

City of Bryan, Ohio

**Planning &
Zoning Code**

Codified Ordinances

Part Eleven

Adopted by City Council on January 16, 2024

Ordinance No. 62, 2023

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PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - GENERAL PROVISIONS

Chapter 1111	Title, Purpose and Application
Chapter 1112	General Provisions and Fees
Chapter 1113	Administrative Powers and Duties
Chapter 1114	Zoning Amendments
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Chapter 1111 Title, Purpose, and Application

- 1111.01 Title.
- 1111.02 Authority and Scope.
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1111.01 Title.

- 1) This Code includes standards for planning, subdividing, developing, and using land within the City. This Part Eleven – Planning and Zoning Code combines the subdivision and zoning rules, regulations, and standards into one unified ordinance titled the “Planning and Zoning Code of the City of Bryan Ohio.” These rules, regulations, procedures and accompanying maps shall be known, cited and referred to as the Planning and Zoning Code.

1111.02 Authority and Scope.

- 1) This Planning and Zoning Code is adopted by the City pursuant to its authority under the Ohio Revised Code Chapter 713 and the City of Bryan Charter. Nothing in this Planning and Zoning Code shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter as authorized by the Ohio Revised Code or the City Charter.

1111.03 Purpose.

- 1) This Planning and Zoning Code regulates and restricts the ways in which land can be used and subdivided in order to promote the public health, safety, convenience, prosperity and general welfare. More specific purposes are to:
 - a) Promote the orderly and beneficial development of the City of Bryan in accordance with the City’s land use policies.
 - b) Establish districts of such classification and number to implement the City’s Comprehensive Plan which encourages the most appropriate uses of land, guides the future development of the City, and to carry out the purposes of this Planning and Zoning Code.

- c) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.
- d) Regulate and restrict the location, bulk, height, design and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional and recreational areas.
- e) Regulate the area and dimension of lots, yards and other open spaces to provide adequate space for light and air.
- f) Regulate the density of population to prevent overcrowding of land and excessive concentration of the population.
- g) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.
- h) Facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation and other public necessities.
- i) Provide regulations, standards and procedures for the administration, amendment and enforcement of this Planning and Zoning Code.

1111.04 Applicability.

- 1) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Planning and Zoning Code and, when required, after the lawful issuance of the permit(s) required by this Planning and Zoning Code.
- 2) In the case of subdivisions, no person shall sell any land or authorize the sale of land under his/her control except in accordance with the all of the applicable provisions of this Planning and Zoning Code.
- 3) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this Planning and Zoning Code are subject to the regulations set forth in Section 1185.02 Nonconforming uses, lots, buildings, and structures.

1111.05 Relationship to Plans.

- 1) It is the intention of Council that this Planning and Zoning Code implement the planning policies reflected in the City of Bryan Comprehensive Plan and other planning documents. While the Council reaffirms its commitment that this Planning and Zoning Code and any amendment to it be in conformity with adopted planning policies, Council hereby expresses its intent that neither this Planning and Zoning Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1111.06 Separability.

- 1) Sections and subsections of this Planning and Zoning Code and the several parts or provisions thereof are hereby declared to be independent sections, subsections, parts and provisions. If any provision of this Planning and Zoning Code, or amendment thereto, or any application of any provision to particular circumstances is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Planning and Zoning Code or amendments thereto, or the application of such provision to other circumstances.

1111.07 Application and Interpretation.

- 1) Unless specifically noted otherwise, in interpreting and applying the provisions of this Planning and Zoning Code, these provisions shall be considered the minimum requirements necessary for the promotion of the public health, safety and general welfare. They shall be liberally construed to further the purposes and objectives set forth herein and the purposes and intent of each district as set forth in each district chapter.
 - a) Except as specifically provided herein, the provisions of this Planning and Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing deed or plat restrictions, ordinances, laws, rules, or permits previously adopted or issued, and shall not be construed as removing or rendering inoperative any deed or land restriction formerly established by restrictive covenants running with the land, easements or other agreements between parties.
 - b) In cases where this Planning and Zoning Code imposes a greater restriction upon the use of buildings or land or upon the height and/or bulk of buildings, or requires larger lot area, yards or other open spaces than are imposed or required by such other laws or ordinances, or by such rules and regulations, the provisions of this Planning and Zoning Code shall govern. Conversely, other regulations shall govern where they are more restrictive in nature than this Planning and Zoning Code.
- 2) Interpretation of Terms and Words. For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:
 - a) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - b) The words “used” and “occupied” include the words “intended, designed or arranged to be used or occupied.”
 - c) The word “lot” shall include the words “plot” or “parcel”.
 - d) Words used in the present tense shall include the future tense, the plural number shall include the singular, and the singular number shall include the plural unless specifically noted otherwise.
 - e) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

- f) Whenever a number of days are specified, days shall mean calendar days unless specifically noted otherwise.

1111.08 Effective Date.

- 1) This Planning and Zoning Code, and amendments thereto, shall take effect and be in full force and effect on February 15, 2024 per Ordinance Number 62, 2023.

1111.09 Amendment and Restatement of Previous Planning and Zoning Code.

- 1) As of the effective date, this Planning and Zoning Code shall supersede, amend, and restate in its entirety the Planning and Zoning Code previously adopted on December 19, 2001 as subsequently amended.

Chapter 1112 General Provisions and Fees

- 1112.01 General regulation of lots.
- 1112.02 General regulation of structures and construction.
- 1112.03 Schedule of fees.

1112.01 General Regulation of Lots.

- 1) Required Yard and Open Space Maintained. The required yards surrounding an existing principal building, which have been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Code shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement for any other principal building.
- 2) Required Lot Area to be Maintained. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and lot width requirements of the district in which such land is located.

1112.02 General Regulation of Structures and Construction.

- 1) Minimum Construction Standards. All structures, except those exempt as specified in this Code, shall comply with the standards of the Ohio Basic Building Code. Compliance with the building code is required regardless of whether the structure is constructed on the building site, fabricated in a factory, or moved in from a location outside the City.
- 2) Structures for Human Habitation. Only structures that meet all the requirements for a permitted dwelling unit shall be permitted to be occupied for human habitation.

1112.03 Schedule of Fees.

- 1) Council shall, by ordinance, establish a schedule of fees for review of and action on applications such as subdivision preliminary plat review, final plat review, zoning certificates, development plan review, conditional use certificates, variances, amendments and other procedures and services pertaining to the administration and enforcement of this Planning and Zoning Code. Council shall consider the recommendation of the Zoning Administrator with respect to actual administrative costs, both direct and indirect, including inspection costs. The schedule of fees shall be available at the office of the Zoning Administrator, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, or administrative procedure.

Chapter 1113 Administrative Powers and Duties

- 1113.01 Purpose.
- 1113.02 Zoning Administrator.
- 1113.03 Planning Commission.
- 1113.04 City Council.

1113.01 Purpose.

- 1) This Chapter sets forth the powers and duties of the Zoning Administrator, Planning Commission, and City Council with respect to the administration of the provisions of this Planning and Zoning Code.

1113.02 Zoning Administrator.

- 1) Establishment. The Zoning Administrator, designated by the Mayor and confirmed by City Council, shall act as the administrative officer for the purpose of effecting the proper administration of the Planning and Zoning Code. Duties of the Zoning Administrator may also be performed by a designated agent.
- 2) Powers and Duties. The Zoning Administrator or his/her designee shall have the following powers and duties:
 - a) To enforce the provisions of this Planning and Zoning Code and interpret the meaning and application of its provisions.
 - b) To issue zoning certificates and zoning permits as provided by this Planning and Zoning Code and keep a record of the same with a notation of any special conditions involved.
 - c) To accept, review for completeness, and respond to questions regarding applications upon which the Zoning Administrator is authorized by the provisions of this Planning and Zoning Code to review, including, but not limited to, amendments to the Planning and Zoning Code, development plan review, sign applications, conditional uses, variances, appeals, and subdivision plats.
 - d) To coordinate the City's administrative review of applications required by this Planning and Zoning Code, including, but not limited to, rezoning applications, development plan review, sign applications, conditional use applications, and subdivision plats.
 - e) To maintain any records required by this Planning and Zoning Code including, but not limited to, inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.
 - f) To make such records available for the use of Council, the Planning Commission, and the public.

- g) To conduct or cause the inspection of buildings and uses of land to determine compliance with this Planning and Zoning Code.
- h) To determine the existence of any violations of this Planning and Zoning Code and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- i) To maintain in current status the “Official Zoning District Map” of the City of Bryan.

1113.03 Planning Commission.

- 1) Establishment. The Planning Commission shall consist of seven members, as established by Charter for the terms specified therein.
- 2) Quorum. A quorum shall consist of a majority of the Commission members. Any action taken by the Commission shall require a majority vote of its members.
- 3) Meetings. All meetings of the Commission shall be open to the public.
 - a) The Planning Commission shall:
 - i) Adopt rules and regulations in accordance with this Planning and Zoning Code as may be necessary to put into effect the powers and jurisdiction conferred herein.
 - ii) Organize and select a chairperson and vice-chairperson.
 - iii) Hold regular monthly meetings, except when there is no business requiring Commission action.
 - iv) Keep a record of its proceedings and decisions.
 - b) The chairperson may call additional meetings at such other times as determined necessary.
- 4) Powers and Duties. For the purposes of this Planning and Zoning Code, the Planning Commission shall have the following powers and duties:
 - a) To make and adopt plans and maps of the City of Bryan and periodically amend, extend, delete or add to the plans and maps.
 - b) To review and act on all development plans required by this Planning and Zoning Code.
 - c) To review and make recommendations to Council on conditional use certificates according to the procedures, standards and criteria stated in this Planning and Zoning Code.
 - d) To make a recommendation to Council that a proposed use not listed or provided for in this Planning and Zoning Code is substantially similar to a principal or conditional use that is listed and provided for in this Planning and Zoning Code.

- e) To review all proposed amendments to this Planning and Zoning Code and make recommendations to Council as provided in this Planning and Zoning Code.
- f) To investigate and propose on its own initiative such amendments to the Planning and Zoning Code, as it may deem consistent with the purposes of this Planning and Zoning Code, the recommendations of the Comprehensive Plan, and which further the public health, safety, and general welfare of the City of Bryan.
- g) To review and act on proposed subdivision plats according to the procedures, standards and criteria stated in this Planning and Zoning Code.
- h) To authorize such variances from the terms of this Planning and Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Planning and Zoning Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this Planning and Zoning Code shall be observed and substantial justice done.
- i) To permit the substitution of one nonconforming use with another nonconforming use in conformance with the provisions of the Planning and Zoning Code.
- j) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Chapter 1150.
- k) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by an administrative official in the administration or enforcement of this Planning and Zoning Code, unless otherwise provided in this Planning and Zoning Code.

1113.04 City Council.

- 1) Establishment. Council shall consist of five members, as established by Charter for the terms specified therein.
- 2) Powers and Duties. For the purposes of this Planning and Zoning Code, the City Council shall have the following powers and duties:
 - a) To confirm the recommendation from the Planning Commission for approval of a preliminary subdivision plat.
 - b) To legislatively accept or reject a final subdivision plat, upon approval of the final plat by the Planning Commission.
 - c) To approve the dedication of any public land or easement before it is recorded.
 - d) To approve the dedication of streets or the vacation of dedicated right-of-ways.
 - e) To confirm the terms of financial guarantees required for subdivision improvements, as determined by the City Attorney.

