as for some of those establishments usually associated with such shopping; to protect both residential and business developments from congestion by requiring off-street parking and loading facilities; and to provide for indoor recreation and athletic facilities located to protect both residential and business developments from traffic congestion.

#### **1137.02 PERMITTED USES.**

Buildings and land in a Class U-4 Local Retail District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated herein:

- (a) Retail stores selling commodities at retail conducted wholly within enclosed buildings devoted to supplying products for community needs, including, but not limited to groceries, drugs, hardware, wearing apparel, furniture, appliances, home goods, floor coverings, flowers, jewelry, electronics, and gifts;
- (b) Restaurants;
- (c) Services conducted wholly within enclosed buildings, including but not limited to barbers, beauty shops, nail salons, dry cleaning, laundries, tailor shops, and appliance repair;
- (d) Offices;
- (e) Banks and other financial institutions; and
- (f) Private schools and training facilities;

#### **1137.03 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted in a Class U-4 District provided that they first obtain a Conditional Use Permit:

- (a) Medical clinics and licensed health care facilities;
- (b) Child day care centers;
- (c) Adult day care centers;
- (d) Hotels;
- (e) Churches;
- (f) Community Centers;
- (g) Propane canister sales and rental;
- (h) Automotive fueling stations and repair facilities pursuant to Section 1137.10;
- (i) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council.

1137.04 ACCESSORY USES.

Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:

- (a) Signs in conformance with Chapter 1163.
- (b) Parking garages and off-street parking and loading areas for employees and customers as provided herein and in conformance with Chapter 1161.
- (c) Maintenance, storage and incineration facilities provided the incinerator is located within the main building and conforms to the regulations of the American Insurance Association.

1137.05 BUILDING SETBACKS.

- (a) Front Building Setback. Buildings shall be setback a distance equal to thirty percent (30%) of the average or normal depth of the lots having frontage along such street, but not more than a maximum of forty (40) feet, provided however, that where the average established setback of the lots in the block between two intersection streets is less than provided herein, the average established setback shall be the minimum setback line. Gasoline pumps and associated canopies, when a part of an automotive service station, may be erected in front of the building line, but not less than fifteen feet from the street right-of-way line,
- (b) Corner Lots. On corner lots, the building line along the shorter street frontage of the lot shall be as set forth in Subsection (a) and building setback line along the longer street frontage of the lot shall be a line parallel to the street line and distant therefrom not less than fifteen (15) feet from the street right-of-way line.
- (c) Side Yard Setbacks. In a Class U-4 District where the sideline of a lot adjoins a Class U-1 or U-3 District, no building, main or accessory use shall be located within thirty (30) feet of the side lot line. Where a sideline abuts any non-residential zoning district, the minimum side yard setback shall be ten (10) feet except where a lesser setback is approved by the Planning Commission as part of the Site Development Plan approval.
- (d) Rear Yard Setbacks. In a Class U-4 District, every main building erected shall have a rear yard extending the full width of the lot. The least

dimension of such rear yard shall be at least twenty percent (20%) of the depth of the lot and at least one-half of the height of the building, except that the Planning Commission may waive the rear yard requirement for a group of buildings with off-street parking and off-street loading facilities, and planned as a unit.

(e) Projections Into Yards. Yards herein provided for shall be open for their full required dimensions from the ground, or other level, permitted by this chapter to the sky, unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other ornamental fixtures or eaves, not more than two (2) feet.

1137.06 PARKING SETBACKS.

(a) Front Parking Setback. Accessory off-street parking in a front yard shall be permitted no closer than ten feet (10') from a street right-of-way line.

(b) Corner Lots. On corner lots, parking along the shorter street frontage of the lot shall be as set forth in Subsection (a) and the parking setback line along the longer street frontage of the lot shall be a line parallel to the street right-of-way line and distant therefrom not less than five (5) feet.

(c) Side and Rear Yard Setbacks. Accessory parking may be permitted within ten (10) feet of any lot line abutting a Class U-1 or U-3 District. Where a lot line abuts any non-residential zoning district, the minimum parking setback shall be five (5) feet except where a lesser setback is approved by the Planning Commission as part of the Site Development Plan approval.

1137.07 PARKING REQUIRED.

Accessory off-street parking shall be provided for every use in conformance with the standards and provisions of Chapter 1161.

1137.08 HEIGHT REGULATIONS.

No principal building shall be erected with a height in excess of fifty (50) feet. Chimneys, flagpoles, towers and other permitted appurtenances located upon or constituted as an integral part of a main building, may be erected above the height limits, but are limited to a height not exceeding sixty-five (65) feet above the finished grade. No detached accessory structure shall exceed fifteen (15) feet in height, except as specifically authorized by the Planning Commission.

1137.09 SIDEWALKS.

Sidewalks shall be required across the frontage of every lot and shall extend across the entire street frontage of each lot. Sidewalks shall conform to the specifications of Chapter 903.

1137.10 SPECIAL PROVISIONS FOR AUTOMOTIVE SERVICES

Automotive fueling stations and repair facilities shall comply with the following standards:

(a) The sale of all products other than fuel and motor oil shall take place only within an enclosed building;

(b) Operations shall be limited to minor servicing and repair solely by the

owner, operator and/or employee of the automotive service station, of and to brakes, carburetor, fuel system, radiators, tires and similar minor servicing and repairs in an enclosed building only, and expressly excluding without limitation, body work and major motor repairs and overhauls;

- (c) Bulk storage of petroleum products shall be entirely underground and the tanks shall not exceed 10,000 gallons individual or 24,000 gallons aggregate capacity;
- (d) Automotive fueling stations and repair facilities shall be located not less than 1,000 feet from any other such facility, unless such facility shall be separated from any other such facility by a duly dedicated street;
- (e) The minimum lot size for any such facility shall be not less than 22,500 square feet and shall have a frontage of not less than 150 feet;
- (f) Must obtain and keep current all required State licenses and permits applicable to such facilities; and
- (g) No overnight vehicle parking of any kind shall be permitted on the premises and all parking at any time shall be limited to such as is accessory to the permitted use.

#### 1137.11 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-4 District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-4 District. Development proposals that include modifications to the building footprint or parking lot shall be submitted to the Planning Commission for approval. No building permit shall be issued for a new building, building alteration, or addition to an existing building within a U-4 District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.
- (b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:
  - (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
  - (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present

streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.

- (3) Utilities. The plans for all proposed utility installations and connections.
- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-4 District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (6) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.
- (10) Other. Any other information determined to be necessary by the Planning Commission.

#### 1137.12 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1139**

### **U-5 Special Commercial And Institutional District**

- 1139.01 Intent.
- 1139.02 Permitted Uses.
- 1139.03 Conditionally Permitted Uses
- 1139.04 Accessory Uses
- 1139.05 Minimum Lot And Coverage Requirements
- 1139.06 Building Setbacks.
- 1139.07 Parking Setbacks.
- 1139.08 Parking Required.
- 1139.09 Height Regulations.
- 1139.10 Development Plan Requirements.
- 1139.11 Development Plan Approval.

#### **1139.01 INTENT.**

It is the intent of this Chapter to provide for a mix of office, institutional, social, cultural, educational, health and wellness, research, and business uses serving clients and the general public in campus like arrangements.

#### **1139.02 PERMITTED USES.**

Buildings and land in a Class U-5 Special Commercial and Institutional District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated herein:

Hospitals, medical clinics, and related health care providers;

- (a) Public and private schools, universities, colleges, professional schools, vocational schools, and related educational facilities;
- (b) Libraries, museums and art galleries;
- (c) Professional, administrative, and medical offices;
- (d) Conferencing, training, and seminar centers;
- (e) Performing arts facilities;
- (f) Corporate retreats;
- (g) Banks and other financial institutions;
- (h) Research, development and testing laboratories;
- (i) Nonprofit educational and scientific research agencies;
- (j) Governmental offices and public utility offices; and
- (k) Recreational and wellness facilities.

#### **1139.03 CONDITIONALLY PERMITTED USES.**

- (a) Horse racing tracks and casinos;
- (b) Specialty retail uses as authorized by the Planning Commission; and
- (c) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council may be permitted in a Class U-5 District provided that they first obtain a Conditional Use

Permit.

1139.04 ACCESSORY USES.

Accessory uses incidental and subordinate to a permitted main use listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:

- (a) Signs in conformance with Chapter 1163.
- (b) Parking garages and off-street parking and loading areas as provided herein and in conformance with Chapter 1161;
- (c) Restaurants and cafeterias primarily intended to serve the occupants of the facility; and
- (d) Child day care centers primarily intended to serve the principal use.

1139.05 MIMUMUM LOT AND COVERAGE REQUIREMENTS.

In a Class U-5 District lot sizes and dimensions shall be as established by the Planning Commission on the approved Site Development Plan, provided however, that not more than twenty percent (20%) of the total land area shall be improved with buildings.

1139.06 BUILDING SETBACKS.

- (a) Front Building Setback. All buildings shall be setback a minimum distance of fifty (50) feet from any street right-of-way line.
- (b) Corner Lots. On corner lots, the minimum building setback line along both street frontages shall be fifty (50) feet from the street right-of-way line.
- (c) Side Yard Setbacks. In a Class U-5 District where the sideline of a lot adjoins a Class U-1 or U-3 District, no building, main, or accessory use shall be located within seventy-five (75) feet of the side lot line. Where a sideline abuts any non-residential zoning district, the minimum side yard setback shall be thirty (30) feet except where a lesser setback is approved by the Planning Commission as part of the Site Development Plan approval.
- (d) Rear Yard Setbacks. In a Class U-5 District, every main building erected shall have a rear yard extending the full width of the lot. The least dimension of such rear yard shall be fifty (50) feet, except that when adjoining any Class U-1 or U-3 District, the minimum rear yard setback shall be seventy-five (75) feet.
- (e) Projections Into Yards. Yards herein provided for shall be open for their full required dimensions from the ground, or other level, permitted by this chapter to the sky, unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other ornamental fixtures or eaves, not more than two (2) feet.

1139.07 PARKING SETBACKS.

- (a) Front Parking Setback. Accessory off-street parking in a front yard shall be permitted no closer than twenty-five (25') feet from a street right-of-way line. Front yards shall be landscaped appropriately and well

maintained in accordance with a detailed plan submitted to and approved by the Planning Commission.

(b) Corner Lots. On corner lots, the minimum parking setback along both street frontages shall be twenty-five (25) feet.

(c) Side and Rear Yard Setbacks. Accessory parking shall be setback a minimum of forty (40) feet from any lot line abutting a Class U-1 or U-3 District. Where a lot line abuts any non-residential zoning district, the minimum parking setback shall be twenty-five (25) feet except where a lesser setback is approved by the Planning Commission as part of the Site Development Plan approval. In a Class U-5 District which adjoins a Class U-1 or U-3 District, the area adjoining such Class U-1 or U-3 District shall be appropriately landscaped and well maintained, in accordance with a detailed plan submitted to and approved by the Planning Commission.

#### 1139.08 PARKING REQUIRED.

Accessory off-street parking shall be provided for every use in conformance with the standards and provisions of Chapter 1161.

#### 1139.09 HEIGHT REGULATIONS.

No principal building shall be erected with a height in excess of seventy-five (75) feet. Chimneys, flagpoles, towers and other permitted appurtenances located upon or constituted as an integral part of a main building, may be erected above the height limits, but shall not exceed the height of the building by more than fifteen (15) feet. No detached accessory structure shall exceed twenty-five (25) feet in height, except as specifically authorized by the Planning Commission.

#### 1139.10 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-5 District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-5 District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-5 District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

(a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.

(b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:

- (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
- (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or City Engineer so request.
- (3) Utilities. The plans for all proposed utility installations and connections.
- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-5 District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (6) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.
- (10) Other. Any other information determined to be necessary by the Planning Commission.

#### 1139.11 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with the Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations

made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1141**

### **U-6 Limited Industrial District**

- 1141.01 Intent.
- 1141.02 Permitted Uses.
- 1141.03 Conditionally Permitted Uses
- 1141.04 Accessory Uses
- 1141.05 Minimum Lot And Coverage Requirements
- 1141.06 Building Setbacks.
- 1141.07 Parking Setbacks.
- 1141.08 Parking Required.
- 1141.09 Height Regulations.
- 1141.10 Development Plan Requirements.
- 1141.11 Development Plan Approval.
- 1141.12 Performance Standards.

#### **1141.01 INTENT.**

It is the intent of this Chapter (Class U-6 District) to provide for and encourage the reuse and redevelopment of industrial parks as a high-density mixed-use development District in order to create jobs and to enhance the tax base of the City. These regulations are intended to provide for the integration of basic industrial and manufacturing uses with office, service, and limited retail uses into a cohesive employment center. This Chapter (Class U-6 District) is established, among other purposes, to control and regulate permitted uses in this District and other similar uses. The intent is to regulate and encourage limited manufacturing, research and development laboratories, office complexes and wholesale offices within close proximity to interstate transportation and developed in such a manner that all buildings will function as a unified high quality science and office park. The development standards are designed to ensure a park-like environment not only for the benefit of uses within the District but to protect and harmonize with the surrounding residential areas of the City.