- f) To initiate or act upon proposed amendments to this Planning and Zoning Code, after review of the Planning Commission's recommendation.
- g) To confirm the recommendation from the Planning Commission for approval of a conditional use.
- h) To confirm the recommendation from the Planning Commission regarding the determination of a similar use.
- i) To establish, by ordinance, a schedule of fees.

Chapter 1114 Zoning Amendments

1114.01 Authority for amendments.

1114.02 Initiation of zoning amendments.

1114.03 Amendments initiated by property owners(s).

1114.04 Amendments initiated by Planning Commission or Council.

1114.05 Public hearing and notice by Planning Commission.

1114.06 Recommendation by the Planning Commission.

1114.07 Public hearing and notice by Council.

1114.08 Action by Council.

1114.09 Criteria for granting amendment.

1114.01 Authority for Amendments.

- 1) Whenever the public necessity, general welfare or good zoning practices require, City Council may by ordinance amend, revise, rearrange, renumber or recodify this Planning and Zoning Code or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

1114.02 Initiation of Zoning Amendments.

- 1) Amendments to the Planning and Zoning Code, either text or map, may be initiated in one of the following ways:
 - a) By the filing of an application to the Planning Commission by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment.
 - b) By the adoption of a motion by the Planning Commission.
 - c) By the passage of a resolution by City Council.

1114.03 Amendments Initiated by Property Owner(s).

- 1) An amendment initiated by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:
 - a) Discussion with Planning Commission. Prior to submitting an application for an amendment to the Planning and Zoning Code, the applicant shall appear before the Planning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting and no discussions, opinions, suggestions, or

recommendations of the Planning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

- b) Submission Requirements. The application and required documentation shall be submitted at least eighteen (18) calendar days prior to the meeting of the Planning Commission at which the application is to be considered. Applications for proposed amendments shall contain at least the following information:
- i) The name, address and phone number of the applicant and the property owner if other than the applicant;
 - ii) A statement of the reason(s) for the proposed amendment;
 - iii) A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
 - iv) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
 - v) Present use and zoning district;
 - vi) Proposed use and zoning district;
 - vii) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
 - viii) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 250 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon.
- c) Referral to Planning Commission. After the filing of a completed application the Zoning Administrator shall transmit the application to the Planning Commission to begin the adoption process set forth in Sections 1114.05 through 1114.08.

1114.04 Amendments Initiated by Planning Commission or Council.

- 1) After the passage of a motion by the Planning Commission or the adoption of a resolution by Council, the motion or resolution shall be reviewed and considered by the Planning Commission and Council according to the process set forth in Sections 1114.05 through 1114.08.

1114.05 Public Hearing and Notice by Planning Commission.

- 1) Upon the receipt of an application or resolution or upon the passage of a motion, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.
- 2) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification shall be given by the Zoning Administrator, by first class mail, to the applicant and to all owners of property located within 250 feet of the property proposed to be rezoned or redistricted. Failure of delivery of such notice shall not invalidate any recommendation of the Planning Commission or any subsequently enacted ordinance.
- 3) Notice shall be given in one or more newspapers of general circulation in the City.
- 4) All notices shall be made at least 10 days prior to the date of the public hearing.
- 5) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- 6) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

1114.06 Recommendation by the Planning Commission.

- 1) After the conclusion of the public hearing required in Section 1114.05, the Planning Commission shall recommend one of the following to City Council, in writing, along with the minutes of the hearing:
 - a) That the amendment be granted as requested,
 - b) That the amendment be granted as modified by the Planning Commission, or
 - c) That the amendment be denied.
- 2) If the Planning Commission does not make a recommendation on the proposed amendment within forty-five (45) days, or an extended period as may be agreed upon by the applicant or City Council it shall be deemed that the recommendation of the Planning Commission is that the amendment be denied.
- 3) All recommendations and documentation of the minutes shall also be forwarded to the applicant, as applicable.

1114.07 Public Hearing and Notice by Council.

- 1) Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment.
 - a) Notice of the public hearing shall be given by Council according to the following:

- i) Notice of the proposed amendment shall be published at least 10 days prior to the date of the required hearing, in one or more newspapers of general circulation in the City.
- ii) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- c) During the 10 days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

1114.08 Action by Council.

- 1) After the conclusion of the public hearing required in Section 1114.07, Council shall take action on the proposed amendment.
 - a) Council's action shall either:
 - i) Adopt the recommendation of the Planning Commission;
 - ii) Deny the recommendation of the Planning Commission; or
 - iii) Adopt some modification thereof.
 - b) Required Vote for Adoption.
 - i) When the Planning Commission recommends approval of a proposed amendment, then no such amendment shall be adopted unless approved by a majority vote of the membership of Council.
 - ii) When the Planning Commission recommends denial of a proposed amendment then no such amendment shall be adopted unless approved by not less than 4/5 vote of the membership of Council.
 - c) Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement if such amendment to the proposal is germane to the subject matter thereof and is in accordance with the recommendation of the Planning Commission. Council approval, with modification of the recommendation of the Planning Commission, shall not be considered as overruling such Commission recommendation.

1114.09 Criteria for Granting Amendment.

- 1) The following criteria may be considered when evaluating the proposed zoning amendment:
 - a) The requested amendment is either adjacent to or has a buffering effect between existing zoning designations.
 - b) The requested amendment conforms to good zoning layout.
 - c) The requested amendment will not adversely affect the continuity of the surrounding area.
 - d) The requested amendment implements the recommendations of the Comprehensive Plan.

Chapter 1115 Enforcement and Penalties

1115.01 Enforcement by zoning administrator.

1115.02 Construction and use shall be as approved.

1115.03 Erroneously issued permits.

1115.04 Violations.

1115.05 Nuisances Prohibited.

1115.06 Violation considered a nuisance.

1115.07 Complaints regarding violations.

1115.08 Inspection of property.

1115.09 Stop work order.

1115.10 Notice of violation.

1115.11 Permit revocation.

1115.12 Penalties.

1115.01 Enforcement by Zoning Administrator.

- 1) The provisions of this Planning and Zoning Code shall be administered and enforced by the Zoning Administrator.

1115.02 Construction and Use Shall be as Approved.

- 1) Zoning certificates issued by the Zoning Administrator on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Planning and Zoning Code.

1115.03 Erroneously Issued Permits.

- 1) When a permit is issued contrary to this Planning and Zoning Code, it shall be brought to the attention of the permit holder by the Zoning Administrator. If appropriate modifications are not made voluntarily by the permit holder in order to comply with this Planning and Zoning Code, the matter shall be immediately referred to Council, who shall take such lawful action as is appropriate and necessary.

1115.04 Violations.

- 1) It shall be unlawful to:
 - a) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or

use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this Planning and Zoning Code; or

- b) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, conditional use certificate, and/or subdivision plat approval indicating compliance with the provisions of this Planning and Zoning Code from the Zoning Administrator; or
- c) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring, or rebuilding any building or structure which is not permitted by the provisions of this Planning and Zoning Code; or
- d) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Planning and Zoning Code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated; or
- e) Continue construction, renovation, or improvements contrary to a Stop Work Order or Notice of Violation; or
- f) Refuse to permit the Zoning Administrator to enter any premises in the City to investigate a reported violation of the provisions of this Planning and Zoning Code, or refuse or fail to furnish to such Zoning Administrator a statement as to the number of persons occupying such premises; or
- g) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a zoning certificate, conditional use certificate, or subdivision plat approval or in the plans or specifications submitted to the Zoning Administrator in relation to such application.

1115.05 Nuisances Prohibited.

- 1) No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Code and any additional conditions and requirements prescribed, may be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matters and water carried wastes, or which will interfere with adjacent landowners enjoyment of the use of their lands.

1115.06 Violation Considered a Nuisance.

- 1) Any building erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Planning and Zoning Code may be declared to be a nuisance. Any building or land use activity considered to be a possible violation of any provision of this Planning and Zoning Code that is observed by any City official shall be reported to the Zoning Administrator.

1115.07 Complaints Regarding Violations.

- 1) Whenever a violation of this Planning and Zoning Code occurs, or is alleged to have occurred, any person may file a complaint. Such written complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator.

1115.08 Inspection of Property.

- 1) The Zoning Administrator shall inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this Planning and Zoning Code.

1115.09 Stop Work Order.

- 1) Subsequent to a determination that construction work is being done contrary to this Planning and Zoning Code, the Zoning Administrator, or his or her designee, shall issue a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator or designated agent, shall constitute a punishable violation of this Planning and Zoning Code.

1115.10 Notice of Violation.

- 1) Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this Planning and Zoning Code. After such a notice is served, no work, except to correct the violation or comply with the notice shall proceed on any building or premises included in the violation.

1115.11 Permit Revocation.

- 1) The Zoning Administrator may issue a revocation notice to revoke a permit or administrative approval that was issued contrary to this Planning and Zoning Code or based upon false information or misrepresentation in the application.

1115.12 Penalties.

- 1) Failure to correct the conditions in violation with the provisions of this Planning and Zoning Code, as ordered by the Zoning Administrator, shall constitute a misdemeanor. Upon conviction of such violations, the responsible person or party shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than six months or both. Each day such violation continues shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.
- 2) The following additional penalties shall apply to violations against the Subdivision Regulations set forth in Title Three of this Planning and Zoning Code:
 - a) Whoever violates any rule or regulation set forth in this Planning and Zoning Code for the purposes of setting standards and requiring and securing the construction of

improvements within a subdivision, or fails to comply with any order pursuant thereto, shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City Attorney.

- b) A County Recorder who records a plat contrary to the provisions of the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred (\$500.00), to be recovered with costs in a civil action by the City Attorney.
- c) Whoever, being the owner or agent of the owner of any land within or without the corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract of land by metes and bounds in the deed and transfer shall not serve to exempt the seller from the forfeiture provided in this Section.
- d) Any person who disposes of or offers for sale or lease, for a time exceeding five years, any lot or any part of a lot in a subdivision before provisions of the Subdivision Regulations are complied with, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of the lot so sold or offered for sale or lease, to be recovered with costs in a civil action, in the name of the Clerk-Treasurer.

PART ELEVEN - PLANNING AND ZONING CODE

TITLE THREE - SUBDIVISION REGULATIONS

Chapter 1131	Subdivision Approval Procedures
Chapter 1133	Improvements and Design Standards

Chapter 1131 Subdivision Approval Procedures

- 1131.01 Purpose.
- 1131.02 Plat approval required.
- 1131.03 General requirements.
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- 1131.11 Vacation and rededication of existing streets.

1131.01 Purpose.

- 1) The provisions of this Chapter are established in order to accomplish the purposes for which this Planning and Zoning Code is adopted. Procedures are herein established and intended to define the steps by which an applicant may design, make application, record plats and construct public improvements in the development of land.

1131.02 Plat approval required.

- 1) No owner, agent or person having control of any land within the City shall subdivide, or lay out such land in lots in a subdivision unless by a plat in accordance with the Subdivision Regulations contained herein. Lots subdivided in a minor subdivision shall be exempt from the platting procedures when approved according to the procedures set forth in Section 1131.08.
 - a) Approval Required Prior To Recording Plat. No plat shall be recorded or have any validity unless and until approved as herein required. If an unapproved plat is recorded, it shall be considered invalid and Council may institute proceedings to have the plat stricken from the records of the County.
 - b) Plat Approval Required Prior to Selling Lots. No owner or agent of the owner of any land located in a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or use of a plat of a subdivision before such plat is approved and recorded according to the procedures set forth in these Subdivision Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer, or in other documents used in the process of selling or transferring, shall not exempt the transaction from these Subdivision Regulations.

- c) Plat Approval Required for Zoning Permit. A zoning permit shall not be issued for any structure on a lot in a subdivision until:
 - i) A plat has been approved and recorded according to the procedures set forth in these Subdivision Regulations;
 - ii) The City Engineer states, in writing, that the improvements required by these Subdivision Regulations have been completed and accepted by the City by ordinance, or the completion of such improvements has been guaranteed according to the provisions set forth in these Subdivision Regulations; and
 - iii) The required fees established by Council are paid by the developer or subdivider.

1131.03 General requirements.

- 1) The design and layout of all subdivisions shall conform with the design standards for subdivisions set forth in Chapter 1133, and all zoning regulations governing the area and dimensions of lots set forth in Title Five of this Planning and Zoning Code. The subdivider shall make public improvements and shall submit preliminary and final plats, all in accordance with these Subdivision Regulations.
- 2) If the Planning Commission finds that land proposed to be subdivided is unsuitable due to flooding, bad drainage, steep slopes, rock formations and other such conditions as may increase the danger to health, life or property or aggravate erosion or flood hazards, and if, from adequate investigations conducted by all the public agencies concerned, it is determined that, in the best interest of the public, the land should not be platted and developed for the purpose proposed, the Commission shall not approve such subdivision unless adequate methods are formulated by the subdivider for meeting the problems created by such subdivision of land.
- 3) The Commission may refuse to approve what it considers to be a scattered or premature development or subdivision of land which may involve danger or injury to the public health, safety, welfare or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services, such as undue maintenance costs for adequate roads.

1131.04 Consultation prior to submission.

- 1) Before the subdivision plat is prepared, the subdivider is encouraged to consult with the City Engineer and Zoning Administrator to become thoroughly familiar with all the subdivision requirements and with all applicable zoning regulations and the Comprehensive Plan of the city affecting the territory in which the proposed subdivision lies. The subdivider may also consult with:
 - a) The City Engineer regarding roads and drainage or other construction requirements.
 - b) The City Engineer and the Director of Utilities regarding availability of sanitary sewer lines, water lines and electric service.

1131.05 Sketch plan.

- 1) For subdivisions where public utilities are not readily accessible to the site or where rezoning is also involved in the project, the applicant shall, as an exploratory step, submit a sketch

plan to the Zoning Administrator. All other applicants are encouraged, but not required, to submit a sketch plan.

- 2) Purpose. The purpose of sketch plan review is to:
 - a) Discuss early and informally with the applicant the locations of proposed major streets, parks, playgrounds, school sites and other planned projects that may affect the property being considered for subdivision.
 - b) Review with the City Engineer, Zoning Administrator the minimum standards of subdivision design and improvements set forth in Chapter 1133.
- 3) Submission Requirements. A formal application or filing of a plat is not required for sketch plan review. A sketch plan shall be clearly and legibly drawn on one (1) or more sheets and shall be drawn at a scale of 1"=100' and shall contain the following information:
 - a) The name and address of the applicant, developer and property owner.
 - b) The proposed name and location of the proposed subdivision.
 - c) The approximate total acreage of the proposed subdivision.
 - d) The tentative street and lot arrangement.
 - e) Topographic lines, and
 - f) Any other information the developer believes necessary to obtain an informal opinion as to the proposed subdivision's compliance with the requirements of this Planning and Zoning Code.
- 4) Review Process. No action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be construed by the applicant to constitute automatic approval of a subsequently submitted preliminary plat application.

1131.06 Preliminary plat

- 1) Purpose. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. It enables the applicant and the Planning Commission to explore the best relationship to adjoining subdivisions or adjoining land and outline a program of improvements. The preliminary plat shall be planned by a qualified technician trained in the layout of subdivisions.
- 2) Significance of Approved Preliminary Plat. An approved preliminary plat shall not constitute acceptance of the final plat but shall be the basis of approval of the final plat regarding the general layout of streets, lots, and open space. Approval of the preliminary plat authorizes the applicant to:
 - a) Prepare and submit an application for Final Plat.
 - b) Prepare and submit construction drawings of the proposed roads, sewer and water systems and other proposed public facilities to the City Engineer whose approval shall be required prior to the approval of the final plat by the Planning Commission;
 - c) Complete final surveys for the design of roads, utilities and lots;

- 3) Submission Requirements. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be approved prior to the completion of final surveys of roads and lots and before the start of any grading or construction work. Where the preliminary plat covers only part of the subdivider's entire holding, a sketch plan of the entire holding shall be submitted in order to consider the proposed subdivision's connections with the road system of the part not submitted.
- a) Application. An application for approval of a preliminary plat shall be submitted to the Zoning Administrator, on forms provided by the Zoning Administrator, together with the required number of copies of the plat and the supplemental submission material required by this section.
 - b) Form. The preliminary plat shall be drawn at a scale of not less 1"=100' and shall be on one or more sheets, with dimensions which are multiples of six (6) inches in either direction.
 - c) Identification. Each plat, map and accompanying data shall contain the proposed name of the subdivision. The name shall not approximate, phonetically or otherwise, the name of any other subdivision in the City. Each map shall include a north point, scale and date. All documentation shall contain the names and addresses of owner, developer, and the engineer or other technician who prepared the documentation, and the preparation date and any dates of revision thereto.
 - d) Contents. The information required for the preliminary plat and accompanying information shall include:
 - i) Vicinity Map. A vicinity map at a scale of not less than 1"=1000' showing the relationship of the subdivision to its surroundings within one-half (1/2) mile.
 - ii) Existing Conditions. A map(s) indicating the following existing conditions.
 - (1) Boundaries (indicated by a heavy, solid line), dimensions and acreage of the tract to be subdivided.
 - (2) Identification of adjacent subdivisions and adjacent parcels within 200 feet of the proposed subdivision with boundary lines shown by dashed lines and including the names of adjacent subdivisions and owners of the adjacent parcels.
 - (3) Zoning classification of the proposed subdivision and adjoining properties and a description of proposed zoning changes if any.
 - (4) The existing use(s) on the subject property and adjacent land.
 - (5) Location, widths, types and names of all existing parks and other public open spaces, permanent buildings, structures, parking areas, section and corporation lines, on and within 200 feet of the tract.
 - (6) The locations, widths, and names of existing streets, railroad rights-of-ways, easements, sidewalks, legally established centerlines, and any other public right-of-way.
 - (7) Existing sanitary and storm sewers, water mains, culverts, gas lines, fire hydrants, electric and telephone poles, street lights, cable television lines or other underground items within the tract or immediately adjacent thereto,

with pipe sizes, grades, elevations, and locations indicated. If water mains and sewers are not on or adjacent to the tract, the direction, distance and size of those nearest shall be indicated.

- (8) Contours at two-foot intervals of the tract and adjacent properties within 200 feet of the tract.
 - (9) Streams, drainageways, ponds, swamps, marshes, wetlands and other boundaries of floodways and flood plains, the tree line of wooded areas, rock outcroppings and individual trees one (1) foot or more in diameter and other significant features.
- iii) Proposed Conditions. A plat illustrating the following details pertaining to the proposed subdivision.
- (1) Boundaries (indicated by a heavy, solid line), dimensions and acreage of the proposed subdivision.
 - (2) Layout, numbers and approximate dimension of lots.
 - (3) Building setback lines along all streets, with dimensions noted.
 - (4) A statement of the proposed use(s) of lots, giving the type and number of dwelling units and the type of business or industry.
 - (5) Preliminary layout and cross section of streets, including names and right-of-way widths of existing and proposed streets, and widths of any alleys, sidewalks, crosswalks, the location, width and purpose of any easements.
 - (6) Location and size of proposed utility mains, showing their connections with the existing systems.
 - (7) Parcels of land intended to be dedicated, the acreage of each parcel and the conditions of such dedication or reservation.
 - (8) General phasing of the development, indicating construction and development of any common open space and recreation facilities. The preliminary plat shall include the proposed general layout for the entire area. The part that is to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development that the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.
 - (9) Multi-family, cluster and nonresidential uses shall be subject to the requirements in Chapter 1181, Site / Development Plan Review.
- iv) General Information. The following additional information shall be provided.
- (1) Legal description or tract designation and other description according to the real estate records of the tax-map office.
 - (2) Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - (3) A general description of any proposed covenants and restrictions.

- (4) Any state or federal wetland and / or floodplain development permits that have been obtained authorizing development of wetlands on the site.
- 4) Approval Procedures. Preliminary plats shall be submitted, distributed for review and acted upon according to the procedures set forth in this Section.
- a) Submission. Two (2) copies of the preliminary plat and submission material specified above shall be submitted to the Zoning Administrator along with a completed, written application and payment of the fee.
 - b) Review for Completeness. The Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall within 10 business days notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration and place it on the Planning Commission's agenda.
 - c) Distribution of Plans. When the Zoning Administrator determines that an application is complete, the Zoning Administrator shall forward copies of the complete application to the proper agencies, departments or other appropriate individuals or organizations for review and report. Such agencies, departments, individuals or organizations shall review the application and submit their recommendations to the Zoning Administrator within 10 business days from the date the application is deemed complete.
 - d) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application and the recommendations from the appropriate individuals set forth in subsection (c) above to the Planning Commission.
 - e) Public Hearing and Notice by Planning Commission. The Planning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given no less than 10 business days before the date of the hearing by first class mail to the applicant and to the owners of property within 250 feet of the property on which the subdivision is proposed. Notices shall set forth the time and place of the public hearing and the nature of the proposed subdivision. Failure of delivery of such notice shall not invalidate action taken on such application.
 - f) Action by Planning Commission. If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the application disapproved. The Planning Commission shall take one of the following actions:
 - i) Approve the preliminary plat.
 - ii) Approve the preliminary plat with modifications. The Planning Commission may require such changes or revisions as are deemed necessary to the welfare and needs of the community. If the preliminary plat is recommended for approval with modifications, the nature of the modifications shall be indicated in writing.
 - iii) Disapprove the preliminary plat, in which case, the reasons for such disapproval shall be stated in writing.

- g) Notification of action to City Council. Within 14 business days of the action by the Planning Commission to approve a preliminary plat, City Council shall be notified by the Zoning Administrator
- h) Record of Action. The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, with any notation made at the time of approval or disapproval of the specific changes required.
 - i) One (1) copy shall be returned to the subdivider and
 - ii) One (1) copy shall be retained by the Planning Commission.
- i) Resubmission of Disapproved Preliminary Plat. If a preliminary plat is disapproved such plat may be modified to address the reasons stated for disapproval and resubmitted for review by the Commission within 90 days of the Commission's action at no additional fee.
- j) Approval Period. Approval of a preliminary plat shall be effective for 12 months unless Council, at the request of the subdivider, grants an extension. If a final plat has not been submitted for review within this time limit, approval of the preliminary plat shall expire and the preliminary plat shall be required to be resubmitted to the Planning Commission for reapproval.