#### **1141.02 PERMITTED USES.**

Buildings and land in a Class U-6 Limited Industrial District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated herein:

- (a) Professional, administrative, executive, and sales offices;
- (b) Professional medical offices;
- (c) Training facilities;
- (d) Contractor offices, workshops, and equipment storage;
- (e) Research and development laboratories and testing facilities;
- (f) Wholesale businesses and showrooms;
- (g) Retail sales associated with wholesale businesses and showrooms, interior decorating and design services, or with articles or goods created,

manufactured, or assembled on the premises;

- (h) Storage and distribution of finished or packaged goods;
- (i) Light manufacturing, fabrication and assembly operations;
- (j) Business services;
- (k) Printing, publishing, engraving, coping, blueprinting and reproduction services;
- (l) Interior decorating and design services and facilities;
- (m) Postal facilities and package delivery services;
- (n) Public utility facilities;
- (o) Municipal facilities; and
- (p) Athletic facilities, fitness centers, and health spas.

**1141.03 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted in a Class U-6 District provided that they first obtain a Conditional Use Permit:

- (a) Licensed health care facilities.
- (b) Accessory outdoor storage of equipment and/or materials.
- (c) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council.

**1141.04 ACCESSORY USES.**

Accessory uses incidental and subordinate to a permitted main use listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:

- (a) Signs in conformance with Chapter 1163;
- (b) Parking garages and off-street parking and loading areas as provided herein and in conformance with Chapter 1161;

**1141.05 MIMUMUM LOT AND COVERAGE REQUIREMENTS.**

In a Class U-6 Limited Industrial District, each main use shall be on a lot of not less than 2.0 acres in area. The minimum width of the lot at the building line shall be not less than 200 feet. Not more than fifty percent (50%) of the lot shall be improved with buildings

**1141.06 BUILDING SETBACKS.**

- (a) Front Building Setback. All buildings shall be setback a distance of thirty (30) feet from the street right-of-way line.
- (b) Corner Lots. On corner lots, the building shall be setback a distance of thirty (30) feet from both street right-of-way lines.
- (c) Side And Rear Yard Setbacks. In a Class U-6 District where a side or rear line of a lot adjoins a Class U-1, U-2 or U-3 District, no building, main or accessory use shall be located within one hundred fifty (150) feet of the lot line abutting such district. Where a side or rear lot line abuts any U-4 zoning district, the minimum setback shall be one hundred (100) feet from such lot line. Where a side or rear line abuts another U-6 property the side from such lot line shall be thirty (30) feet except where a lesser setback is approved by the Planning Commission as part of the Site

(d) Development Plan approval.

Projections Into Yards. Yards herein provided for shall be open for their full required dimensions from the ground, or other level, permitted by this chapter to the sky, unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other ornamental fixtures or eaves, not more than two (2) feet.

1141.07

(a) Front Parking Setback. Accessory off-street parking in a front yard shall be permitted no closer than thirty (30) feet from a street right-of-way line. Front yards shall be landscaped appropriately and well maintained in accordance with a detailed plan submitted to and approved by the Planning Commission.

(b) Corner Lots. On corner lots, the minimum parking setback along both street frontages shall be thirty (30) feet.

(c) Side and Rear Yard Setbacks. Accessory parking shall be setback a minimum of one hundred (100) feet of any lot line abutting a Class U-1, U-2 or U-3 District and such setback area shall be appropriately landscaped and well maintained, in accordance with a detailed plan submitted to and approved by the Planning Commission. Where a lot line abuts any non-residential zoning district, the minimum parking setback shall be twenty (20) feet except where a lesser setback is approved by the Planning Commission as part of the Site Development Plan approval

1141.08 PARKING REQUIRED.

Accessory off-street parking shall be provided for every use in conformance with the standards and provisions of Chapter 1161.

1141.09 HEIGHT REGULATIONS.

No principal building shall be erected with a height in excess of seventy-five (75) feet. Chimneys, flagpoles, towers and other permitted appurtenances located upon or constituted as an integral part of a main building, may be erected above the height limits, but shall not exceed the height of the building by more than fifteen (15) feet. No detached accessory structure shall exceed twenty-five (25) feet in height, except as specifically authorized by the Planning Commission.

1141.10 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-6 District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-6 District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-6 District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.
- (b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:
  - (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
  - (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.
  - (3) Utilities. The plans for all proposed utility installations and connections.
  - (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-6 District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
  - (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
  - (6) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
  - (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
  - (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.

(9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

1141.11 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

1141.12 PERFORMANCE STANDARDS.

All uses shall be regulated to comply with the following performance standards at the nearest street or property line:

- (a) Noxious, toxic or corrosive fumes or gases shall not be emitted which would be injurious or detrimental to persons, property or vegetation or to be discernible to the sense of smell.
- (b) No deleterious, corrosive, toxic, explosive or other environmentally hazardous materials or waste shall be discharged into any sanitary or storm sewer or natural watercourse, or into the air or ground.
- (c) Glare or brightness caused by operations or illumination of buildings shall be shielded so as not to create a nuisance.
- (d) Electrical disturbance shall not be created that would adversely affect in any way the operation of sound, radio, television or computer equipment.
- (e) Noise or vibrations which are incidental to the use shall not interfere with the life, health, safety and welfare of persons or property.

## **CHAPTER 1143**

### **U-7 Planned Commercial Development District**

- 1143.01 Intent.
- 1143.02 Permitted Uses.
- 1143.03 Area And Setback Requirements.
- 1143.04 Off-Street Parking Requirements.
- 1143.05 Landscaping, Common Open Space And Environmental Design.
- 1143.06 Building Heights.
- 1143.07 Development Plan Requirements.
- 1143.08 Development Plan Approval.

#### **1143.01 INTENT.**

The U-7 Planned Residential Development District is established to create jobs, to create income tax revenues for the City and encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of mutually supportive commercial, industrial and retail uses. The general purposes of this District are served by the following basic principles:

- (a) Comprehensive planning of large tracts promotes more harmonious suburban growth, providing opportunities for the integration of various development projects and clearly identifiable growth centers in a region.
- (b) Comprehensive planning allows different types of land uses to be successfully integrated, provides functional convenience, and efficiencies in the provision of public services and infrastructure.
- (c) Comprehensive planning and integrated design means higher densities of development can be accommodated without loss of environmental quality. The general benefits of density include greater productivity of land, more efficient utilization of transportation facilities and utilities, more convenient access between different developments; the potential for higher development returns that can be channeled towards provision of higher level pedestrian and open space amenities; and a concentration within a limited area of the critical mass of people necessary to support various convenience services and functions.
- (d) Comprehensive planning and integrated design of large tracts of land allows for more detailed definition and administration of architectural and landscape design controls.

#### **1143.02 PERMITTED USES.**

Buildings and land in the Class U-7 Planned Commercial Development District shall be used and buildings shall be designed, erected, altered or intended for the following:

- (a) Retail stores selling commodities at retail conducted wholly within enclosed buildings devoted to supplying new products for community needs, including, but not limited to groceries, drugs, hardware, wearing apparel, furniture, appliances, home goods, floor coverings, flowers,

jewelry, electronics, and gifts, provided however, that no single retail establishment shall exceed a maximum of 50,000 square feet;

- (b) Restaurants;
- (c) Services conducted wholly within enclosed buildings, including but not limited to barbers, beauty shops, nail salons, dry cleaning, laundries, tailor shops, and appliance repair;
- (d) Banks and other financial institutions;
- (e) Hotels;
- (f) Entertainment establishments, including cinemas, provided however, that no such establishment shall exceed a maximum of 75,000 square feet;
- (g) Hospitals, medical clinics, and related health care providers;
- (h) Public and private schools, universities, colleges, professional schools, vocational schools, and related educational facilities;
- (i) Libraries, museums and art galleries;
- (j) Business services;
- (k) Printing, publishing, engraving, coping, blueprinting and reproduction services;
- (l) Professional, administrative, and medical offices;
- (m) Nonprofit educational and scientific research agencies;
- (n) Governmental offices and public utility offices;
- (o) Athletic facilities, fitness centers, and health spas;
- (p) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council; and
- (q) Any accessory uses customarily incidental to any of the above uses are permitted on the same premises subject to the approval of the Planning Commission, which approval shall be confirmed by resolution of Council before becoming effective.

1143.03 AREA AND SETBACK REQUIREMENTS.

- (a) Each U-7 Planned Commercial Development District shall contain a minimum of forty-five (45) contiguous acres.
- (b) The ground area occupied by buildings shall not exceed twenty percent (20%) of total area of the Planned Commercial Development District.
- (c) The minimum lot area for any use shall be three (3) acres, provided however that:
  - (1) The minimum lot area for a restaurant shall be one (1) acre;
  - (2) The minimum lot area for a hotel shall be two (2) acres; and
  - (3) The Planning Commission, with the consent of City Council, may reduce the lot area for any use where such modification will result in a more beneficial and appropriate arrangement of uses.
- (d) Building shall be setback a minimum of seventy-five (75) feet from any public street right-of-way, provided however, that:
  - (1) The setback from internal streets constructed as part of the Planned Commercial Development District shall be ten (10) feet; and
  - (2) The setback from the Interstate 271 right-of-way shall be ten (10) feet.

- (e) Where a U-7 District abuts residentially zoned property, the side and rear yard setbacks shall be a minimum of either one-half (1/2) the height of the building or fifty (50) feet whichever is greater.
- (f) Parking shall be setback a minimum of thirty-five (35) feet from Harvard Road and Richmond Road and fifteen (15) feet from all other public streets.
- (g) Parking shall be setback a minimum of ten (10) feet from any boundary of the U-7 District.
- (h) Parking may extend to property lines that are internal to the Planned Commercial Development District.

#### 1143.04 OFF-STREET PARKING REQUIREMENTS.

The following standards and requirements for the provision and development of off-street parking shall apply:

- (a) Parking facilities in the U-7 District shall be planned and developed in such a manner so as not to interfere with the use and enjoyment of adjacent properties or with pedestrian and vehicular traffic on adjacent streets.
- (e) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.
- (f) Curbs or bumper guards shall be concrete, or material approved by the City Engineer.
- (g) A parking space shall not be less than 180 square feet (9 x 20 feet).
- (h) Parking spaces shall be provided as follows:

Offices:	One parking space for every 250 square feet of gross floor space.
Retail Stores:	One parking space for each 200 square feet of gross leaseable area.
Hotels:	One parking space per lodging unit, plus one space for each four (4) seats in the largest event space.
Restaurant:	One parking space for each two (2) indoor seats and one space for each four (4) outdoor seats.
Entertainment Establishments:	One parking space for each (4) seats.
Atheletic facilities, Fitness Centers, and Spas:	One parking place per 400 square feet of gross building space.
Personal Services and Business Services:	One parking space for every 250 square feet of gross floor space.
Banks and Financial Institutions:	One space for every 200 square feet of gross floor area.
Medical Providers:	One space for every 200 square feet of gross floor area.
All other permitted uses:	As established by the Planning Commission.

1143.05 LANDSCAPING, COMMON OPEN SPACE,  
AND ENVIRONMENTAL DESIGN.

- (a) Each U-7 Planned Commercial Development District shall include permanent open space equivalent to a minimum of twenty percent (20%) of the total area of the U-7 District. The required open space area shall not include space for open parking lots, driveways or land covered by buildings and/or sidewalks.
- (b) Common areas bordering residential structures shall be planted with ground cover, trees, shrubs, hedges or other landscaping to maintain a park-like effect. Parking setback and other undeveloped areas of the development shall be graded, seeded and maintained as a lawn or wooded area in an orderly natural state and shall be included in the landscape plans. All such landscape plans approved by the Planning Commission are subject to approval by Council.
- (c) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles and maintained in a neat and orderly fashion.
- (d) Where a U-7 District or use is contiguous to or across the street from a U-1 residential zone or use, the Planning Commission may require special landscaping, buffering, mounding or fences as the Planning Commission finds necessary for appropriate separation, screening and protection.

1143.06 BUILDING HEIGHTS.

In the U-7 District, no building shall be erected to a height in excess of one hundred fifty (150) feet above final grade.

1143.07 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-7 District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-7 District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-7 District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate

proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.

(b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:

- (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
- (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.
- (3) Utilities. The plans for all proposed utility installations and connections.
- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-7 District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (7) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

#### 1143.08 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary

Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1145**

### **U-7A Planned Mixed-Use Development District**

- 1145.01 Intent.
- 1145.02 Permitted Uses.
- 1145.03 Area And Buffer Requirements.
- 1145.04 Design Standards.
- 1145.05 Off-Street Parking Requirements.
- 1145.06 Landscaping, Common Open Space And Environmental Design.
- 1145.07 Building Heights.
- 1145.08 Development Plan Requirements.
- 1145.09 Development Plan Approval.