1131.07 Final plat.

- 1) Purpose. The subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall conform to the approved preliminary plat and shall have incorporated all changes required in such approval. The final plat for a phased project may constitute only the portion of the approved preliminary plat that the subdivider proposes to record and develop at that time.
- 2) Submission Requirements. The subdivider shall prepare the final plat for record purposes in accordance with the following:
 - a) Application. An application for approval of a final plat shall be submitted to the Zoning Administrator, on forms provided by the Zoning Administrator, together with the required number of copies of the plat and the supplemental submission material required by this section.
 - b) Form. The final plat shall be:
 - i) Drawn or printed on mylar or other material of equal permanence.
 - ii) Drawn in India ink, Auto Cad or other method approved by the City Engineer.
 - iii) Drawn at a scale of not less than 1"=100'.
 - iv) On one (1) or more sheets, each measuring 18 inches by 18 inches in size. A borderline shall be drawn around the entire sheet, leaving a margin of one inch from the edge of the sheet. If more than one (1) sheet is needed, each sheet shall be numbered, the relation of one (1) sheet to another clearly shown, and the number of sheets used shall be set forth in the title of the plat.

- c) Identification. Each plat, map and accompanying data shall contain the proposed name of the subdivision. The name shall not approximate, phonetically or otherwise, the name of any other subdivision in the City. Each map shall include a north point, scale and date. All documentation shall contain the names and addresses of owner, developer, and the engineer or other technician who prepared the documentation, and the preparation date and any dates of revision thereto. The plat shall indicate its location by section or by other survey number and the graphic scale,
- d) Contents. The final plat shall contain the following information. All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points, and the locations and description of such control points shall be given.
 - i) Existing conditions. A map(s) indicating the following existing conditions.
 - (1) Municipal, township, county or lot lines accurately tied to the lines of the subdivisions by distance and angles.
 - (2) The lines, name and right-of-way width of all existing streets and alleys.
 - (3) The location of all adjoining properties, the names and addresses of the owners of adjoining properties and the lines of adjoining streets and alleys with their widths and the name of all streets.
 - (4) The location of all survey monuments and/or iron pins.
 - (5) The location of all easements provided for public use, services or utilities.
 - ii) Proposed conditions. A plat illustrating the following details pertaining to the proposed subdivision.
 - (1) Boundaries of the proposed subdivision indicated by a heavy, solid line and the approximate acreage comprised therein and the bearing and distances of the boundary lines.
 - (2) All lot lines together with an identification of all lots, identified by number, and blocks, identified by number or letter.
 - (3) The location, name and right-of-way width of proposed streets.
 - (4) The accurate outline of any portions of the property intended to be dedicated or granted for public use, with the purpose indicated thereon.
 - (5) Certification on the plat of title showing that the applicant is the owner and acknowledgement of any restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
 - (6) The minimum front building setback lines accurately shown with dimensions, the width of each lot at such building line, and the square footage of each lot.
 - (7) A table showing the total acreage contained in the subdivision, the acreage in lots and the acreage in roads. If the subdivision is in two (2) or more lots, then the above-mentioned acreage shall be shown for each lot.
 - (8) The purpose for which sites, other than residential lots, are dedicated or reserved.

- (9) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision and lots and the right-of-way of streets, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest hundredth of a foot.
- (10) The radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- (11) The location of all new or proposed easements provided for public use, services or utilities.
- (12) The certificate of a registered surveyor attesting the accuracy of the survey and the correct location of all monuments shown.
- (13) Spaces for the signatures of the owners of the property, the chairman of the Planning Commission, Council, the City Engineer, the County Auditor, the County Recorder and a Notary Public.
- (14) Spaces for the signature of the Clerk of Council, ordinance number, and date of passage.
- (15) Protective covenants. Protective covenants and restrictions governing the maintenance and insurance of any common areas or proposed easements or grants for public utilities in final form, placed directly on the plat, or referenced by volume and page if recorded separately.

iii) Additional Submissions.

- (1) Certification by the County Auditor that there are not unpaid taxes or assessments upon any part of the area within the subdivision.
- (2) Calculations showing the error of linear closure, which error shall in no case be greater than one in 5,000.
- (3) Request for waiver. If any irregularities or waivers or improvements are to be requested by the developer, the developer shall submit a letter identifying the request.
- (4) Other data. Other data, certificates or affidavits, as may be required by the Planning Commission in the enforcement of these regulations.

3) Approval Procedures. The final plat shall be submitted, distributed for review and acted upon according to the procedures set forth in this Section.

- a) Submission. The original and two (2) prints of the final plat, together with the required additional information shall be submitted to the Zoning Administrator.
- b) Review for Completeness. The Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall within 10 business days notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration and place it on the Planning Commission's agenda.

- c) Distribution of Plans. When the Zoning Administrator determines that an application is complete, the Zoning Administrator shall forward copies of the complete application to the proper agencies, departments or other appropriate individuals or organizations for review and report. Such agencies, departments, individuals or organizations shall review the application and submit his or her recommendations to the Zoning Administrator within 10 business days from the date the application is deemed complete.
- i) Review by City Engineer. Two (2) prints of each plat shall be transmitted to the City Engineer. The City Engineer shall review the final plat application to determine conformity to the approved preliminary plat and any special conditions or modification stipulated, the correctness of mathematical data and computations; and conformity with any master plans for utilities and streets, and the grading and construction standards in effect in the City.
 - ii) Review by City Attorney. The City Attorney shall review the covenants and restrictions required for the insurance and maintenance of common areas and easements and the financial guarantees required for the installation and maintenance of the improvements.
 - iii) Notation of Zoning Compliance. The Zoning Administrator shall review the plat for compliance with the zoning.
- d) Action by the Planning Commission. The Planning Commission shall act within 45 days from the date at which the final plat application was deemed complete unless an extension is mutually agreed to by the applicant and the Planning Commission. If the Planning Commission fails to act within the time period, the final plat shall be deemed to have been approved.
- i) Criteria for approval. The Planning Commission shall approve the final plat when:
 - (1) The final plat and its supplemental elements conform to the approved preliminary plat, including the layout of streets, number of lots, amount and percentage of open space, etc. and incorporates all changes required in the preliminary plat approval.
 - (2) The City Engineer has approved the construction drawings for the proposed roads, sewer and water systems and other proposed public facilities and either the improvements are installed or Council has approved a financial guarantee.
 - (3) The City Attorney has approved the covenants and restrictions regarding maintenance and insurance of common areas and any proposed easements or grants for public utilities.
 - (4) The application complies with the provisions set forth in these subdivision regulations and this Planning and Zoning Code. If a zoning change is involved such change shall be approved prior to approval of a final plat.
 - (5) All computations, certifications, and monuments are accurately noted on the plat, including all required certifications for water and sewer improvements.
 - ii) Action. The Planning Commission shall take one of the following actions:
 - (1) Approve the final plat.

- (2) Approve the final plat with modifications. The Planning Commission may require such changes or revisions as are deemed necessary to the welfare and needs of the community. If the final plat is recommended for approval with modifications, the nature of the modifications shall be indicated in writing.
 - (3) Disapprove the final plat, in which case, the reasons for such disapproval shall be stated in writing.
- iii) Disapproved plats. In the event the Planning Commission disapproves the final plat, it shall state in writing the reasons for disapproval.
 - iv) Approved plats. An approved final plat shall be endorsed by the chairman of the Planning Commission. Approval of the plat by the Planning Commission shall not constitute acceptance by the City of the dedication of any street or other public way or ground.
 - v) Recommendation to Council. The Planning Commission shall act upon the final plat and submit a recommendation to Council.
- e) Council Action. Upon notification of the Planning Commission's recommendation on the final plat, Council shall legislatively accept or reject such final plat. Council's acceptance shall be indicated by the signature of the Clerk of Council, the ordinance number, and include the date of passage.
 - i) If the final plat indicates land for public use, said land and easements shall be indicated on the plat submitted to Council for approval of dedication.
 - ii) The acceptance of any street or utility for public use and maintenance shall be by separate action of Council as indicated in Chapter 1133.
 - f) Resubmission of Disapproved Final Plat. If a final plat is disapproved such plat may be modified to address the reasons stated for disapproval and resubmitted for review by the Commission within 90 days of the Commission's action at no additional fee.
 - g) Recording. The final plat with the necessary approvals endorsed thereon in writing, shall be filed for recording in the office of the County Recorder. If the final plat is not recorded within the below referenced timeframes, it shall again be submitted to the Planning Commission for approval. The final plat shall be recorded within three (3) months after:
 - i) Approval of the final plat by the Council.
 - ii) The time set for completion of the improvements lapses.

1131.08 Minor subdivisions.

- 1) Purpose. Notwithstanding the foregoing provisions, a proposed division or creation of a parcel of land as a minor subdivision shall be reviewed and approved according to the following.
- 2) Determination of Minor Subdivision. Approval of a minor subdivision may be granted by the Zoning Administrator if the proposed division of a parcel of land meets all of the following conditions:
 - a) Not more than five (5) lots have been created from the original tract within the last five (5) years. The original tract for any parcel of land shall be defined by the plot as shown

by the Williams County Auditor 's tax maps, a copy of which is maintained in the Office of the Williams County Auditor;

- b) The proposed subdivision is not contrary to any applicable subdivision or zoning regulation;
 - c) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
 - d) The proposed subdivision does not involve the installation of an underground public utility; and
 - e) Existing sewage and storm sewers, water mains and other utilities and drainage are adequately provided for each house or building.
 - i. If the plat is used as a building site, evidence shall be submitted showing the approval of the City Engineer for any proposed sewage treatment facilities on the premises.
 - ii. If the plat is used as a building site, written evidence shall be submitted indicating the purchaser's awareness of and proposed resolution of any potential drainage problems on the property. The site shall comply with the design and improvement standards set forth in Chapter 1133.
 - iii. Each lot shall be provided with a tap-in to the existing utilities.
- 3) Replats. Replatting of two (2) to five (5) lots into one lot shall be considered under the minor subdivision regulations. The replatting of six (6) or more lots into one lot shall comply with the Subdivision Regulations for preliminary and final plats.
- 4) Lot splits. The creation of a new lot from a portion of an existing lot shall be considered under the minor subdivision regulations.
- 5) Submission Requirements. The applicant for minor subdivision approval shall submit an application to the Zoning Administrator. The application shall include the following:
- a) A proposed deed with a description following a survey prepared by a person licensed to make surveys in Ohio showing the property to be deeded, the tract designation or other description according to the real estate records of the Auditor's Office, the boundary line of the tract to be deeded, accurate in scale.
 - b) A map indicating the drainage of the property and any watercourses on the property
 - c) The Zoning Administrator may require the applicant to submit any additional information he or she deems relevant to the proposal.
- 6) Approval Procedures. If approval is given under such conditions, the Zoning Administrator shall approve such proposed division and, upon presentation of a conveyance for such parcel, shall date the conveyance and stamp thereon the following words: "Approval by the City of Bryan, Williams County, Ohio, no plat required." The Zoning Administrator shall sign the conveyance. If such conveyance is not recorded within 180 days from the date of approval, such approval shall automatically become void.

1131.09 Exceptions; modifications to requirements.

- 1) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the Subdivision Regulations would result in real difficulties or substantial hardship or injustice, the Planning Commission may vary or modify such requirements so that the subdivider may develop their property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations preserved. Exceptions or modifications to the zoning standards shall be approved according to the procedures set forth in Chapter 1183 of this Planning and Zoning Code.

1131.10 Annexed subdivisions.

- 1) Any subdivision to be annexed to the City shall be required to install the improvements that are determined by Council to be a condition of annexation. Such improvements may include upgrading or installing storm and sanitary sewers, waterlines, curbs and gutters, streets and related improvements.
 - a) The specific improvements to be made and the time frame for completing such required improvements shall be set forth in an annexation agreement approved by Council.
 - b) The property owners within the annexed subdivision shall be responsible for the total cost of bringing the subdivision up to the standards set forth in Chapters 1133 for the improvements required in the annexation agreement.
 - c) The assessments of the property owners within the annexed subdivision for such improvements shall be based on the procedures specified within the Ohio Revised Code.

1131.11 Vacation and rededication of existing streets.

- 1) The vacation and rededication of existing streets shall be accomplished according to the procedures set forth in ORC §5553.01.

Chapter 1133 Improvements and Design Standards

- 1133.01 Purpose.
- 1133.02 Subdivision Improvements.
- 1133.03 Blocks.
- 1133.04 Lots.
- 1133.06 Monuments.
- 1133.07 Street and Right of Way.
- 1133.08 Electric, gas, telephone, and cable TV facilities.
- 1133.09 Sanitary sewer system.
- 1133.10 Storm sewers.
- 1133.11 Water system.
- 1133.12 Natural features and other public spaces.

1133.01 Purpose.

- 1) This Chapter shall control the manner in which streets, lots and other elements of subdivision are arranged on the land. The design controls set forth in this Chapter shall help ensure convenient and safe streets, the creation of usable lots, the provision of space for public utilities and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned haphazard growth.
- 2) The standards and details of design prescribed in this Chapter are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions to promote attractive and functional neighborhoods so as to assure an economical, pleasant, and stable neighborhood.

1133.02 Subdivision Improvements.

- 1) Purpose. The planning principles and construction standards herein shall be applied with professional skill and shall take advantage of the natural features of the site in order to utilize the natural surface drainage, to economize the construction of sewers, to reduce the amount of grading and to minimize destruction of trees and topsoil.
- 2) Submission Requirements. The subdivider shall submit complete construction drawings and specifications of the improvements authorized in the approval of the preliminary plat.
 - a) The construction drawings and specifications shall be prepared by a registered engineer and shall include typical cross-sections, elevations, plans and profile views, construction

details, specifications for all required improvements, and estimates of quantities in accordance with this Chapter.

- b) If new roads are to be constructed in the subdivision, a plan and profile of each road shall be submitted and approved prior to any initial construction. Minimum scale to be used: horizontal, 1"=50'; vertical, 1"=50'.
- c) All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.

3) Approval Procedures.

a) Certification by City Engineer.

- i. The approval of the drawings and specifications for the required improvements shall be indicated by a certification to that effect on the original drawings and specifications by the City Engineer.
- ii. The City Engineer shall certify the developer has completed all required improvements or posted financial guarantees in sufficient amount to ensure completion and maintenance of all required improvements as required in this Chapter.

- b) Council Action. The subdivider shall offer for dedication to public use, without compensation, all storm and sanitary sewers, water systems, streets, sidewalks, street lighting and facilities and appurtenances thereto, unless the improvement is otherwise permitted by the Planning Commission to remain under private ownership. This dedication shall be accepted by the Council prior to recording of the final plat.

- c) Prior to recording of the final plat. The subdivider shall install the required improvements or furnish a financial guarantee for such installation as required in this Chapter.

- d) City Attorney. Approval of the financial guarantees shall be indicated by certification to that effect on the original drawings and specifications with the signature of the City Attorney.

4) Financial Guarantees. The developer or subdivider shall furnish the financial guarantees required below:

- a) Types of Guarantees. The developer shall execute financial guarantees and shall file such financial guarantees according to this Section. Such guarantees may be in the form of a performance or surety bond, a certified check, or any other type of surety approved by the City.
- b) Terms. The terms of such guarantees shall be approved by the City Attorney with confirmation by Council. Bonds shall be executed by the applicant as principal with a surety company authorized in the State.
- c) Performance Guarantee. When the required improvements are not completed prior to approval of the final plat, the subdivider shall insure their completion with a performance guarantee. The performance guarantee shall be in an amount equal to the estimated total costs of materials and labor required to install or construct the improvements. Such costs shall be determined by the City Engineer. When any portion of the improvements has, upon inspection, been found satisfactorily completed, a

reduction in the bonds or partial withdrawal of funds equal to the estimated costs of such completed improvements may be authorized.

- i. If the subdivider fails to complete the required public improvements within such time set by the City Engineer, City Council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the performance guarantee.
 - d) Maintenance Guarantee. The developer shall guarantee the construction and materials of the street and public utility improvements for a one-year period from the date of acceptance by the City with a maintenance bond equal to 10% of the construction cost of the improvements. Improvements shall include streets, sidewalks, pavements and facilities appurtenant thereto, and storm and sanitary sewers, water systems, street lighting systems and facilities appurtenant thereto. If the subdivider does not comply with the minimum improvement requirements, he or she shall reinstall the improvements to conform to these subdivision regulations.
 - e) Title Insurance. The subdivider shall furnish title insurance in the amount determined by the City Attorney, covering the lands to be dedicated as indicated in the final plat and showing the title to such dedicated lands good in the name of the City when the final plat is filed for record.
 - f) Liability Insurance. The subdivider shall furnish such insurance as is deemed necessary by Council which shall indemnify and save harmless the City from any and all liability arising from or related to the construction or installation of any improvements in the subdivision. The insurance shall be of such duration as determined by Council, but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain, at all times, with the City Clerk.
 - g) Staged Development. The developer may apply for final approval and recording of only a portion of the entire subdivision or development, as outlined in Section 1131 . Under such a staged development, the installation of required improvements and sale or lease of lots may proceed only on that portion of the subdivision which has been approved and recorded.
- 5) Compliance to Specifications; Supervision by Officials; Inspection. The developer or subdivider shall design and construct improvements according to standards that are not less than the standards outlined in these subdivision regulations and as shown on the approved construction drawings and specifications.
- a) Supervision by Officials.
 - i. All improvements required herein shall be constructed in accordance with specific approval by the Director of Utilities, Wastewater Superintendent, Chief of the Fire Department, Street Commissioner, and the City Engineer.
 - ii. In the event there is a vacancy in the department head position or for the reason of ill health the department head is unable to carry out his or her duties, the Mayor shall designate the individual to approve the specifications.
 - b) The work shall be done under City supervision and inspection and shall be completed within the time set by the City Engineer.

- i. In addition to the filing fee, the subdivider shall be charged a fee by the City Engineer for the cost of determinations and inspections of all improvements which fall under his or her jurisdiction. The amount of deposit and method of payment shall be as required by the City Engineer or his or her duly authorized representative in the checking of the subdivider's improvements.
 - ii. In the event that a plat is disapproved by the Commission before any physical inspection has been made of the site, the Commission may, at its discretion order that the developer be refunded the unused portion of the fee.
- 6) **As-Built Documents.** As part of the dedication of any street, utility, easement or any other improved real property, the subdivider shall submit to the City as-built documents indicating all improvements as put in place, with field notes and dimensions needed to record any variance from the design drawings. Such as-built documents shall be submitted in hard copy and electronic form.
 - a) Hard copy shall be on reproducible mylar.
 - b) Electronic copy shall be in a format approved by the City Engineer.

1133.03 Blocks.

- 1) The following regulations shall govern the design and layout of blocks:
 - a) The arrangement of blocks shall conform to the street planning criteria set forth in Section 1133.03 to accommodate lots and building sites of the size and character required for the particular zoning district, as set forth in this Planning and Zoning Code, and to provide for required community facilities.
 - b) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
 - c) Block length shall not exceed 1,500 feet, and shall not be less than 500 feet. Where blocks are longer than 750 feet, a crosswalk having a width of 10 feet may be required near the center of the block.

1133.04 Lots.

- 1) The following regulations shall govern the design and layout of lots:
 - a) Each lot shall front on a public or private street except as otherwise permitted for planned unit residential developments.
 - b) Lot arrangement and design shall be properly related to the topography and to the character of surrounding development to provide desirable and appropriate building sites.
 - c) All lots shall conform to or exceed the requirements of these Subdivisions Regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.

- d) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide for the separation of a residential development from arterial streets to overcome a specific disadvantage due to orientation or topography.
- e) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where the Planning Commission determines that a variation of this rule will provide a better street and lot layout.
- f) Lots shall follow the City boundary lines, whenever practical, rather than cross them.
- g) No lot shall have a depth of less than 100 feet or of more than three (3) times its width.
- h) Lots shall be numbered in accordance with the unified number system as set forth in Chapter 1335 of the Building Code.
- i) All new lots shall be connected to the City water and wastewater system.
- j) Lots intended for use other than residential purposes shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks, loading and unloading areas.

1133.06 Monuments

- 1) Concrete posts measuring six (6) inches by six (6) inches by 48 inches with one-half (1/2) inch iron rod cast in the center shall be placed on each corner of the boundary of the subdivision as follows:
 - a) At the centerline intersections of all roads.
 - b) At the P.C. and the P.T. of all curves on the centerline of the road and on all lot lines.
 - c) At all angle points.
 - d) Other points as are necessary to establish definitely all lines of the plat.
- 2) Permanent iron pins, at least 30 inches long and three quarters (3/4) of an inch in diameter, or similar suitable marker shall be placed at all corners of each lot. Any contractor or persons doing preliminary or final grading, or ground work of any kind, shall be responsible for the preservation of all such markers.
- 3) Street monuments shall be set in suitable monument boxes.

1133.07 Street and Right of Way.

- 1) General provisions.
 - a. Streets and sidewalks shall be constructed so as to serve the entire development or subdivision, and such construction shall conform to the provisions of these Subdivision Regulations.
 - b. Where the widening, improving or abandoning of existing streets is deemed necessary by the City, the developer or subdivider shall perform such work as is necessary at his or her expense.

- c. All streets shall be improved with curbs and gutters. Curbs and gutters shall be constructed in conformance with the current "Construction and Material Specifications" of the State of Ohio Department of Highways.
- d. All streets and public ways shall be graded to their full width, including side slopes, and the appropriate grade as determined or approved by the City Engineer and shall be constructed in accordance with the current standards and specification on file in the office of the City Engineer. For purposes of drainage, a minimum grade of fifty-two hundredths percent (0.52%) is required. All changes of grade shall be connected by vertical curves and of appropriate lengths.

2) Compliance with Plans.