#### **1145.01 INTENT.**

The U-7A Planned Mixed-Use Development District is established to encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of residential uses. The U-7A District is intended to:

- (a) Create a mixed-use environment to accommodate a combination of residential, retail, commercial, and office uses of varied densities to attract young professionals, empty nesters, and families to the area;
- (b) Describe standards so that any new development is cohesive, contains thriving and inviting public spaces, and encourages walkability and sustainability;
- (c) Regulate building orientation and placement to achieve appropriate scale and ensure proper transitioning between areas of differing use and density and/or to be mindful of the surrounding adjacent land uses;
- (d) Encourage enhanced pedestrian, bicycle, and vehicular connectivity throughout the area;
- (e) Permit development consistent with the standards and requirements of an approved master development plan; and
- (f) Permit mixed-use vertically integrated buildings with ground floor commercial, office, and retail uses. Mixed-use buildings may have multi-family residential units and/or offices on the upper floors above ground level commercial, office and retail uses.

#### **1145.02 PERMITTED USES.**

Buildings and land in the Class U-7A District shall be used and buildings shall be designed, erected, altered or intended for the following:

- (a) Multi-Family Dwellings above the first floor of mixed-use buildings.
- (b) Vertically integrated mixed-use buildings provided that the ground floor shall be limited to retail or commercial uses and the upper floors may contain any mixture or arrangement of offices and/or multi-family dwellings;
- (c) Hospitals, medical clinics, and related health care providers;
- (d) Public and private schools, universities, colleges, professional schools,

- vocational schools, and related educational facilities;
- (e) Libraries, museums and art galleries;
- (f) Professional, administrative, and medical offices;
- (g) Conferencing, training, and seminar centers;
- (h) Performing arts and entertainment facilities;
- (i) Hotels;
- (j) Retail stores, personal service establishments, banks, financial institutions, restaurants and coffee shops on the first floor of multi-story vertically integrated mixed-use buildings provided however, that no individual retail store or establishment shall exceed a maximum of 20,000 square feet.;
- (k) Research, development and testing laboratories;
- (l) Nonprofit educational and scientific research agencies;
- (m) Governmental offices and public utility offices;
- (n) Recreational and wellness facilities;
- (o) Recreational uses and common open space subject to the approval of the Planning Commission;
- (p) Any accessory uses customarily incidental to any of the above uses including, but not limited to, parking lots, parking structures, and signs; and
- (q) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council may be permitted provided that they first obtain a Conditional Use Permit.

**1145.03 AREA AND BUFFER REQUIREMENTS.**

- (a) The ground area occupied by buildings shall not exceed twenty-five percent (25%) of the total area of the Planned Mixed-Use Development District.
- (b) A minimum of fifteen percent (15%) of the total area of the U-7A Planned Mixed-Use Development District shall be open spaces, natural areas, landscaped plazas, parks, or outdoor recreational areas for the enjoyment of residents and visitors to the District.
- (c) Buildings shall be setback a minimum of forty (40) feet from any perimeter property line of a U-7A District that abuts an existing residentially zoned property.
- (d) All structures in the U-7A District shall be setback a minimum of ten (10) feet from the Interstate 271 right-of-way.
- (e) No buildings shall be located closer than twenty-five (25) feet to any existing public right-of-way.

**1145.04 DESIGN STANDARDS.**

- (a) The minimum size of any multi-family dwelling shall be 950 square feet.
- (b) The maximum density of residential dwelling units shall be ten (10) dwelling units per gross acre of the U-7A District.
- (c) The minimum building setback from an internal street right-of-way shall be as set forth on the approved Site Development Plan.

- (d) The minimum separation between buildings within a U-7A development shall be as set forth on the approved Site Development Plan. In establishing said separations the Planning Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns.
- (e) The development pattern for the District shall make appropriate connections with the existing streets adjacent to the District. Streets and sidewalks will be connected into the District in an attractive manner to reinforce its integration into the community fabric. Access points shall be properly managed to address safe and efficient traffic flow.
- (f) Mechanical equipment located on the roofs of buildings shall be screened from view from public right-of ways at the primary façade. All trash, service areas, and loading bays shall be screened.

#### 1145.05 OFF-STREET PARKING REQUIREMENTS.

The following standards and requirements for the provision and development of off-street parking shall apply:

- (a) Parking facilities in the U-7A District shall be planned and developed in such a manner so as not to interfere with the use and enjoyment of adjacent properties or with pedestrian and vehicular traffic on adjacent streets.
- (b) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.
- (c) Curbs or bumper guards shall be concrete, or material approved by the City Engineer.
- (d) Parking shall be setback from streets and perimeter boundaries as specified in the approved development plan, however, in no event shall such parking setbacks be less than five (5) feet from the perimeter of a U-7A District.
- (e) A parking space shall not be less than 180 square feet (9 x 20 feet).
- (f) Parking shall be provided as follows:

Multi-Family:	Two spaces per unit enclosed, and an aggregate area of 1.25 unenclosed parking throughout the residential area of the U-7A District.
All Other Uses	In conformance with the provisions of Section 1161.05

#### 1145.06 LANDSCAPING, COMMON OPEN SPACE, AND ENVIRONMENTAL DESIGN.

- (a) Developments in a U-7A District shall include permanent open space equivalent to a minimum of ten percent (10%) of the total site area. This area does not include space for open parking lots, driveways or land covered by buildings and/or sidewalks.

- (b) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles and maintained in a neat and orderly fashion.
- (c) All exterior landscaping adjacent to and surrounding structures and all landscaped entryways shall include an irrigation plan and system.

#### 1145.07 BUILDING HEIGHTS.

In the U-7A District no building shall be erected to a height in excess of six (6) stories or eighty-four (84) feet above final grade.

#### 1145.08 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-7A District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-7A District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-7A District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.
- (b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:
  - (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
  - (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.
  - (3) Utilities. The plans for all proposed utility installations and connections.

- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-7A District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (6) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

#### 1145.09 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1147**

### **U-7C Planned Residential Development District**

- 1147.01 Intent.
- 1147.02 Permitted Uses.
- 1147.03 Area And Buffer Requirements.
- 1147.04 Design Standards.
- 1147.05 Off-Street Parking Requirements.
- 1147.06 Landscaping, Common Open Space And Environmental Design.
- 1147.07 Building Heights.
- 1147.08 Development Plan Requirements.
- 1147.09 Development Plan Approval.

#### **1147.01 INTENT.**

The U-7C Planned Residential Development District is established to encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of residential uses. The general purposes of this U-7C District are served by the following basic principles:

- (a) Comprehensive planning of large tracts promotes more harmonious suburban growth, providing opportunities for the integration of various development projects and clearly identifiable growth centers in a region.
- (b) Comprehensive planning allows different types of land uses to be successfully integrated, provides functional convenience, and efficiencies in the provision of public services and infrastructure.
- (c) Comprehensive planning and integrated design means higher densities of development can be accommodated without loss of environmental quality. The general benefits of density include greater productivity of land, more efficient utilization of transportation facilities and utilities, more convenient access between different developments; the potential for higher development returns that can be channeled towards provision of higher level pedestrian and open space amenities; and a concentration within a limited area of the critical mass of people necessary to support various convenience services and functions.
- (d) Comprehensive planning and integrated design of large tracts of land allows for more detailed definition and administration of architectural and landscape design controls.

#### **1147.02 PERMITTED USES.**

Buildings and land in the Class U-7C District shall be used and buildings shall be designed, erected, altered or intended for the following:

- (a) Single Family Dwellings;
- (b) Multi-Family Dwellings;
- (c) Recreational uses and common open space subject to the approval of the Planning Commission; and

(d) Any accessory uses customarily incidental to any of the above uses are permitted on the same premises subject to the approval of the Planning Commission, which approval shall be confirmed by resolution of Council before becoming effective.

1147.03 AREA AND BUFFER REQUIREMENTS.

Each U-7C Planned Residential Development District shall contain a minimum of fifteen (15) contiguous acres. Where the perimeter of a U-7C District abuts an existing residentially zoned property setbacks shall be a minimum of thirty (30) feet for nonresidential structures and a minimum of twenty (20) feet for residential structures.

1147.04 DESIGN STANDARDS.

(a) Single Family Dwellings.

- (1) The minimum lot area shall be 8,700 square feet.
- (2) The minimum lot width shall be sixty-five (65) feet measured at the building setback line, with an allowable maximum forty percent (40%) deviation therefrom where the shape and dimensions of a given lot reasonably justify a deviation.
- (3) The minimum house size shall be 1500 square feet for dwellings located on building lots of 15,000 square feet or less in area.
- (4) The minimum house size shall be 2850 square feet for dwellings located on building lots of greater than 15,000 square feet in area. A dwelling of less than 2850 square feet may be permitted on a lot greater than 15,000 square feet where the buildable area of such lot is reduced by the existence of a watercourse, but in no case shall such dwelling be less than 1800 square feet.
- (5) The minimum front yard setback shall be twenty-five (25) feet.
- (6) The minimum side yard setback shall be five (5) feet.
- (7) The minimum rear yard setback shall be thirty (30) feet.
- (8) Sixty percent (60%) of standard detached single-family dwellings shall have a minimum of twenty percent (20%) masonry veneer on the front façade and shall, to the extent feasible, be developed to what may be reasonably regarded as a premium quality standard through detailing in its design and architectural accessories and through utilization of materials generally well regarded for their quality in the home construction industry.
- (9) Each detached cluster single-family dwelling or detached townhouse single-family dwelling must have a minimum of forty percent (40%) masonry veneer on the front façade and shall, to the extent feasible, be developed to what may be reasonably regarded as a premium quality standard through detailing in its design and architectural accessories and through utilization of materials generally well regarded for their quality in the home construction industry.
- (10) Garage doors shall be placed a minimum of 4 feet back from the front façade of the main body of the house or from the front edge of a porch.

(b) Multi-Family Dwellings.

- (1) The maximum density shall be ten (10) dwelling units per acre.
- (2) Not more than six (6) dwelling units may be attached in any one building.
- (3) The minimum width of any multi-family dwelling unit shall be twenty-five (25) feet.
- (4) The minimum size of any multi-family dwelling shall be 1250 square feet.
- (5) Proposed units shall, to the extent feasible, be designed and made available in a minimum of three different floor plan types.
- (6) The minimum front yard setback shall be twenty (20) feet.
- (7) The minimum distance between buildings shall be ten (10) feet.
- (8) The minimum rear yard setback shall be twenty (20) feet.
- (9) Each dwelling shall have forty percent (40%) masonry veneer on the front façade, which shall be measured as forty percent (40%) of the wall surface area, not including window or door areas. Design of houses shall exemplify an appropriate premium level of quality.
- (10) Garage façades that contain garage doors shall not project past the front plane or façade of the main body of the building.
- (11) There shall be a minimum of ten (10) feet of landscape buffer between existing single family houses and multi-family units.
- (12) A minimum of twenty-five percent (25%) of the residential area shall be permanent common open space.
- (14) The entire tract of land for the proposed development should to the extent feasible be designed to achieve a reasonably consistent aesthetic appearance.

#### 1147.05 OFF-STREET PARKING REQUIREMENTS.

The following standards and requirements for the provision and development of off-street parking shall apply:

- (a) Parking facilities in the U-7C District shall be planned and developed in such a manner so as not to interfere with the use and enjoyment of adjacent properties or with pedestrian and vehicular traffic on adjacent streets.
- (b) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.
- (c) Curbs or bumper guards shall be concrete, or material approved by the City Engineer.
- (d) Parking shall be setback from streets and perimeter boundaries as specified in the approved development plan, however, in no event shall such parking setbacks be less than five (5) feet from the perimeter of a U-7C District.
- (e) A parking space shall not be less than 162 square feet (9 x 18 feet).
- (f) Parking shall be provided as follows:

Multi-Family:	Two spaces per unit enclosed, and an aggregate area of 1.25 unenclosed parking throughout the residential area of the U-7C District sufficient to accommodate 3.25 spaces per residential unit.
Single Family:	A minimum of two spaces per unit enclosed.

1147.06 LANDSCAPING, COMMON OPEN SPACE,  
AND ENVIRONMENTAL DESIGN.

- (a) Developments in a U-7C District shall include permanent open space equivalent to a minimum of ten percent (10%) of the total site area. This area does not include space for open parking lots, driveways or land covered by buildings and/or sidewalks.
- (b) Common areas bordering residential structures shall be planted with ground cover, trees, shrubs, hedges or other landscaping to maintain a park-like effect. Parking setback and other undeveloped areas of the development shall be graded, seeded and maintained as a lawn or wooded area in an orderly natural state and shall be included in the landscape plans. All such landscape plans approved by the Planning Commission are subject to approval by Council.
- (c) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles and maintained in a neat and orderly fashion.
- (d) Where a U-7C District or use is contiguous to or across the street from a U-1 residential zone or use, the Planning Commission may require special landscaping, buffering, mounding or fences as the Planning Commission finds necessary for appropriate separation, screening and protection.
- (e) All exterior landscaping adjacent to and surrounding structures and all landscaped entryways shall include an irrigation plan and system.
- (f) Natural existing features wherever possible, and where compatible with the proposed uses within the U-7C District. These features shall be incorporated into the design of the Development Plan. Upon final development plan approval, the following environmental design criteria shall be submitted and reviewed by the Planning Commission:
- (g) Soil Surveys may be required by the Planning Commission if topography, drainage or other features impact suitable land use.
- (h) Special Flood Zones, wetlands, etc. that cannot be habitable shall be set aside as permanent open space.