- a. Official Thoroughfare Plan. The street arrangement shall provide for any major thoroughfare in conformity with the Major Thoroughfare Plan as approved by the Planning Commission. The right-of-way width of such major thoroughfare shall conform to that designated on the Major Thoroughfare Plan.
- b. Neighborhood Plan. If an overall plan has been made by the Planning Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

3) Layout of Streets. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to other existing and planned streets, topographical conditions and public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

- a. Physical features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area and other natural features, which would lend themselves to attractive treatment.
- b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets, constructed or recorded, in adjoining property, at equal or greater width, and in similar alignment unless variations are recommended by the Planning Commission. Offset streets shall be avoided.
- c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets or thoroughfares and shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
 - i. Local streets shall be so laid out that their use by through traffic will be discouraged.
 - ii. Where a subdivision abuts an existing or proposed arterial street highway, the Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - iii. Alleys shall not be provided in a residential block, except where justified by extreme conditions, but may be required in business areas and industrial districts

for adequate access to block interior and for off-street loading and parking purposes. Dead-end alleys are prohibited.

- d. Provisions for Roads Due to Railroads or Highways. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, provision shall be made for a road approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such road and railroad or limited access highway. Such distance shall be determined with due consideration of the minimum distance required for approaches to future or existing grade separations.
- e. Minimum Width of Right-of-Way. The dedication of the right-of-way for a new street, measured from lot line to lot line, shall meet the following standards:

Type of Right of way	Minimum Width of Right-of-Way ^a
i) Alley	30 feet
ii) Minor or Local Street	60 feet
iii) Collector Street	60 feet ^b
iv) Arterial Street	80 feet ^b
^a Where the topography or special conditions make streets of less width more suitable, the Planning Commission may modify this requirement.	
^b Unless a greater width is shown on the approved Major Thoroughfare Plan.	

- f. **Pavement Width.** The width of pavement will vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are the minimum street pavement width and shall include two and one-half (2 1/2) feet concrete curb and gutter.

Type	Minimum Pavement Width ^{a, b}
i) Cul-de-sacs serving less than 10 dwelling units	25 feet
ii) Industrial service roads and minor streets serving two or fewer dwelling units per acre	29 feet
iii) Minor streets serving three (3) to five (5) dwelling units per acre	29 feet
iv) Collector streets and minor streets serving residential areas with six or more dwelling units per acres.	38 feet ^c
v) Arterial Streets	Variable ^d
^a In cases where topography or other physical conditions make streets of less width more suitable, the Planning Commission may modify these requirements. ^b Streets with pavement width less than 29 feet shall not be utilized for on-street parking. ^c Unless a greater width is noted on the approved Major Thoroughfare Plan. ^d Shall conform to the width as noted on the approved Major Thoroughfare Plan.	

- g. **Cul-de-sacs and Turnarounds.**

- i. The maximum length of a cul-de-sac street shall be 600 feet unless topography necessitates a greater length. The cul-de-sac shall be a circular area with a minimum right-of-way radius of 60 feet within which the pavement area shall be a minimum radius of 48 feet to the face of the curb.
- ii. In industrial districts the cul-de-sac shall be a circular area with a minimum right-of-way radius of 75 feet within which the pavement area shall be a minimum radius of 65 feet to the face of the curb.

- h. **Turnarounds**

- i. A turnaround shall be provided at all dead-end roads where two (2) or more lots face such dead-end road, or where the road is more than 250 feet in length.
- ii. Where a street terminates at the property line of a proposed development or subdivision for the specific purpose of serving the adjacent undeveloped or unplatted lands and is temporarily dead-ended, the developer or subdivider shall

construct a turnaround which includes a cul-de-sac with a diameter of 96 feet or a hammerhead which is a minimum 20 feet in width and 120 feet in length.

- i. Street Intersections.
 - i. Street intersections shall be as nearly at right angles as possible. The angle of intersection between minor streets and collector or arterial streets shall not vary by more than 10 degrees from a right angle.
 - ii. Street curb intersections shall be rounded by radii of at least 30 feet.
 - iii. The foregoing minimum radii shall be increased when the smallest angle of intersection is less than 60 degrees.
 - 1. Not more than two (2) streets shall intersect at one (1) point, unless approved by the Commission.
 - iv. Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect arterial and collector streets, their alignment shall be continuous.
 - v. At road and alley intersections, property line corners shall be rounded by an arc, the radius of which shall be 30 feet. In business and industrial districts a radius of 50 feet will be required.
 - j. Acceleration and Deceleration Lanes. Streets that intersect with major thoroughfares shall be provided with paved acceleration and deceleration lanes and thru lanes on both sides of the thoroughfare. Such lanes shall be provided in keeping with the standards approved by the City Engineer for this type of movement. In the event no good purpose would be served by the provision of such acceleration and deceleration lanes, this requirement may be waived.
 - k. Points of Access. All point-of-access streets shall be as approved by the Commission.
 - l. Half Streets. Dedication of a half-street is discouraged. Where there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning Commission.
 - m. Private Streets. To ensure the proper entrance of police, fire and service vehicles of the City, all private streets, lanes, etc., shall be constructed in conformity with these Subdivision Regulations unless specific standards are included in the district regulations.
- 4) Street Names. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets. The names of new streets shall conform to Chapter 1335 of the Building Code. The name of the street shall not duplicate the name of any existing street in the City.
- a. Street name signs shall be erected by the subdivider at all street intersections. These signs shall be constructed in accordance with these adopted standards. House numbers will be assigned by the City Engineer.
 - b. For the purpose of clarifying and systemizing the present street names in the City, the Planning Commission shall examine all street names within the City and when it finds duplication of street names or similarity of street names which might cause confusion, or when it finds street names that will cause difficulty in the assigning of numbers, it shall then recommend appropriate name changes to Council.

- c. Street name signs shall be furnished and installed by the developer in accordance with the following standards:
 - i. The letters and numerals shall be either three (3) or four (4) inches high and shall be set on a green reflecting material.
 - ii. Signs shall be mounted at a height of seven (7) feet above the top of the curb.
 - iii. Placement of signs shall be in accordance with the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways and shall be placed on diagonally opposite corners, on the far right-hand side of the intersection for traffic on the more heavily traveled street, and as close to the corner as possible.
 - d. Whenever a street alignment changes direction more than 75 degrees without a return to the original alignment within a distance of 500 feet, the name of the street shall be changed at the point of curvature.
 - e. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- 5) Streets for Industrial Developments or Subdivisions. Collector streets for industrial developments or subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential street. The intersections of service streets with arterial or collector streets shall not be less than 100 feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except in the case of severe physical conditions or if the Commission finds such extension is not in accordance with the approved plan of the area.
- 6) Street Lights Required. The developer or subdivider shall provide suitable conduits under pavements, including crosswalks, intersections and cul-de-sacs, for the future installation of underground wiring through those conduits necessary to serve street lighting fixtures at places designated by the local power company and the Planning Commission. Appurtenances thereto shall be provided by the developer or subdivider, and shall be post-type lights at intersections, cul-de-sacs and crosswalks only, but shall be located no more than a maximum of 500 feet apart. The cost of any lighting in excess of these requirements shall be assessed to the property owners of the affected subdivision and shall be addressed in the subdivider's agreement pertaining to the subdivision.
- 7) Street Trees Required.
- a. The Tree Commission shall approve the tree plan for any new subdivision.
 - b. No trees other than those listed in Section 909.07 of the Codified Ordinances shall be planted as street trees without written permission of the City Tree Commission.
 - c. All newly planted street trees shall meet the spacing, distance and location requirements set forth in Sections 909.08 to 909.11 of the Codified Ordinances and subsections (d) and (e) hereof.
 - d. Street trees when planted shall be located within the right-of-way.
 - e. Subdividers and developers shall retain existing trees on each lot wherever possible.
- 8) Sidewalks.

- a. Sidewalks shall be required on both sides of a street in a subdivision.
- b. The location of all sidewalks shall be shown on the final plat.
- c. All sidewalks shall comply with the standards and specifications set forth in Chapter 903 of the Codified Ordinances of Bryan and shall be located within the right-of-way, one foot from the right-of-way line.
- d. Sidewalks shall be constructed at the time of completion of the structure on the premises. If inclement weather or other conditions makes it impossible or impractical to construct sidewalks at the time of completion of the major improvements, the City Engineer may grant a time extension. Failure to construct the sidewalk in the agreed timeframe shall result in a citation from the City.

1133.08 Electric, gas, telephone, and cable TV facilities.

- 1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. In all cases, electric, telephone, street lighting wires, conduits and cables shall be installed underground. When a development is on an existing street with aboveground service lines, such utilities shall be underground from the street to the house.
- 2) All utilities, including gas, electric, water, storm and sanitary sewers, telephone and cable T.V. that may be placed on any right-of-way and such shall be done before any curb and gutter paving is placed.
- 3) All utilities shall be placed at the rear of all lots when possible.
- 4) Utility Easements. Easements for the establishment of electric, gas, sewer, telephone, cable and water lines shall be provided in all subdivisions. When located outside the street right-of-way, easements shall have a width of 10 feet measured on each side of the lot line, or such additional widths as may be required for necessary access to the utility involved. Easements may be required on each side of an alley to accommodate pole lines as determined by the Planning Commission.
- 5) Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the sanitary sewer line shall be installed within five (5) feet of one side of the easement, and the electric and/or telephone lines shall be installed within three (3) feet of the opposite side of the easement.

1133.09 Sanitary sewer system.

- 1) All sewers shall comply with the regulations, procedures and design standards set forth in Chapters 925 and 927 of the Codified Ordinances of the City of Bryan.
- 2) All new sanitary sewers or sanitary sewer system extensions shall meet the requirement of and be subject to the approval of the Ohio Environmental Protection Agency, or its successor, the Ohio Department of Health, and the City Engineer.
- 3) A sanitary sewer system shall be constructed so as to serve the entire development or subdivision.
- 4) Each lot shall be provided with a connection to the City sanitary sewer system. The subdivider shall install sanitary sewer in accordance with plans approved by the City

Engineer and shall meet the current state requirements with certificate of approval from appropriate state agency, with the construction to be supervised by the City.

- 5) All sanitary sewer construction shall conform to the specifications of and shall be subject to the approval from the appropriate state agency. The applicant shall supply a certificate of approval from the appropriate state agency.
- 6) If a housing development, shopping center, commercial or industrial development is proposed, a central sewage collection system and a central water distribution system must be constructed by the development when deemed necessary by the Commission after consultation with local health agencies and legislative bodies.
- 7) The developer or subdivider shall discharge sanitary sewage into the Municipal system for treatment at a community treatment facility.
- 8) Storm water shall be excluded from sanitary systems. This includes foundation drains, sump pumped water, eave spouts and other storm water drain facilities.