1147.07 BUILDING HEIGHTS.

In the U-7C District, no residential building shall be erected to a height in excess of fifty

(50) feet above final grade.

#### 1147.08 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-7C District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-7C District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-7C District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.
- (b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:
  - (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
  - (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.
  - (3) Utilities. The plans for all proposed utility installations and connections.
  - (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-7C District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
  - (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.

- (7) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

#### 1147.09 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1149**

### **U-7D Planned Residential Development District**

- 1149.01 Intent.
- 1149.02 Permitted Uses.
- 1149.03 Area, Lot, And Setback Requirement.
- 1149.04 Architectural Standards.
- 1149.05 Off-Street Parking Requirements.
- 1149.06 Landscaping, Common Open Space And Environmental Design.
- 1149.07 Building Heights.
- 1149.08 Development Plan Requirements.
- 1149.09 Development Plan Approval.

#### **1149.01 INTENT.**

The U-7D Planned Residential Development District is established to encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of residential uses. The general purposes of this U-7D District are served by the following basic principles:

- (a) Comprehensive planning of large tracts promotes more harmonious suburban growth, providing opportunities for the integration of various development projects and clearly identifiable growth centers in a region.
- (b) Comprehensive planning allows different types of land uses to be successfully integrated, provides functional convenience, and efficiencies in the provision of public services and infrastructure.
- (c) Comprehensive planning and integrated design means higher densities of development can be accommodated without loss of environmental quality. The general benefits of density include greater productivity of land, more efficient utilization of transportation facilities and utilities, more convenient access between different developments; the potential for higher development returns that can be channeled towards provision of higher level pedestrian and open space amenities; and a concentration within a limited area of the critical mass of people necessary to support various convenience services and functions.
- (d) Comprehensive planning and integrated design of large tracts of land allows for more detailed definition and administration of architectural and landscape design controls.

#### **1149.02 PERMITTED USES.**

Buildings and land in the Class U-7D District shall be used and buildings shall be designed, erected, altered or intended for the following:

- (a) Single Family Dwellings;
- (b) Multi-Family Dwellings;
- (c) Recreational uses and common open space subject to the approval of the Planning Commission; and

(d) Accessory buildings shall not be permitted.

1149.03 AREA, LOT, AND SETBACK REQUIREMENTS.

Each U-7D Planned Residential Development District shall contain a minimum of fifteen (15) contiguous acres. The entire tract of land for the proposed development should to the extent feasible be designed to achieve a reasonably consistent aesthetic appearance. Lots and dwellings shall conform to the following standards:

(a) Single Family Dwellings.

- (1) The maximum density shall be five (5) dwelling units per acre.
- (2) The minimum lot area shall be 5,600 square feet for standard lot and 5,300 square feet for a wedge shaped lot.
- (3) The minimum lot width shall be fifty-six (56) feet measured at the building setback line for standard lots and thirty (30) feet measured at the setback line for wedge shaped lots. The minimum lot depth shall be one hundred (100) feet.
- (4) The minimum house size shall be 1250 square feet and the minimum width of a single family dwelling shall be twenty-eight (28) feet.
- (5) The minimum front yard setback shall be thirty (30) feet from the back of curb.
- (6) The minimum side yard setback shall be three (3) feet and the aggregate of both side yard setbacks shall be a minimum of ten (10) feet.
- (7) The minimum rear yard setback shall be thirty (30) feet. Garages, decks, porches, and bay windows may encroach into the required rear setback by a maximum of twenty (20) feet.

(b) Multi-Family Dwellings.

- (1) The maximum density shall be eight (8) dwelling units per acre.
- (2) Not more than six (6) dwelling units may be attached in any one building.
- (3) The minimum width of any multi-family dwelling unit shall be twenty-five (25) feet.
- (4) The minimum size of any multi-family dwelling shall be 1250 square feet.
- (5) Proposed units shall, to the extent feasible, be designed and made available in a minimum of three different floor plan types.
- (6) The minimum front yard setback shall be twenty (20) feet measured from the back of curb.
- (7) The minimum distance between buildings shall be ten (10) feet.
- (8) The minimum rear yard setback shall be twenty (20).

(c) Accessory Buildings And Structures.

- (1) Accessory buildings, such as storage sheds, are not permitted.
- (2) Fencing shall conform to the requirements of this Planning and Zoning Code. No fencing shall be permitted within the front setback. No chain link fencing is permitted. Fence designs and locations shall be approved by the Planning Commission.

(3) Garages shall be attached. Garage façades that contain garage doors shall be setback a minimum of ten (10) feet from the primary mass of the house. Side loaded garages with windows on the front façade are permitted in line with the front façade of the house.

1149.04 ARCHITECTURAL STANDARDS.

- (a) Residential structures may be clad in vinyl, wood, cement siding, brick or stone. When using brick, a standard modular brick shall be used.
- (b) Lintels in masonry walls must be brick soldier courses, stone, or pre-cast concrete.
- (c) All exposed foundation walls shall be faced with brick along all elevations.
- (d) Corner boards are required on non-masonry walls on front façades and should be a minimum of four (4) inches wide.
- (e) Residential units valued, exclusive of upgrades, at:
  1. \$150,000 to \$169,999 shall have at least ten percent (10%) masonry veneer on the front façade;
  2. \$170,000 to \$189,999 shall have at least fifteen percent (15%) masonry veneer on the front façade;
  3. \$190,000 to \$209,999 shall have at least twenty percent (20%) masonry veneer on the front façade;
  4. \$210,000 to \$299,999 shall have at least thirty percent (30%) masonry veneer on the front façade; and
  5. \$300,000 + shall have at least forty percent (40%) masonry veneer on the front façade.
- (f) Frieze trim is required under overhangs and gables on front elevations.
- (g) Porch columns shall have a 6"x 6" minimum cross- section or diameter.
- (h) Railing/column details in combination are encouraged to vary from residential structure to residential structure.
- (i) Trim and corner boards may be wood, vinyl or Frypon.
- (j) No exposed unpainted wolmanized wood is permitted in view of the street.
- (k) No two (2) residential units in a row should have the same color combination of wall, trim, windows and shutters. No four (4) residential units in a row or directly across the street from each other may be the same façade design. Where façade design is repeated on a given street, siding, trim or shutter colors must be different.
- (l) If a wood-burning fireplace is contemplated, each residential structure must clad the face of the chimney on the exterior of the house in brick. If a direct-vent fireplace is contemplated, the exterior shed shall be designed to be integrated into the architecture.
- (m) Rear elevations must have a minimum of two (2) windows per elevation.
- (n) Windows shall be of square or vertical proportion. Accent windows may be circular, half-round, or octagonal. One accent window maximum per elevation is permitted unless used in a pair.
- (o) Window trim is required around all windows on front elevations of non-masonry walls and should be a minimum of 3 1/2" wide.

- (p) Overhangs at eaves shall be a minimum of eight (8) inches.
- (q) All residential structures houses must include a prominent entrance feature, such as a distinct roof enclosure or front porch. Where overhangs occur at a front door, a two (2) feet deep overhang is encouraged. If a front porch is contemplated, it shall be a maximum of six (6) feet deep. Entry coverings and stoops shall be a minimum of three (3) feet deep. Enclosed porches intended for year-round living space, are not permitted on the front elevation. Decks are not permitted on the front elevation.
- (r) All decks that face or can be seen from a publicly dedicated street must be painted or stained in a manner consistent with the principal residential structure.
- (s) Primary roofs shall have a minimum 6:12 roof pitch. Porches shall have a minimum 3:12 roof pitch. Three tab asphalt shingles are not permitted.
- (t) Security spotlights are not permitted on the front façade of residential structures. Decorative fixtures shall be used in visible locations from the street. Ornamental lighting shall be mounted on a decorative aluminum pole/post and shall not exceed fifteen (15) feet in height.
- (u) Insulation shall meet the following minimums:
  1. Ceilings shall be a minimum of “R-38”.
  2. Exterior walls shall be a minimum of “R-18”.
  3. Floors shall be a minimum of “R- 21”.
  4. Floors over an unheated crawl space shall be a minimum of “R-20”.
  5. Basements shall be a minimum of “R-10”.
  6. Walls separating living area from the attached garages shall be a minimum of “R-18”.
  7. Walls and ceiling of basement garages shall be a minimum of “R-20”.
  8. Walls and ceiling of dormers shall be a minimum of “R-18 and R-38” respectively.
- (v) Mechanical, electrical equipment or trash receptacles shall be screened from street view.
- (w) On lots located at highly visible intersections and other strategic points, as determined by the Planning Commission, any elevation which has exposure to the street, shall feature the use of brick or natural materials and additional design features to insure that the level of materials used on the front façade will be consistent. Landscape treatment on such lots shall serve to frame and emphasize these lots and shall include: evergreen trees at least eight (8) feet in height and five (5) feet in height at the time of installation shall be planted and deciduous plants interspersed to add seasonal color and balance. Berms must be constructed in a raised bed condition with a minimum of a two (2) foot elevation from the existing grade with a maximum side slope of 3:1.

#### 1149.05 OFF-STREET PARKING REQUIREMENTS.

The following standards and requirements for the provision and development of off-street parking shall apply:

- (a) Parking facilities in the U-7D District shall be planned and developed in such a manner so as not to interfere with the use and enjoyment of adjacent properties or with pedestrian and vehicular traffic on adjacent streets.
- (b) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.
- (c) Curbs or bumper guards shall be concrete, or material approved by the City Engineer.
- (d) Parking shall be setback from streets and perimeter boundaries as specified in the approved development plan, however, in no event shall such parking setbacks be less than five (5) feet from the perimeter of a U-7D District.
- (e) A parking space shall not be less than 220 square feet (10 x 22 feet).
- (f) Parking shall be provided as follows:

Multi-Family:	Two spaces per unit enclosed, and an aggregate area of 1.25 unenclosed parking throughout the residential area of the U-7D District sufficient to accommodate 3.25 spaces per residential unit.
Single Family:	A minimum of two spaces per unit enclosed.

1149.06 LANDSCAPING, COMMON OPEN SPACE, AND ENVIRONMENTAL DESIGN.

- (a) Developments in a U-7D District shall include permanent open space equivalent to a minimum of fifteen percent (15%) of the total site area. This area does not include space for open parking lots, driveways or land covered by buildings and/or sidewalks.
- (b) Common areas bordering residential structures shall be planted with ground cover, trees, shrubs, hedges or other landscaping to maintain a park-like effect. Parking setback and other undeveloped areas of the development shall be graded, seeded and maintained as a lawn or wooded area in an orderly natural state and shall be included in the landscape plans. All such landscape plans approved by the Planning Commission are subject to approval by Council.
- (c) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles and maintained in a neat and orderly fashion.
- (d) Where a U-7D District or use is contiguous to or across the street from a U-1 residential zone or use, the Planning Commission may require special

landscaping, buffering, mounding or fences as the Planning Commission finds necessary for appropriate separation, screening and protection.

- (e) All exterior landscaping adjacent to and surrounding structures and all landscaped entryways shall include an irrigation plan and system.
- (f) Natural existing features wherever possible, and where compatible with the proposed uses within the U-7D District. These features shall be incorporated into the design of the Development Plan. Upon final development plan approval, the following environmental design criteria shall be submitted and reviewed by the Planning Commission:
- (g) Soil Surveys may be required by the Planning Commission if topography, drainage or other features impact suitable land use.
- (h) Special Flood Zones, wetlands, etc. that cannot be habitable shall be set aside as permanent open space.
- (i) Street trees are required and shall be spaced equally in the tree lawn on individual streets, one (1) tree per single-family residential unit. Spacing should be proportionate to the particular setting. Street tree species must be selected from the City's approved list and shall be guaranteed to survive for year from date of installation. Any trees that fail to survive during this period of time, shall be immediately replaced by the developer.

#### 1149.07 BUILDING HEIGHTS.

In the U-7D District, no residential building shall be erected to a height in excess of thirty-five (35) feet above final grade measured to the highest ridge point.

#### 1149.08 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-7D District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-7D District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alteration, or addition to an existing building within a U-7D District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

- (a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.
- (b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:

- (1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.
- (2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.
- (3) Utilities. The plans for all proposed utility installations and connections.
- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-7D District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (5) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

#### 1149.09 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications which meet or exceed all applicable City codes. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1151** **U-8 City Hub District**

- 1151.01 Purpose And Intent.
- 1151.02 Permitted Uses.
- 1151.03 Density And Open Space Requirements.
- 1151.04 Design Standards.
- 1151.05 Off-Street Parking Requirements.
- 1151.06 Building Heights.
- 1151.07 Development Plan Requirements.
- 1151.08 Development Plan Approval.