1133.10 Storm sewers.

- 1) It is the intent of this section to provide surface drainage to all areas and to prevent property damage, inconvenience and deterioration caused by ponding water and flooding.
 - a. Grading.
 - i. A grading plan shall be required of the entire subdivision for the purpose of providing good drainage. Such plan shall be approved by the City Engineer.
 - ii. The area around a residence shall be graded away from the residence in such a manner as to allow surface runoff to escape from the immediate area around a residence.
 - b. All necessary improvements, including storm sewers or open drainageways, shall be made to provide for the adequate disposal of storm water and to maintain any natural drainage course. All construction shall be in accordance with plans approved by the City Engineer and shall be carried out under City supervision. Storm water discharge shall also be in compliance with Section 931.01, Storm Water Discharge.
 - c. When an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer to connect with such storm sewer line. If such a storm sewer is not accessible, natural drainage channels shall be provided as determined by the City Engineer and approved by the Planning Commission and shall connect to an adequate drainage outlet.
 - d. Easements for Drainage. Storm sewers shall be located within the right-of-way or within an easement. Whenever any stream or important surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream or ditch for the purpose of widening, deepening, sloping, improving or protecting the drainage course and such easement shall be dedicated to the City or other appropriate public agency. The width of such easement shall be determined by the City Engineer.
 - e. When, in the opinion of the City Engineer, the natural watercourse receiving storm sewer discharge is not adequate, the developer or subdivider shall, at his or her expense, undertake to give such natural watercourse the directional and velocity control as may be

deemed necessary, even though such work lies outside the boundaries of his or her development or subdivision. The subdivider shall acquire such permission as is necessary to construct drainage structures, ditches, etc., outside the boundaries of his or her development or subdivision.

- f. Whenever the construction of streets and the required storm water drainage is such that the direction of storm water flow is diverted to affect surrounding property, the subdivider shall obtain adequate drainage easements to provide for efficient disposal of surface water.
- g. Bridge and Culverts. Where natural drainage channels intersect any street right- of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
 - i. All bridges and culverts shall be designed according to Ohio Department of Transportation design standards.
 - ii. Driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of eight (8) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls will not be permitted.
- h. The developer shall adequately protect all ditches to the satisfaction of the City Engineer.
 - i. Computations, drawings and drainage area maps used to design the above ditch protection shall be submitted to the City Engineer along with the plans and profiles as a basis for approval. In all cases the road ditches shall be in a stable condition free from either erosion or sedimentation at the time of final approval. Ditch easement, on each side of the ditch measured from top of slope, shall be 30 feet.
 - ii. Ditch protection shall conform to the State of Ohio Department of Transportation Construction and Material Specifications for seeding (Item 659) and sodding (Item 660), or jut or excelsior matting (Item 667 or 669).
 - iii. Item 601.09 ODOT, S.H.D. specifications shall consist of the construction of a brick, concrete, approved broken concrete or stone paved gutter and shall be used in all road ditches where the grade exceeds two and one-half percent (2 1/2%).
 - iv. When the outlet velocity of culvert pipes, drive pipes, or side drains is in excess of the above allowable velocities, sufficient length of paved gutter (ODOT Item 601.09), shall be provided for transition to allowable velocity.
 - v. The following shall be the allowable ditch velocities for seeding, sodding, and jute or excelsior matting on various soil types.

Soil Type	Seed Lining (659)	Sod Lining (660)	Jute or Excelsior Matting (667 or 669)
Sand	1.5	3.5	3.0
Firm loam	2.0	4.0	4.0
Clay	2.5	5.0	4.0
Gravel	3.5	6.0	5.0
Weathering Shale	4.5	6.0	5.0

1133.11 Water system.

1) General to Water System.

- a. All water systems shall comply with the standards in this Section as well as the regulations set forth in Chapter 937 of the Codified Ordinances of the City of Bryan.
- b. The water system shall be constructed so as to serve the entire development or subdivision.
- c. Each lot shall be provided with a connection to the City water system, water mains to be installed in accordance with the requirements of the State. The applicant shall supply a certificate of approval from the appropriate state agency.

2) Fire Hydrants.

- a. The type of hydrant and control valves and the location of the hydrant in all subdivisions within the corporate limits shall be approved by the Chief of the Fire Department and the Director of Bryan Municipal Utilities.

1133.12 Natural features and other public spaces.

- 1) Natural Features. To the greatest extent possible, the natural features and character of land must be preserved. Due regard shall be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the Subdivider and the dedication and provision of adequate barriers where appropriate, shall be required.
- 2) Other Public Spaces. Maintenance of boulevards, common areas, etc. is the responsibility of the land owner and/or an association.

PART ELEVEN - PLANNING AND ZONING CODE

TITLE FIVE - ZONING ORDINANCE

Chapter 1150	Establishment of Districts and Map
Chapter 1151	Single-Family and Traditional Residential Districts
Chapter 1152	Planned Unit Residential Development
Chapter 1153	Multi-Family Residential Districts
Chapter 1154	Commercial Districts
Chapter 1155	Industrial Districts
Chapter 1160	General Regulations for all Districts
Chapter 1161	Development and Dimensional Regulations
Chapter 1162	Use Regulations
Chapter 1163	Conditional Use Regulations
Chapter 1164	Accessory Structures and Accessory Use Regulations.
Chapter 1170	Supplemental District Regulations
Chapter 1171	Landscaping, Screening, and Lighting Regulations
Chapter 1172	Off-Street Parking and Loading Regulations
Chapter 1173	Sign Regulations
Chapter 1180	Procedures for Zoning Certificates, Zoning Permits, and Certificates of Approval
Chapter 1181	Site/Development Plan Review
Chapter 1182	Conditional Use Certificates and Similar Uses
Chapter 1183	Appeals and Variances
Chapter 1184	Nonconformities

Chapter 1150 Establishment of Districts and Map

- 1150.01 Establishment of Districts.
- 1150.02 Official Zoning Map.
- 1150.03 Interpretation of District Boundaries.
- 1150.04 Classification of Annexed Land.

1150.01 Establishment of Districts.

- 1) For the purpose of this Zoning Code, the City of Bryan is hereby divided into the following zoning districts:
 - a) Residential Districts
 - i) R-1 Single-Family Residential District
 - ii) R-2 Traditional Residential District
 - iii) R-3 Multi-Family District
 - b) Commercial Districts
 - i) C-1 Neighborhood Commercial District
 - ii) C-2 General Commercial District
 - iii) C-3 Downtown Business District
 - c) Industrial Districts
 - i) MU Multi-Use District
 - ii) I-1 Light Industrial District
 - iii) I-2 General Industrial District

1150.02 Official Zoning Map.

- 1) Those districts established in Section 1150.01 are bounded and defined as shown on the map entitled "Official Zoning Map" of the City of Bryan.
 - a) The map and all notations, references and other pertinent material shown thereon is hereby incorporated by reference and declared to be a part of this Planning and Zoning Code, thereby having the same force and effect as if such Map and accompanying notations, references and other information were all fully set forth or described herein.
 - b) The Zoning Map shall be kept on file and available for examination at the office of the Zoning Administrator.

1150.03 Interpretation of District Boundaries.

- 1) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:
 - a) Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
 - b) Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.
 - c) Where Boundaries Approximately Follow Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
 - d) Vacation of Public Ways. Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.
 - e) Resolving Disputes. Whenever the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, street lines, by the scale or dimensions stated on the Zoning Map or by the fact that it clearly coincides with a lot line, the Zoning Administrator shall refuse action, and the Planning Commission, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Zoning Code.

1150.04 Classification of Annexed Land.

- 1) Upon annexation of township territory to the City of Bryan, the township zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the Council adopts zoning regulations for the property. As an alternative to the procedures set forth in Chapter 1114, Council may, after a report and recommendation by the Planning Commission, by ordinance made at or prior to the time of its acceptance of township territory for annexation, classify all or any part of territory annexed to the City in such other district or districts as Council may determine. Such ordinance shall follow the procedures for zoning amendment established in Chapter 1114. Such ordinance shall not be passed as an emergency measure.

Chapter 1151 Single-Family and Traditional Residential District

1151.01 Purpose.

1151.02 General Regulations.

1151.01 Purpose.

- 1) Single-Family and Traditional Residential Districts (R-1 and R-2) and their regulations are established in order to achieve, among others, the following purposes:
 - a) To regulate the bulk and location of dwellings and accessory buildings or structures to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;
 - b) To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities within the community;
 - c) To protect the desirable characteristics and promote the stability of existing residential development;
 - d) To regulate the density and distribution of population to avoid congestion and provide adequate public services while minimizing sprawl.
 - e) To carry out the following specific purposes:
 - i) The R-1 District is established to permit the development of standard single-family dwellings on individual lots and planned unit residential developments (PURDs).
 - ii) The R-2 District is established to permit the development of single-family and two-family dwellings on individual lots while maintaining the traditional single-family character of older homes adjacent to the downtown.

1151.02 General Regulations.

- 1) General regulations applicable to all zoning districts may be found in Chapter 1160.
- 2) Lot size and configuration standards may be found in Chapter 1161.
- 3) The use of land shall be in conformance with Chapter 1162.

Chapter 1152 Planned Unit Residential Development Regulations

- 1152.01 Applicability and Purpose.
- 1152.02 Approval of Planned Unit Residential Developments.
- 1152.03 Minimum Project Area.
- 1152.04 Dwelling Types.
- 1152.05 Density and Open Space Regulations.
- 1152.06 Restricted Open Space Requirements.
- 1152.07 Development and Site Planning Standards.
- 1152.08 Dwelling Unit Requirements.
- 1152.09 Street, Drive, and Walkway Requirements.
- 1152.10 Additional Requirements.
- 1152.11 Homeowners Associations.
- 1152.12 Phased Development.
- 1152.13 Plan Approval.

1152.01 Applicability and Purpose.

- 1) Applicability. Planned Unit Residential Developments (PURD) shall be permitted in the R-1 District
- 2) Purpose. The purpose of PURD is to encourage and accommodate creative and imaginative developments that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that PURDs will utilize innovations in the technology of land development that are in the best interests of the City. These regulations are designed to achieve, among others, the following objectives:
 - a) To promote economical and efficient use of land and reduce infrastructure costs through unified development.
 - b) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the provision of readily accessible open space and recreation areas and the creation of functional and interesting residential areas.
 - c) To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.
 - d) To ensure that planned unit residential developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the

submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

1152.02 Additional Considerations for Approval of Planned Unit Residential Development (PURD).

- 1) In addition to the general review procedures for development plans, the Planning Commission shall review a proposed PURD to ensure that:
 - a) Buildings and uses within the proposed development are located and designed so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development;
 - b) Adequate buffer zones with landscaping are provided between the proposed development and adjacent residential areas;
 - c) The bulk and height of buildings within the proposed development are compatible with the surrounding development;
 - d) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion;
 - e) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development.

1152.03 Minimum Project Area.

- 1) The area proposed to be developed as a PURD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PURD boundaries. The gross area of a tract of land in a PURD shall not be less than 3 acres.

1152.04 Dwelling Types.

- 1) The following types of dwelling units are permitted as part of a PURD in the R-1 District:
 - a) Single-family detached dwellings on subdivided lots.
 - b) Clustered single-family detached dwellings not on separate subdivided lots.
 - c) Single-family attached dwellings provided there shall be no more than (3) units attached in any one building

1152.05 Density Regulations.

- 1) The number of dwelling units permitted and the amount of restricted open space provided as part of a PURD shall comply with the following:

- a) Maximum Density. The gross density of a PURD shall not exceed 4 dwelling units per acre.
- b) The number of dwelling units permitted on any one acre of the site shall not exceed 8 units. An imaginary square, approximately 209 feet by 209 feet, shall be used to determine the maximum number of units on any one-acre of the site.