### **1151.01 PURPOSE AND INTENT.**

The U-8 City Hub District is established for the purpose of enabling the development of a phased, walkable, mixed-use district in and around the Northfield Road corridor. The mixed-use and planned development regulatory approach of the District is intended to provide a more flexible and innovative approach regarding use, density, access and connectivity, streetscape and landscape design, parking facilities, architectural and façade design, residential dwelling units, and dimensional standards than can be provided by traditional zoning techniques in order to establish a new walkable district, preserve and foster vibrant communal space and environmental protection areas while attracting a diverse range of retail, office, and commercial uses to support the community and a blend of new residential areas that vary in density and housing options. The U-8 City Hub District is intended to:

- a) Create a mixed-use environment to accommodate a combination of residential, retail, commercial, and office uses of varied densities to attract young professionals, empty nesters, and families to the area.
- b) Describe standards so that any new development is cohesive, contains thriving and inviting public spaces, and encourages walkability and sustainability.
- c) Regulate building orientation and placement to achieve appropriate scale and ensure proper transitioning between areas of differing use and density and/or to be mindful of the surrounding adjacent land uses.
- d) Encourage enhanced pedestrian, bicycle, and vehicular connectivity throughout the area.
- e) Permit development consistent with the standards and requirements of an approved master development plan.
- f) Permit mixed-use vertically integrated buildings with ground floor commercial, office, and retail uses. Mixed-use buildings may have multi-family residential units and/or offices on the upper floors above ground level commercial, office and retail uses.

### **1151.02 PERMITTED USES.**

Buildings and land in the Class U-8 District shall be used and buildings shall be designed,

erected, altered or intended for the following:

- (a) Single Family Attached Dwellings;
- (b) Multi-Family Dwellings;
- (c) Vertically integrated mixed-use buildings provided that the ground floor shall be limited to retail or commercial uses and the upper floors may contain any mixture or arrangement of offices and/or multi-family dwellings;
- (d) Retail stores, provided however, that no individual retail store or establishment shall exceed a maximum of 8,000 square feet.
- (e) Restaurants and coffee shops;
- (f) Brewpubs and microbreweries;
- (g) Personal service establishments;
- (h) Medical facilities including clinics, urgent care facilities, and similar health care providers;
- (i) Religious and educational facilities;
- (j) Libraries, museums community buildings, and art galleries;
- (k) Professional, administrative, and medical offices;
- (l) Conferencing, training, and seminar centers;
- (m) Entertainment uses and performing arts facilities;
- (n) Hotels;
- (o) Banks and other financial institutions;
- (p) Governmental offices and public utility offices;
- (q) Recreational and wellness facilities.
- (r) Outdoor plazas, recreational areas, parks, and common open spaces.
- (s) Any accessory uses customarily incidental to any of the above uses including, but not limited to, parking lots, parking structures, and signs.
- (t) Other similar, harmonious and compatible uses as may be determined by the Planning Commission and approved by City Council may be permitted provided that they first obtain a Conditional Use Permit.

#### 1151.03 DENSITY AND OPEN SPACE REQUIREMENTS.

The ground area occupied by buildings shall not exceed twenty-five percent (25%) of total area of the Hub District. A minimum of twenty percent (20%) of the gross acreage of the Hub planned mixed-use development shall be open spaces, natural areas, landscaped plazas, parks, or outdoor recreational areas for the enjoyment of residents and visitors to the District. The maximum density shall be as set forth on the master development plan, but shall not exceed a maximum of sixteen (16) dwelling units per gross acre of the Hub District.

#### 1151.04 DESIGN STANDARDS.

- (a) Commercial, retail, office, and mixed-use buildings shall be oriented on the property to emphasize a street wall and provide enhanced pedestrian access and circulation to the site. The building façade shall occupy a minimum of fifty percent (50%) of the total frontage length between the minimum and maximum setbacks. Buildings shall be oriented so that at least one main entrance faces the public street. In the case of a corner lot

that is located on a public street, the principal entrance shall face a public street. No building shall have a façade fronting on a public street in excess of 200 feet in width, unless pedestrian entranceways or façade material shifts are provided at least every 200 feet of frontage.

- (b) Freestanding townhouses, apartments, and/or condominiums shall be oriented to public or private street frontage, green space or courtyards.
- (c) Buildings shall utilize a combination of façade differentiation, including display windows, balconies, arcades, and awnings at the base of the building. Windows will primarily use transparent glass on the first floor of a commercial building. Mechanical equipment on the roof of a building shall be screened from view from public right-of ways at the primary façade. All trash, service areas, and loading bays shall be screened. Building materials may consist of primarily (or a combination of) brick, stone, stucco (smooth or sand finish), EIFS, glass, a pre-cast masonry, cast stone, pre-cast concrete, metal, split-faced block, wood siding or paneling, or fiber cement board panels and siding.
- (d) The development pattern for the U-8 District will make appropriate connections with the existing streets adjacent to the U-8 District. Streets and sidewalks will be connected into the U-8 District in an attractive manner to reinforce its integration into the community fabric. Access points shall be properly managed to address safe and efficient traffic flow.
- (e) Pedestrian crosswalks or sidewalks shall be at least five (5) feet in width providing connections to the entrance of the building shall be provided in parking lots that contain twenty-five (25) or more parking spaces.
- (d) Building setbacks and separations shall be established on the approved Master Development Plan. In establishing said separations the Planning Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
  - (1) The minimum building setback from Northfield Road shall be twenty-five (25) feet.
  - (2) Mixed-use and non-residential buildings may be located on the right-of-way line of internal public streets and the easement line of internal private streets and drives. Single family attached and multi-family buildings shall be setback a minimum of twenty (20) feet from internal streets.
  - (3) The minimum side yard separation between buildings shall be zero (0) feet for non-residential and mixed-use buildings, ten (10) feet for residential buildings, and twenty (20) feet between non-residential and mixed-use buildings and residential buildings.
  - (4) The minimum building setback from any boundary line of the Hub District shall be twenty (20) feet.
- (e) Minimum dwelling sizes shall be as follows:

- (1) Single family attached dwellings shall have a minimum floor area of 1,200 square feet.
- (2) Multi-family dwellings shall have a minimum floor area of 900 square feet.
- (f) Each single-family attached dwelling shall have a minimum of twenty percent (20%) masonry veneer on the front façade and garage doors shall be placed a minimum of four (4) feet back from the front façade of the main body of the house or from the front edge of a porch.
- (g) Signs shall conform to the provisions of Chapter 1163.
- (h) Parking lots and pedestrian ways shall be illuminated to provide for public safety. Sources of light for illumination of buildings and grounds shall be shielded with full cut-off fixtures and light spillage at the property boundaries of the District shall not be greater than 0.1 foot candles. All lighting shall be installed and maintained in conformance with a site lighting plan approved by the Planning Commission.
- (i) Underground utilities, including data and communication and electrical systems are required within the limits of the U-8 District except that appurtenances to these systems may be located above ground as needed so long as such items are effectively screened.
- (j) Areas between commercial buildings shall include a pedestrian plaza, pathway, or landscaping. Parking lots shall be buffered from all public street frontages with building, wall, fence, landscaping, or mound. Plant material of low shrubs, bushes, and flowers shall be placed intermittently against building foundation walls and/or fences to enhance the pedestrian experience. One or more property owners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas.

#### 1151.05 OFF-STREET PARKING REQUIREMENTS.

The following standards and requirements for the provision and development of off-street parking shall apply:

- (a) Parking facilities in the U-8 District shall be planned and developed in such a manner so as not to interfere with the use and enjoyment of adjacent properties or with pedestrian and vehicular traffic on adjacent streets.
- (b) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.
- (c) Curbs or bumper guards shall be concrete, or material approved by the City Engineer.
- (d) Parking shall be setback from streets and perimeter boundaries as specified in the approved development plan, however, in no event shall such parking setbacks be less than the following:
  - (1) Five (5) feet from any perimeter boundary of a U-8 District;
  - (2) Five (5) feet from any internal public right-of-way or access easement;

(3) Twenty (20) feet from the right-of-way line of Northfield Road.

(e) A parking space shall not be less than 180 square feet (9 x 20 feet).

(f) Parking shall be provided as follows:

Multi-Family:	Two spaces per unit enclosed, and an aggregate area of 1.25 unenclosed parking throughout the residential area of the U-8 District.
Single Family:	A minimum of two spaces per unit enclosed.
All Other Uses	In conformance with the provisions of Section 1161.05

#### 1151.06 BUILDING HEIGHTS.

In the U-8 District, no building shall be erected to a height in excess of fifty-eight (58) feet above final grade, provided however, that decorative architectural features may extend above that height, but not by not more than five (5) feet.

#### 1151.07 DEVELOPMENT PLAN REQUIREMENTS.

Each Site Development Plan submitted in a U-8 District shall conform to the following requirements. A Development Plan shall be prepared for all proposals for development in a U-8 District and submitted to the Planning Commission for approval. No building permit shall be issued for a new building alternation, or addition to an existing building within a U-8 District until the Planning Commission and City Council grant final site plan approval.

Unless exempted by the Planning Commission, Development Plans shall include:

(a) Preliminary Development Plan. Preliminary development plans shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units or commercial structures. Preliminary development plans shall include a survey of the property and topography, showing the land owned and proposed for development, the natural grade and approximate proposed finished grade; and a schematic site plan showing building placement, parking, traffic circulation and streets, existing utilities and primary front elevations of buildings.

(b) Final Development Plan. The Final Development Plan shall be a detailed site plan of the proposed development, or of a specific phase of the proposed development, which shall include the following components:

(1) Buildings. The location, size, height and use of all proposed main and accessory buildings and their general design, color and external building material.

(2) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or the City Engineer so request.

- (3) Utilities. The plans for all proposed utility installations and connections.
- (4) Parking and traffic circulation plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a Parking and Traffic Circulation Plan. The Planning Commission may approve driveway curb cuts into the internal site roadway of the U-8 District upon application on an individual site plan basis. Such approval may be granted after a finding that a proposed curb cut is consistent with the protection of the health, safety and welfare of the traveling public and is consistent with the intent and purposes of this chapter.
- (5) Landscape plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (6) Lighting plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. The lighting plan shall include a photometric plan.
- (7) Signs. Signs, in accordance with Chapter 1163 of this Planning and Planning and Zoning Code.
- (8) Grading and drainage plan. Final grading and drainage arrangements, including storm water management provisions and drainage calculations.
- (9) Tree preservation plan. Plan identifying trees and vegetation to be preserved.

#### 1151.08 DEVELOPMENT PLAN APPROVAL.

The Planning Commission shall review each application and approve those applications that meet or exceed all applicable City codes and that are consistent with the City's master development plan for the District. Both Preliminary Development Plans and Final Development Plans shall be subject to the approval of the Planning Commission. When the Planning Commission determines that the Preliminary Development Plan or Final Development Plan is in accord with this Planning and Zoning Code, the City's master development plan for the Hub District, and other ordinances of the City, the Commission shall approve such plans, and transmit same to Council for their review and action. All plans and recommendations made by the Planning Commission shall be submitted to City Council for approval before becoming effective.

## **CHAPTER 1161**

### **Off-Street Parking and Loading**

- 1161.01 Intent.
- 1161.02 Accessory Parking Required.
- 1161.03 Continuation Of Parking Facilities.
- 1161.04 Measurement Standards.
- 1161.05 Schedule Of Required Off-Street Parking.
- 1161.06 Separate, Combined Or Dual Use Of Facilities.
- 1161.07 Maximum Spaces For Residences.
- 1161.08 Location Of Parking Facilities.
- 1161.09 Driveways To Parking Areas.
- 1161.10 Surface Improvements Of Parking Areas.
- 1161.11 Illumination Of Parking Areas.
- 1161.12 Off-Street Loading Spaces.

#### **1161.01 INTENT.**

Off-street parking and loading requirements are established to promote the general convenience, welfare and prosperity of the community. More specific purposes are:

- (a) To relieve congestion on streets so that they can be utilized more fully for movement of traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by distributing car movements in the vicinity of intense car concentration;
- (c) To protect residences from vehicular traffic congestion in adjacent businesses and other places of intense car concentration; and
- (d) To promote the prosperity of the business developments, which depends upon provisions for such conveniences.

#### **1161.02 ACCESSORY PARKING REQUIRED.**

Accessory off-street parking facilities and driveways shall be provided as a condition precedent to occupancy of a residential, institutional, business, commercial and industrial development, in conformity with the provisions of this Chapter 1161 whenever

- (a) A building is constructed or a new use established;
- (b) An existing building is altered or there is an increase of the number of dwelling units, seating capacity and/or floor areas of the building; or
- (c) The use of an existing building is changed to a use with a different off-street parking requirement.

#### **1161.03 CONTINUATION OF PARKING FACILITIES.**

Existing off-street parking facilities legally permitted or those required as accessory to a proposed or altered building or use shall continue unobstructed in operation and shall not be reduced below required size as long as the main building use remains, unless an equivalent number of spaces are provided for such facilities in another location.

1161.04 MEASUREMENT STANDARDS.

(a) Accessory Parking Space. Accessory parking space shall be an open or enclosed area, accessible from a street, with not less than 180 square feet of standing space (exclusive of drives and other access ways) for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building use.

(b) Floor Area. Floor area, for the purpose of calculating requirements for accessory off-street parking spaces for amusement or assembly, offices, merchandising or service or similar types of use (for separate buildings of small scale development), shall be the total floor area used or intended to be used for service to the public as customers, patrons, clients, patients or tenants of each respective type of use. It shall not include floor areas used principally for nonpublic purposes such as storage or packaging of merchandise. In determining accessory off-street parking requirements for commercial, industrial or large unit business developments the floor area shall be the gross floor area (the area enclosed within the exterior walls of each floor) of the building or buildings occupied.

(c) Seat. Seat shall be the number of seating spaces installed or indicated, or each twenty-four lineal inches of benches, pews or space for loose chairs or similar seating facilities.

(d) Fractional Unit. Where the computation for determining the number of parking spaces results in a fractional space unit, one additional space shall be provided.

1161.05 SCHEDULE OF REQUIRED OFF-STREET PARKING.

Except as otherwise provided in this Planning and Zoning Code, off-street parking shall be provided in accordance with the following schedule:

Building or Use	Minimum Required Parking Spaces
Single Family Dwellings	1 space per dwelling unit
Two Family Dwellings	1 space per dwelling unit
Multi-Family Dwellings	2 spaces per dwelling unit
Hotels, Motels, Bed and Breakfast	1 space per lodging unit or guest room
Hospitals	1 space for every two (2) beds
Clinics and Health Centers	1 space for every 200 square feet of gross floor area
Libraries, Museums, and Art Studios	1 space for every 400 square feet of gross floor area
Places of Worship	1 space for every six (6) seats
Mortuaries and Funeral Homes	1 space for every fifty (50) feet of assembly area
Theaters, arenas, stadiums and other auditoriums	1 space for every six (6) seats
Dance halls, skating rinks, swimming pools, lodge halls, assembly rooms	1 per 75 square feet of area used for dancing, skating, swimming or assembly
Bowling alleys	4 spaces per lane

Retail stores, banks, office buildings, service establishments	1 space for every 200 square feet of gross floor area
Restaurants, bars, taverns	1 space for every 2 indoor seats plus 1 space for every 4 outdoor seats
Industrial, warehousing, and manufacturing facilities	1 space for every 400 square feet of gross floor area
Planned shopping centers	1 space for every 200 square feet of gross leasable floor area
All other uses not specified herein	As determined by the Planning Commission

1161.06 SEPARATE, COMBINED OR DUAL USE OF FACILITIES.

Accessory off-street parking facilities shall be provided for not less than the sum of the requirements for individual uses of any development consisting of two (2) or more buildings or uses normally having the same hours of operation. However, institutions, amusements or places of assembly may assume that up to, but not more than, fifty percent (50%) of their requirements are provided in adjacent parking areas by business establishments which normally have different hours or operations; or conversely, up to but not more than fifty percent (50%) of the requirements of business establishments (different hours of operation) may be assumed to be provided by institutions, amusements or places of worship; provided, however, that should either of the dual uses be changed or discontinued, then the required spaces for the use remaining shall be provided elsewhere as a condition precedent to the continued use of such remaining building.

1161.07 MAXIMUM SPACES FOR RESIDENCES.

In a Class U-1 District, the sum of the open and enclosed accessory parking facilities shall not exceed three (3) spaces per dwelling unit on lots of 12,000 square feet or less; and not more than four (4) spaces per dwelling unit on lots of more than 12,000 square feet.

1161.08 LOCATION OF PARKING FACILITIES.

- (a) Residential Buildings. Accessory parking facilities shall be located on the same lot as the building served. Open facilities for overnight parking shall not be located within the required front or side yards. Group parking facilities in a Class U-3 District shall be kept available to each dwelling unit.
- (b) Institutional, Amusement and Assembly Buildings. Accessory parking facilities shall be provided on the same lot as the building served in a multi-family, automobile parking or business district. However, where no such adjacent land is available, such facilities may be located within a radius of 150 feet of such building.
- (c) Business Buildings. Accessory parking facilities shall be located adjacent to the building served in a business or automobile parking district. However, where no such adjacent land is available, such facilities may be located within a radius of 200 feet of such building but not across a major thoroughfare.

(d) Commercial-Industrial Building. Accessory parking facilities shall be located on the same lot as the main use, however, where no such adjacent land is available, such facilities may be located within a radius of 200 feet of such use.

1161.09 DRIVEWAYS TO PARKING AREAS.

The location and width of entrance and exit driveways to accessory parking facilities shall be planned in such a manner as to interfere as little as possible with the use of adjacent residential property and with pedestrian and vehicular traffic on adjacent streets.

- (a) Not more than two (2) access driveways may abut any one street.
- (b) Driveways shall be located not less than seventy-five (75) feet from a street intersection.
- (c) Driveways shall not be less than eight (8) feet wide for single-family and two-family residential uses.
- (d) Driveways shall not be less than ten (10) feet wide nor more than twenty (20) feet wide for multi-family, business, commercial or industrial uses.

1161.10 SURFACE IMPROVEMENTS OF PARKING AREAS.

All parking facilities and driveways shall have a smoothly graded, stabilized, dustless and hard surface with adequate drainage so they will not cause injury to adjacent properties. Hard surface shall be determined to be asphalt, concrete or a comparable hard surface pavement in accordance with plans and specifications on file in the office of the Building Commissioner. Appropriate bumper guards or curbs shall be provided where needed within the area in order to define parking spaces or limits of paved areas. Off-street parking areas having a capacity of more than six (6) automobiles shall have structural or landscape features (such as walls, fences or hedges) placed so as to conceal vehicles from an observer's view when such observer is at sidewalk level outside such parking area, with bumper guards or curbs placed on the aforesaid yard lines. The area between yard lines and lot lines shall be landscaped, with such landscaping and structural features to be maintained adequately at all times

1161.11 ILLUMINATION OF PARKING AREAS.

Illumination of parking areas shall be so designed and located that light sources shall be shielded from adjoining residential districts and streets and shall not be of excessive brightness.

1161.12 OFF-STREET LOADING SPACES.

Loading or unloading facilities shall be provided for all business, commercial or industrial buildings hereafter erected or altered to such uses. Such facilities shall be located not less than fifty (50) feet from the front property line when facing the main street, and when alongside a building or alley such facilities shall be located so that a standing truck (loading or unloading) will not interfere with vehicular or pedestrian traffic. At least one (1) off-street loading space will be provided for each 20,000 square feet of gross floor area or fraction thereof of manufacturing, storage, wholesale or retail buildings and shall be maintained as long as such building is occupied or unless an equivalent number of spaces are provided in conformity with these requirements.

## **CHAPTER 1163** **SIGN REGULATIONS**

- 1163.01 Purpose and Intent.
- 1163.02 Definitions.
- 1163.03 Measurement Determinations.
- 1163.04 General Provisions.
- 1163.05 Sign Permits Required.
- 1163.06 Wall Signs.
- 1163.07 Free-standing Signs.
- 1163.08 Permitted Signs In Residential Districts.
- 1163.09 Prohibited Signs.
- 1163.10 Sign Design Standards.
- 1163.11 Variances And Appeals.
- 1163.99 Penalty.

### **1163.01 PURPOSE AND INTENT.**

The purpose of these sign regulations is to promote the public health, safety and welfare through the provision of standards for existing and proposed signs as set forth herein and more specifically to:

- (a) To provide reasonable and appropriate conditions for identifying businesses and services while preserving the non-commercial character of the neighborhood.
- (b) To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- (c) To protect the physical appearance of the community by maintaining visually attractive, residential, office, and retail districts.
- (d) To provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings.

### **1163.02 DEFINITIONS.**

For the purposes of this Chapter, the following terms shall have the meaning herein indicated. For examples of sign types, see Appendix A.

- (a) A-Frame Sign - means sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own rigid supporting frame in the form of a triangle or an inverted V and being portable and movable. Also known as a sandwich board sign.
- (b) Bandit Sign – means a sign constructed, in whole or in substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that is not protected from exposure to the natural elements,

but is made of weather-resistant materials that last for more than seven (7) days but less than 60 days without significant loss through exposure to the elements or wear and tear.

- (c) Banner Sign – means a sign that is made of non-rigid cloth, plastic, paper, or canvas.
- (d) Changeable Copy Sign - means a sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays.
- (e) Flag Pole Signs – means a sign that is made of non-rigid cloth, plastic, paper, or canvas and is affixed to a pole that is supported from the ground or attached to a building.
- (f) Flag Light Pole Signs – means a sign that is made of non-rigid cloth, plastic, paper, or canvas and affixed to a light pole, or similar pole, in a manner that prevents movement of the sign.
- (g) Free-standing Sign - means a sign that is constructed of material other than non-rigid cloth, plastic, paper or canvas and is supported from the ground by means of a free-standing wall, monument, poles, or other structural support system and not attached to any building. Free-standing signs greater than twelve (12) square feet in area shall be:
  - (1) Placed on a full continuous masonry wall or foundation or a full continuous monument base; or
  - (2) Have a full continuous enclosure between the bottom of the sign and finished grade.



Acceptable Free-standing Signs Types

- (h) Freeway Changeable Copy Sign - means a sign designed to display multiple or changing messages by electronic means. Such signs are

characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified from time to time by electronic or devices. Electronically changed signs may include either electronic message boards or digital displays.

- (i) Mural Wall Sign – means a sign that is hand-painted, hand-tiled, or other similarly created or digitally printed image on the exterior wall of a building.
- (j) Permanent Sign - means a sign permanently affixed or attached to the ground or a structure and which cannot be removed without special handling, such as removing or dismantling the foundation or a portion thereof, fasteners, adhesives or similar materials providing support or structural integrity for the sign.
- (k) Pole Sign – means a sign that is mounted on a free-standing pole, column, or other support so that the bottom edge of the sign is above finished grade.
- (l) Sign - means any identification, description, illustration, or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot, and which is intended to direct or attract attention to or announce or promote a product, place, activity, person, idea, institution or business by means of letters, words, designs, colors, symbols, banners fixtures, images, or illustrations.
- (m) Sign Structure - means the sign face(s) and walls, foundations, poles, brackets and other materials supporting the sign face(s).
- (n) Snipe Sign – means a sign that, in whole or insubstantial part, is not made of weather resistant material and not adequately protected from the natural elements.
- (o) Temporary Sign – means a sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and which is intended or designed for a limited period of display and removable without special handling.
- (p) Wall Sign - means any sign attached to, painted on, or integrated into the wall of any building and located in a plane parallel to the wall and supported by the building. Wall signs shall also include signs on awning or canopies.
- (q) Window Sign – means a sign, that is attached or affixed to, painted on, or located within two (2) feet inside of a window or door of a building and which is legible more than five (5) feet beyond the face of the window or door on which such sign is located.

#### 1163.03 MEASUREMENT DETERMINATIONS.

The following shall be the basis for determining sign area, sign height, and building or tenant frontage.

- (a) Sign Area and Dimensions.  
Sign area shall include the entire face of the sign from edge to edge, including any frame or structure around the perimeter of the sign, provided

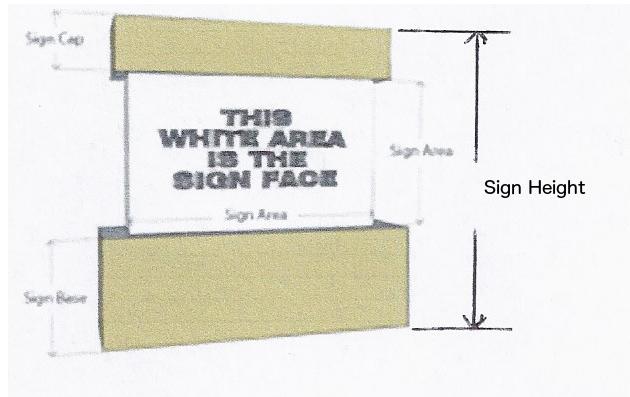
however that a proportional framing or structure around the display area may be excluded by the Planning Commission.

- (1) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped free-standing sign, the area of the sign shall be the area of not more than three (3) adjacent regular geometric shapes that encompasses the perimeter of all the elements in the display. Regular geometric shapes are squares, rectangles, circles, ovals, triangles, and trapezoids.
- (2) When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include the space between the elements.
- (3) For free-standing signs:
  - A. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel or are within 30 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet.
  - B. No more than two display faces shall be permitted and the total area of each face shall not exceed forty (40) square feet in non-residential districts, nor two (2) square feet in residential districts.
  - C. The portion of a solid sign base, up to a maximum height of two (2) feet, may be excluded from the calculated sign area provided such base is adequately screened by landscaping as determined by the Planning Commission.
- (4) Air between a projecting sign and the wall to which it is attached, and detached lighting fixtures and associated brackets shall not be included in the calculation of sign area.



(b) Sign Height.

The height of a free-standing sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the sign. A free-standing sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to any grade change in the area of a sign.



(c) Building Frontage and Building Unit.

For the purposes of these sign regulations, the length of the building wall that faces a public street other than a limited access highway or that contains a public entrance to the uses therein shall be considered the building frontage.

- (1) The 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 is 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 business shall be considered its primary frontage and only one additional wall considered its secondary frontage.
- (4) 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.

**1163.04 GENERAL PROVISIONS.**

- (a) All signs shall be of substantial construction so as to withstand weather conditions, such as rain, snow, wind, and freezing and thawing, without deterioration of the sign or its structure. Cloth, paper, or any other temporary materials shall not be permitted on permanent signs.
- (b) All signs shall be constructed, erected and maintained in accordance with the Warrensville Heights Building Code.
- (c) Only signs specifically authorized by this Chapter shall be permitted. Signs not specifically permitted shall be considered prohibited.
- (d) Temporary signs shall not be displayed for longer than either sixty (60)

days or for the period during which the activity, event, or function to which the sign refers is occurring, whichever time period is shorter and may not be illuminated.

(e) Unsafe and Unlawful Signs. All signs, including temporary signs shall at all times be maintained in good condition and repair at all times. Upon determination that a sign is not being maintained, is in poor condition or repair, or is unsafe the Building Commissioner or his designated agent may order such sign to be brought into compliance or removed within a specified time period. Should the property owner fail to bring the sign into compliance as directed, the Building Commissioner may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected the sign or whose premises it was erected, affixed or attached; each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of the sign. The Building Commissioner may also institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

(f) Illuminated Signs. Illuminated signs are permitted pursuant to the following regulations:

- (1) Signs may be internally illuminated with LED's or similar technology, provided that the sign shall be factory set so that the luminance of the sign shall not exceed a maximum of three (3) foot candles measured ten (10) feet from the sign's face at maximum brightness. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting device activated by photocell or timer.
- (2) External illumination of signs shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way. In no instance shall the intensity of the light exceed twenty (20) foot candles at any point on the sign face.
- (3) Signs may use back lighting or halo lighting subject to the approval of the Planning Commission.
- (4) No sign shall be illuminated between the hours of 2:30 a.m. and 5:00 a.m., unless the activity displaying the sign is open for business during those hours. The Building Commissioner is authorized to grant an exception from the provisions of this section to any activity in which illumination of signs during the hours otherwise proscribed is necessary or desirable for the security and safety of the activity or for property in the custody of the activity.

(g) Changeable Copy Signs shall conform to the following standards:

- (1) Each message or copy shall remain fixed for at least eight (8) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.

- (2) Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
- (3) Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.
- (4) No such sign shall be of such intensity as to create a distraction or nuisance for motorists or to exceed a maximum of 0.3 foot candles measured 200 feet from the sign's face.
- (5) Displays shall not emulate traffic control devices.
- (6) Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs.
- (7) The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.
- (8) No such sign shall have more than two faces and the total area of each face shall not exceed six hundred and seventy-two (672) square feet.
- (9) The maximum height shall be eighty (80) feet above grade.
- (10) Each such sign shall be setback a minimum of twenty (20) feet from any property boundary line.
- (11) Freeway Changeable Copy Signs shall only be permitted on properties which immediately abut a limited access freeway and which are classified as U-6 Limited Industrial District.
- (12) No Freeway Changeable Copy Sign shall be located within 2000 feet of any other Freeway Changeable Copy Sign, off-premises sign, or billboard.

(h) Exemptions. The following signs shall be exempt from these regulations:

- (1) Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- (2) Any sign inside a building that is not visible from the exterior.
- (3) Signs not visible from off the premises.

(i) Nonconforming Signs. Signs which were legally in existence prior to the effective date of this Chapter, but which do not conform with the provisions hereof, may be continued as a matter of right provided such signs comply with all safety regulations and are maintained as required by this chapter. Normal maintenance and repairs, repainting, and/or the replacement of tenant panels shall be permitted. Any alteration to the size or structure of such signs shall cause the sign to lose its nonconforming status and said sign shall be brought into compliance with this Chapter.

(j) All signs shall be erected entirely on private property with no part of said sign extending over the public street or right of way.

(k) Window Signs. In the U-4 Local Retail Store District, U-5 Commercial District, U-6 Limited Industrial District, Planned Mixed-Use Development District, or U-8 Hub District the aggregate area of all window signs advertising matter or other obstructions shall not be greater than twenty-five percent (25%) of the total window area.

(l) The occupant or owner of any premises upon which a violation of this chapter is apparent or the owner of any sign placed or remaining anywhere in violation of this chapter shall be deemed *prima-facie* responsible for the violation so evidenced and subject to the penalty provided therefore.

**1163.05 SIGN PERMITS REQUIRED.**

No person shall erect, repair, alter, relocate or maintain within the City without first obtaining a permit from the Building Commissioner and making payment of the fees required hereof.

(a) Sign Permit Required.

(1) Repairs or maintenance not involving structural or electrical changes may be permitted without obtaining a permit. No sign structure for which a permit has been issued and which has been erected shall be removed without written application and approval of the Building Commissioner.

(2) No person may erect, alter or relocate any of the sign without first obtaining a permit from the Building Commissioner, approval from the Planning Commission, approval from City Council, and paying the required fees, with the exception of:

A. Signs that are two (2) square feet in area or less located in U-1 Single Family House Districts;

B. Window signs, and

C. Temporary signs that are not more than six (6) square feet in area nor more than four (4) feet in height.

(3) Routine maintenance or changing parts of signs shall not be considered an alteration of a sign, provided that the maintenance or change of parts does not alter the type of installation, surface area, heights, or otherwise make the sign non conforming.

(b) Electrical Permit Required.

In addition to complying with the provisions of this Chapter, all signs in which electrical wiring and connections are to be used shall be regulated pursuant to the Codified Ordinances of the City of Warrensville Heights.

(c) Application for Sign Permit.

Applications for sign permits shall be made upon forms provided by the Building Department and shall contain or have attached thereto the following information:

(1) Date of application.

(2) Name, address and telephone number of the applicant.

(3) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(4) Position of the sign or other advertising structure in relation to nearby buildings or structures.

(5) Two drawings of the plans and specifications and method of construction and attachment to the building or method of installation in the ground.

(6) Name of the person, firm, corporation or association erecting the

structure.

(7) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.

(8) Such other information as the Building Department shall be required to show full compliance with this and all other ordinances of the City.

(d) Issuance of Permits.

(1) Upon determining that a sign application is complete and accurate, the Building Commissioner shall submit the sign application to the Planning Commission for its review and recommendation.

(2) The Planning Commission shall review the application for compliance with this Chapter and shall make a recommendation for approval, approval with modifications, or denial of the application to City Council.

(3) Any sign application which requires a variance shall first be submitted to the Board of Zoning Appeals for consideration.

(4) Upon approval of a sign application by City Council, the Building Commissioner shall issue a sign permit and, if required, an electrical permit for erection of the sign. No permit shall be issued for any permanent sign without the approval of City Council.

(f) Validity of Permit.

If the work authorized under a sign permit has not been completed within one (1) year after the date of issuance, the permit shall become null and void.

(g) Fees.

Fees for sign permits shall be charged in accordance with the schedule of sign fees as established and periodically revised by City Council.

(h) Permit Revocable at any Time.

All rights and privileges acquired under the provisions of this chapter or any amendment hereto, are mere licenses revocable at any time by City Council.

(i) Revocation.

The Building Commissioner is hereby authorized to revoke any permit issued by him or City Council upon failure of the holder thereof to comply with any provisions of this chapter.

(j) Failure to Obtain a Permit.

Any person who erects, alters or moves a permanent sign after the effective date of this Chapter without obtaining a permit as required by this section, shall be subject to a penalty and or remedy as provided by Section 1163.99.

#### 1163.06 WALL SIGNS.

Wall signs shall be permitted in any U-3 Multi-Family Residential District, U-4 Local Retail Store District; U-5 Special Commercial and Institutional District, U-6 Limited Industrial District, U-7 Planned Commercial Development District, U-7A Planned Mixed-Use Development District, and U-8 City Hub District subject to the following

limitations and requirements:

- (a) Wall Openings.  
No wall sign shall wholly or partially cover any wall opening.
- (b) Projection from Building.  
No wall sign shall extend higher than the ridge lines of the top of the parapet wall of the main building nor be set out more than twelve inches from the face of the building to which it is attached or extend beyond the side, rear or face of the building when not affixed to that side, rear or face of the building.
- (c) Size Limitations.
  - (1) In a U-3 Multi-Family Residential District the total area of wall signs shall not exceed one-half (1/2) square foot of sign area for each lineal foot of building or unit frontage.
  - (2) In a U-4 Local Retail District the total area of wall signs shall not exceed three (3) square feet of sign area for each lineal foot of building or unit frontage.
  - (3) In a U-5 Special Commercial and Institutional District the total area of wall signs shall not exceed one (1) square foot of sign area for each lineal foot of building or unit frontage.
  - (4) In a U-6 Limited Industrial District the total area of wall signs shall not exceed one (1) square foot of sign area for each lineal foot of building or unit frontage.
  - (4) In a U-8 City Hub District the total area of wall signs shall not exceed two (2) square feet of sign area for each lineal foot of building or unit frontage.
  - (5) In a U-7 Planned Commercial Development District and U-7A Planned Mixed-Use Development Districts the area of wall signs shall be as specifically authorized by the Planning Commission and City Council.
- (d) Number of Signs Permitted.
  - (1) Single occupant buildings shall have not more than two (2) wall signs. The total of the two wall signs shall not exceed the size limitation provided in subsection (c) hereof.
  - (2) Multiple tenant buildings shall be permitted one (1) wall sign per building unit or individual tenant space.
- (d) Construction.  
All wall signs shall be safely and securely attached to the building wall and, all letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- (e) Illumination.  
Illumination shall be permitted on wall signs in U-3 Multi-Family Residential Districts, U-4 Local Retail Districts, U-5 Special Commercial and Institutional Districts, U-6 Limited Industrial Districts, U-7 Planned Commercial Development Districts, and U-8 City Hub Districts in conformance with Section 1163.04(f).

(f) Obstructions to Doors, Windows or Fire Escapes.  
No wall signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

1163.07 FREE-STANDING SIGNS.

Free-standing signs shall be permitted in any U-3 Multi-Family Residential District, U-4 Local Retail Store District, U-5 Special Commercial and Institutional District, U-6 Limited Industrial District, U-7 Planned Commercial Development District, and U-8 City Hub District subject to the following limitations and requirements of this chapter.

(a) Location.

- (1) No permanent free-standing sign shall be nearer than twenty-five (25) feet to a curb or sideline of the paved or otherwise improved surface of any public street or right of way on which any lot fronts or abuts.
- (2) No permanent free-standing sign shall be placed nearer than fifty (50) feet to any building unless specifically authorized by the Planning Commission and City Council.

(b) U-4 Local Retail Districts.

- (1) Retail developments of less than 50,000 square feet of gross leasable area under common ownership and control shall be permitted one (1) permanent free-standing sign, provided that such sign shall not be more than forty (40) square feet in area nor eight (8) feet in height.
- (2) Retail developments of 50,000 square feet or more of gross leasable area under common ownership and control shall be permitted one (1) permanent free-standing sign, provided that such sign shall not be more than sixty-four (64) square feet in area nor ten (10) feet in height.
- (3) Each retail development under common ownership or control shall be permitted not more than two (2) permanent free-standing signs not exceeding-three (3) square feet in area and located not more than three (3) feet above grade at each access drive to the site.
- (4) Each retail development under common ownership or control shall be permitted one (1) temporary free-standing sign not more than twelve (12) square feet in area nor six (6) feet in height as approved by the Building Commissioner.

(c) U-5 Special Commercial and Institutional Districts and U-6 Limited Industrial Districts.

- (1) One (1) permanent free-standing sign, provided that such sign shall not be more than forty (40) square feet in area nor eight (8) feet in height.
- (2) Two (2) permanent free-standing signs not exceeding-three (3) square feet in area and located not more than three (3) feet above grade at each access drive to the site.
- (3) One (1) temporary free-standing sign not more than twelve (12) square feet in area nor six (6) feet in height as approved by the

Building Commissioner.

(d) U-3 Multi-Family Residential Districts.  
 Each apartment complex under common ownership and control shall be permitted one (1) permanent free-standing sign, provided that such sign shall not be more than forty (40) square feet in area nor eight (8) feet in height.

(e) U-7 Planned Commercial Development Districts, U-7A Planned Mixed-Use Development Districts, and U-8 Hub Districts.  
 The size and number of free-standing signs shall be as specifically authorized by the Planning Commission and City Council.

(f) Construction and Design.

- (1) Each permanent free-standing sign shall be designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each free-standing sign shall be landscaped with plant material.
- (2) Free-standing signs greater than twelve (12) square feet in area shall be:
  - A. Placed on a full continuous masonry wall or foundation or a full continuous monument base; or,
  - B. Have a full continuous enclosure between the bottom of the sign and finished grade.

(g) Illumination.  
 Free-standing signs may be illuminated, provided that such illumination is in conformance with Section 1163.04(f).

#### 1163.08 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS.

Signs are permitted in residential districts pursuant to the following standards and provisions:

- (a) One permanent free-standing sign not more than two (2) square feet in area nor four (4) feet in height.
- (b) One temporary free-standing sign not exceeding six (6) square feet in area nor four (4) feet in height, provided that no such sign shall be displayed for longer than six (6) months.
- (c) One temporary free-standing sign not exceeding twenty-four (24) square feet in area nor six (6) feet in height may be erected during active construction of a residential subdivision development, provided that no such sign shall be displayed for longer than two (2) years.
- (d) No sign permitted by this section shall be illuminated.
- (e) No sign shall be erected closer than twenty (20) feet from the pavement of a street or within six (6) feet of any property line. If, due to the topography, existing foliage or other similar conditions existing as to a particular property, conformance with the setback requirement herein would impair the visibility of the sign, the Building Commissioner may permit an exception to the set-back requirement.

### 1163.09 PROHIBITED SIGNS.

The following signs shall not be erected, constructed or maintained in the City:

- (a) A-frame signs;
- (b) Signs, except for Freeway Changeable Copy Signs as permitted herein, that have flashing, moving, intermittent, running or blinking lights or any moving parts;
- (c) Signs that move, or give the appearance of movement. This category includes pennants, flag pole signs, and banners which are not attached to buildings;
- (d) Billboards, except as provided in Section 1163.04(f);
- (e) Roof signs;
- (f) Signs that imitate traffic signs;
- (g) Off premises signs, except as provided in Section 1163.04(f) hereof;
- (h) Portable or wheeled signs;
- (i) Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or an activity located on the same or nearby property;
- (j) Inflatable images;
- (k) Bandit or Snipe Signs;
- (l) Pole Signs except those less than three (3) square feet in area and three (3) feet in height; or
- (m) Signs that are audible or emit sounds of any type.

### 1163.10 SIGN DESIGN STANDARDS.

The style, color, size, materials and character of all permitted signs in a district, shall be compatible with the size and architectural style of the main building, and with other existing signs located on the same building and associated buildings to produce an overall unified effect. Signs shall be considered according to standards set forth in this section and shall require approval by the Building Commissioner with the concurrence of the Planning Commission as outlined in Section 1163.05.

- (a) Continuity.  
Signs in a particular district and on a specific property shall have continuity in their design relative to the surrounding environment in the district.
- (b) Style.  
The style of signs placed on a building or group of associated buildings shall be consistent and harmonious.
- (c) Color.  
A sign shall contain no more than four (4) colors. Colors shall be compatible and harmonious with the building façade.
- (d) Lettering.  
The lettering on a sign shall be large enough to be easily read, but not overly large or out of scale with the building upon which it is placed. Excessive amounts of graphics or information that, in the determination of the Planning Commission, create visual clutter or a distraction for motorists or pedestrians shall not be permitted.

- (e) Materials.  
Signs, including supporting structures, shall be fabricated on and of noncombustible materials that are of good quality, good durability, and complementary to the main building. Cloth, paper or cardboard shall not be acceptable materials for permanent signage. All free-standing signs shall have base or foundation in conformance with Section 1163.02(c).
- (f) Structural.  
All sign structures shall be designed and constructed to withstand a wind pressure from all directions of not less than ninety (90) miles per hour or thirty (30) pounds per square foot of net surface area and shall be constructed to withstand loads as required by the Building Code. The applicant shall provide to the Building Commissioner a design drawing prepared by and sealed by an Ohio Certified Design Professional detailing the foundation, construction and loading requirements of all free-standing signs and evidence of structural stability and mounting details for all building-mounted signs. Signs shall not be attached to parapets unless parapet is constructed to comply with above standards.
- (g) Canopy Sign.  
A permitted canopy sign shall have a vertical dimension not to exceed twelve inches and the lowest structure shall not be less than eight (8) feet above sidewalk grade.
- (h) Illumination.  
Illumination of signs shall comply with the standards of Section 1163.04(f).

#### 1163.11 VARIANCES AND APPEALS.

The Board of Zoning Appeals may in specific cases, vary or permit exceptions to any of the provisions of this chapter, if it finds that such variance or exception will not violate the spirit or intent of this chapter. Denial of a sign permit by the Building Commissioner may be appealed to the Board of Zoning Appeals.

#### 1163.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a first-degree misdemeanor. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

## CHAPTER 1165

### ARCHITECTURAL DESIGN STANDARDS

- 1165.01 Intent.
- 1165.02 Appropriate Design Required.
- 1165.03 Role of Planning Commission.
- 1165.04 Appeals.

#### 1165.01 INTENT.

The regulations contained in this Chapter are intended to control the exterior appearance and form of buildings are hereby established in order to promote the general welfare and prosperity of the community by increasing the benefits to be derived from the occupancy or use of real property; and to assure orderly and reasonably harmonious developments in the City and in each neighborhood. Excessively similar, dissimilar or inappropriate design of buildings is regulated to avoid harmful effects, such as:

- (a) Deterioration of existing residential buildings within the neighborhood;
- (b) Discouraging the most appropriate use of undeveloped land in the vicinity; or
- (c) Reducing the stability and values of both improved and unimproved real property.

#### 1165.02 APPROPRIATE DESIGN REQUIRED.

- (a) The exterior appearance and form of all buildings, and the use, and color materials shall be appropriate and suitable for the building proposed and in accord with prevailing architectural design principles and standards. The use of exposed concrete blocks for exterior walls shall be prohibited. The buildings shall be set at proper grades and otherwise in proper relation to the proposed surroundings.

- (b) Excessive Dissimilarity

The exterior design or appearance of buildings shall not be excessively dissimilar to that of any other building existing, or one for which a permit has been issued in the immediate neighborhood, in relation to one or more of the following:

- (1) Area. The gross floor area for a dwelling unit shall be similar to that of the dwellings in the neighborhood and shall be not less than established in this Planning and Zoning Code
- (2) Height. The height of the roof of buildings may vary. However, in general, the variation shall not exceed nine feet upon the same dwelling or between adjoining dwellings.
- (3) Exterior Design. Materials, color and other significant design features for all building types shall not be excessively dissimilar. However, a finding of excessive dissimilarity shall include that it is of such nature as to produce one or more of the above noted harmful effects.

- (c) Excessive Similarity

The exterior design or appearance of a building shall not be excessively similar to that of any other building existing or for which a permit has been issued, or to that of any other structure included in the same application, on a lot abutting on the same street and within one hundred fifty (150) feet of the proposed lot in respect to one or more of the following features of exterior design and appearance:

- (1) Exterior Design. The façades of a dwelling, particularly the street elevation, shall not be apparently identical; there shall be variations in the size and arrangement of doors, windows, entrances, porches, dormers or other openings and breaks.
- (2) Reverse Arrangements. Reverse arrangements shall not be approved unless there are changes in the elements of the façade. Variety shall be encouraged by different compositions of the main sections or wings of the dwelling.
- (3) Other Features. Other significant features such as, but not limited to, exterior materials, roof line or height, or other design elements, shall not be apparently identical. However, a finding of excessively similar design shall include that it is of such nature as to produce one or more of the harmful effects noted herein.

#### 1165.03 ROLE OF PLANNING COMMISSION.

The Planning Commission shall serve as the City's Board of Architectural Review and shall have the authority to determine the appropriateness of building designs.

#### 1165.04 APPEALS.

The Planning Commission shall also serve hear any appeals from decisions of the Building Commissioner with regard to the design of buildings, and shall have the authority to reverse, modify, or affirm the action or decision of the Building Commissioner. Such appeals shall be filed, noticed, and heard in conformance with the provisions of Chapter 1129.

## **CHAPTER 1167** **SWIMMING POOLS**

- 1167.01 Permit Required.
- 1167.02 Locational Requirements.
- 1167.03 Fencing Required.
- 1167.04 Drain And Filtration Required.
- 1167.05 Lighting.
- 1167.06 Inspection And Licensing.

### **1167.01 PERMIT REQUIRED.**

A permit shall be required for any swimming pool that has a water surface of four hundred (400) square feet or greater, a depth of more than twenty-four (24) inches, or a capacity of more than 5,500 gallons. No such swimming pool shall be constructed unless an application for a permit is approved by the Building Commissioner. The application shall include plans and specifications for both the pool and the fence or other protective barrier which the owner proposes to erect around the pool as well as a plot plan showing the location of the pool with reference to lot lines and other buildings on the property.

### **1167.02 LOCATIONAL REQUIREMENTS.**

Swimming pools may be located on a residential property as an accessory use provided that all accessory swimming pools shall be located in the rear yard behind the principal dwelling and shall not be less than twenty (20) feet from any property line nor less than ten (10) feet from the principal building to which they are accessory.

### **1167.03 FENCING REQUIRED.**

Every swimming pool shall have erected around it a fence at least four (4) feet in height and approved by the Building Commissioner as to strength to prevent young children from having access to the pool except through a gate which shall be kept locked with an automatic closing gate when the pool is not in use by its owner or anyone using it with his permission. This fence requirement may be waived by the Building Commissioner for above ground pools provided that the ladder, steps or any other means of access or entry into the above ground pool is lockable or capable of being removed from the swimming pool when the pool is unattended. The Building Commissioner is hereby authorized to establish rules and standards for the type and strength of pool fencing or for the operation of any other barrier to access to the pool.

### **1167.04 DRAIN AND FILTRATION REQUIRED.**

Every pool shall be so constructed that it can be drained into the City storm sewer, or have a sump pump located in its deepest part for the purpose of pumping out all of the water to a storm sewer opening, except that if the pool is constructed on land not yet sewerized, the owner shall pump or drain water from the pool in such a manner as to cause no injury to other property in the vicinity of the pool. Every pool of permanent construction shall be provided with a filtration system of such sufficient size and capacity to insure the safety, health and welfare of those persons using the pool.

1167.05 LIGHTING.

If flood or other artificial light is used to illuminate the pool at night, none of the lights shall be used after 10:30 p.m. if the pool is located within two hundred (200) feet of any building used for dwelling purposes. The lights shall also be shielded to direct light on the pool only.

1167.06 INSPECTION AND LICENSING.

All outdoor swimming pools, whether permanent and temporary, shall be licensed and subject to inspection by the Building Commissioner.

## **CHAPTER 1169** **FENCES**

- 1169.01 Permit Required.
- 1169.02 General Requirements.
- 1169.03 Temporary Snow Fencing.
- 1169.04 Temporary Construction Fences.

### 1169.01 PERMIT REQUIRED.

A permit shall be required prior to the erection of any fence. No permit shall be issued unless a detailed construction plan and site location drawing accompany the application.

### 1169.02 GENERAL REQUIREMENTS.

- (a) Open ornamental fences and freestanding or retaining walls or hedges may be permitted on, or approximately on, a property line along a side or rear yard to a height not over six (6) feet above the natural grade, provided that no such fence, wall or hedge shall extend beyond the rear line of the main structure on the property to be enclosed.
- (b) A closed fence shall be constructed by each non-residential property owner along any common lot line between a residential and a non-residential use. Such closed fence shall not exceed six (6) feet in height above the average natural grade.
- (c) Fences and structures intended to enclose tennis courts and other game areas may be permitted over six (6) feet in height if located at least twenty-five (25) feet from the building line, and constructed of steel or mesh, of which at least ninety percent (90%) is open to air and light.
- (d) Closed ornamental fences and hedges to enclose patio areas located in the rear of a fence or hedge may not be located within six (6) feet of any property line.
- (e) Fences shall be maintained in good condition, structurally sound, and attractively finished at all times. Any grounds between fences and property lines shall be well maintained at all times. Fences permitted to be located on property lines shall be designed, constructed and furnished so that the structure will be equally attractive from the side of the adjoining property owner.

### 1169.03 TEMPORARY SNOW FENCES.

Temporary snow fences having a height not in excess of four (4) feet may be permitted, notwithstanding the provisions of Section 1169.02 of this Chapter. Such fences shall be maintained in good condition, shall be structurally sound and attractively finished at all times. All snow fences shall be removed not later than May 1 and shall not be erected prior to October 1.

### 1169.04 TEMPORARY CONSTRUCTION FENCES.

- (a) If a permit authorizes demolition or authorizes construction of a new principal structure or substantial excavation, then the applicant shall cause a construction fence to be installed around the subject property. A project site that meets the following standards is required to install a construction fence which means a

temporary chain link fence with fabric, or other screening material, six (6) feet in height, and of substantial construction capable of preventing persons from falling into such excavation or construction or otherwise being injured by virtue of such work.

- (b) A construction fence is required where clearing, grading, demolition, stockpiling of soil, stockpiling of construction or landscaping materials is proposed on any property located in a U-3, U-4, U-5, U-6, U-7, U-7A or U-8 District. Said fence shall be installed on the front, side and rear lot lines prior to commencement of clearing, grading or demolition. Said fencing shall remain in place until a certificate of occupancy is issued for the structure.
- (c) The location of the perimeter fencing may be changed during the construction period with approval of the Building Commissioner. "No Trespassing" signs shall be mounted on the fencing in conspicuous locations around the site.

## APPENDIX A

### EXAMPLES OF SIGN TYPES



A-Frame Sign



Bandit Sign



Banner Sign



Bandit Sign



Flag Pole Sign



Flag Pole Sign



Mural Wall Sign



Flag Light Pole Sign



Snipe Signs