1152.06 Restricted Open Space Requirements.

- 1) Minimum Restricted Open Space. A minimum of 20 percent of the total project area shall be devoted to restricted open space. The restricted open space shall comply with the following:
 - a) General Standards.
 - i) The restricted open space shall be located and designed to the satisfaction of the Planning Commission and shall:
 - (1) Be sufficiently aggregated to create large areas of planned open space;
 - (2) Conserve significant topographic and natural features to the extent practicable;
 - (3) Be easily accessible to residents of the PURD;
 - (4) Have a minimum street frontage of 20 feet and not less than 20 feet in width at any point.
 - (5) Be connected with open space areas on abutting parcels, wherever possible, by open space corridors.
 - ii) Land area devoted to the following shall not be included as meeting the restricted open space requirement:
 - (1) Public rights-of-way;
 - (2) Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the restricted open space;
 - (3) Required setbacks for buildings and parking areas from the project boundaries, and public streets, unless the required setback is contiguous to and part of a larger area of restricted open space;
 - (4) Required spacing between buildings and between buildings and parking areas;
 - (5) Private yards within subdivided lots;
 - (6) A minimum of 15 feet between buildings and restricted open space.
 - iii) Areas designated for restricted open space purposes may be:

- (1) Preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
- (2) Used for outdoor active or passive recreation for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
- iv) Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- v) Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- b) Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City Attorney and duly recorded in the Office of the Recorder of Deeds of Williams County.
- c) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the City, or a land trust or other conservation organization recognized by the City.

1152.07 Development and Site Planning Standards.

- 1) The following specific development standards shall be adhered to in the design and layout of any PURD.
 - a) Setbacks from Existing Rights-of-Way. The setback of buildings, structures, parking areas and active recreation areas from an existing public street right-of-way shall not be less than 30 feet.
 - b) Setback from Project Boundary. The setback of buildings, structures, parking areas and active recreation areas from any project boundary, other than a public street, shall not be less than 25 feet.
 - c) Setback from Interior Street. The setback of buildings, structures, parking areas and active recreation areas from any proposed interior street shall not be less than the following:
 - i) 25 feet from the right-of-way of a proposed public street.
 - ii) 20 feet from the pavement of a private street.
 - d) Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth below. These distances may be reduced when the

Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.

- i) End Wall to End Wall: 15 feet.
 - ii) End Wall to Main Wall: 25 feet.
 - iii) Main Wall to Main Wall: 40 feet.
- e) Definitions. The following definitions shall apply to terms used in this Section.
- i) Main Wall. The outside wall(s) of a building, which contains the primary windows of any living, family or dining room.
 - ii) End Wall. The outside walls other than a main wall of a building, which may be blank or contain windows not considered to be primary windows.
- f) Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a PURD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.
- g) Lot Requirements.
- i) Dwelling units are not required to be on lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a PURD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
 - ii) The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.
- h) Required Buffer. When attached single-family units are proposed as part of a PURD, a buffer area, with screening, a minimum width of 20 feet shall be located within the required setbacks from the project boundary specified in this Section and shall be landscaped in accordance with Chapter 1171.02.
- i) Resource Protection Regulations:
- (1) Any new or existing buildings, structures or land within a flood hazard boundary, as established by the City, shall be used, erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below:
 - (a) Outdoor recreational facilities including swimming pools, riding academies, playing fields, ball fields, courts, trails, and other similar recreational facilities;

- (b) Fencing that allows the passage of water;
 - (c) Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete or combinations of geotextiles with sand, gravel and sod.
- (2) Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:
- (a) A buffer area having a width not less than 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
 - (b) A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.

1152.08 Dwelling Unit Requirements.

Each dwelling unit shall comply with the minimum floor area and siting requirements set forth in Section 1160.07.

1152.09 Street, Drive, and Walkway Requirements.

- 1) General Street Design Criteria.
 - a) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
 - b) Street alignments should follow natural contours and be designed to conserve natural features.
- 2) Street and Drive Requirements.
 - a) A street shall be required to be a public, dedicated street when such street:
 - i) Provides access to detached single-family dwellings on subdivided lots.
 - ii) Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments.
 - b) Streets that are not otherwise required to be public streets pursuant to subsection (1) above may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:
 - i) A private street shall not be planned or be expected to extend to serve property outside the planned unit residential development.

- ii) The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Bryan City Street, Police, and Fire Departments.
 - iii) Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
- c) When serving 10 or fewer units, private streets may be constructed to a design speed less than 25 mph when the Planning Commission determines that a lower design speed is appropriate to achieve the objectives of the development. Such private streets shall comply with the following:
- i) The minimum pavement width shall be 20 feet for a two-way street and 16 feet for a one-way street.
 - ii) Horizontal and vertical alignments shall meet a 20-mph. design speed.
 - iii) Turnarounds with a radius equal to that required by the Bryan Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.
- d) All elements of a private street that are to be provided in a PURD shall be constructed in accordance with the construction standards set forth for public streets in Chapter 1133.
- e) Common drives shall be permitted in compliance with the following requirements:
- i) A common drive shall serve no more than four units.
 - ii) A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
 - iii) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Bryan City Street, Police, and Fire Departments.
 - iv) Right-of-ways are not required for common drives; however, utility easement(s) may be required along the length of the common drive.
 - v) All common drives shall be paved and have a minimum width of 12 feet.
 - vi) Whenever a common drive is included in a planned residential development, deed restrictions shall be required and shall specifically include the following language: "The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive."
- 3) Pedestrian Circulation and Walkways. A pedestrian circulation system shall be included in the PURD. The system shall provide convenient pedestrian access throughout the PURD

and from the PURD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.

1152.10 Additional Requirements.

- 1) Privacy for individual principal buildings shall be maintained through the use of landscaping and screening.
- 2) Street lighting and street signs shall be adequate for safety and security.
- 3) Stormwater detention shall be required for all developments.
- 4) All utilities required to serve a development shall be located underground.
- 5) Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PURD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PURD.

1152.11 Homeowners Associations.

- 1) As part of a planned unit residential development, a homeowners 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, including the required restricted open space, private streets and common drives.
 - a) The City Attorney shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - i) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in a condominium.
 - ii) The Association shall be responsible for maintenance, control, and insurance of restricted open space and common areas.
 - iii) The Association shall have the power to impose assessments on members for the maintenance, control and insurance of restricted open space and common areas, and have the power to place liens against individual properties for failure to pay assessments.
 - b) The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of seventy-five (75) percent of its members, (ii) having established a successor entity to take over said property pursuant to the City's Planning and Zoning Code; and (iii) the approval of City Council.
 - c) The Association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public

health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the City shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

1152.12 Phased Development.

- 1) If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Restricted open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of recreation facilities shall be clearly identified on a phasing plan.

1152.13 Plan Approval.

The applicant for a planned unit residential development shall submit development plans in accordance with Chapter 1181.

Chapter 1153 Multi-Family Residential District Regulations

1153.01 Purpose.

1153.02 General Regulations.

1153.03 Development Standards Specific to the R-3 District.

1153.01 Purpose.

- 1) Multi-Family Residential District (R-3) regulations are established in order to achieve, among others, the following purposes:
 - a) Regulation of the bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;
 - b) Regulation of the density and distribution of population to avoid congestion and to provide adequate public services while minimizing sprawl;
 - c) Protection of the desirable characteristics and promotion of stability of existing residential development;

1153.02 General Regulations.

- 1) General regulations applicable to all zoning districts may be found in Chapter 1160.
- 2) Lot size and configuration standards may be found in Chapter 1161.
- 3) The use of land shall be in conformance with Chapter 1162.

1153.03 Development Standards Specific to the R-3 District.

- 1) Building Spacing. The minimum distance between buildings on the same site, shall not be less than the distances set forth below:
 - a) When the main wall of one building faces the main wall of another building, the minimum separation between the two walls shall be 40 feet.
 - b) When the main wall of one building faces an end wall of another building, the minimum separation between the two walls shall be 30 feet.
 - c) When the end wall of one building faces an end wall of another building, the minimum separation between the two walls shall be 20 feet.
- d) Definitions. The following definitions shall apply to terms used in this Section:
 - i) Main Wall. The outside wall(s) of a building, which contains the primary windows of any living, family or dining room.
 - ii) End Wall. The outside walls other than a main wall of a building, which may be blank or contain windows not considered to be primary windows.

- iii) Building Arrangement. Multi-family buildings may be arranged in a group and the buildings need not front directly onto a street.

Chapter 1154 Commercial District Regulations

- 1154.01 Purpose.
- 1154.02 General Regulations.
- 1155.03 Design criteria for C-3 District.

1154.01 Purpose.

- 1) Commercial Districts (C-1, C-2 and C-3) and their regulations are established in order to achieve, among others, the following purposes:
 - a) To provide in appropriate and convenient locations, sufficient areas for business activities, including the exchange of goods and services;
 - b) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
 - c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
 - d) C-1 Neighborhood Commercial District. To provide Neighborhood Commercial Districts to accommodate a variety of retail and service establishments in a store-only district with development standards that ensure that new development is compatible with adjacent residential neighborhoods.
 - e) C-2 General Commercial District. To accommodate commercial services and activities in locations adequately served by major streets and other facilities and to encourage the grouping of businesses in shopping centers.
 - f) C-3 Central Business District. To provide a central business district that preserves, maintains and promotes the existing historic, compact pedestrian orientation of the downtown area by maintaining retail sales and personal service uses along the primary street frontages, permitting buildings to be close to the street and to one another, and reducing the parking requirements for the district.
 - i) To further achieve these objectives, the District has been divided into the “core area” and “outside core area”. The core area is defined by the boundaries of the Downtown Bryan Historic District, as listed on the National Register, where development standards have been established to maintain the traditional character and arrangement of lots around the square. Slightly more generous development standards have been established for the areas adjacent to the downtown that make up the outside core area, where existing lot arrangements are more flexible. Design criteria have also been established for both areas to ensure consistent development throughout the entire C-3 District.

1154.02 General Regulations.

- 1) General regulations applicable to all zoning districts may be found in Chapter 1160.
- 2) Lot size and configuration standards may be found in Chapter 1161.
- 3) The use of land shall be in conformance with Chapter 1162.

1154.03 Design Criteria for the C-3 District.

- 1) In addition to the development standards set forth in this Chapter, all proposals in the C-3 Central Business District shall be subject to the supplemental design criteria outlined in this Section.
 - a) Applicability of Guidelines. The C-3 Central Business District entirely encompasses the Downtown Bryan Historic District (DBHD), herein referred to as the core area, which is bounded on the east by Walnut Street, on the south by Maple Street, on the west by Beech Street, and on the north by Bryan Street. The design of parcels surrounding the core area have been determined to contribute to the character and viability of the downtown and therefore, these design guidelines shall apply to the entire C-3 District except as specifically stated otherwise.
 - b) Purpose. The principles and criteria set forth below are intended to achieve among others the following purposes:
 - i) To strengthen, protect, and enhance the existing visual and aesthetic character of the C-3 District.
 - ii) To guide development and/or redevelopment of the C-3 District, thereby preserving the historic and architectural resources in the core area and in the remaining areas of the C-3 District;
 - iii) To ensure that historic design features which contribute to the unique character of the C-3 District are retained and replicated in a manner that ensures the City will retain and enhance its historic character.
 - iv) To ensure that new development and/or redevelopment respects the City's historic qualities and resources through compatible design.
 - v) To protect and enhance property values.
 - vi) To provide standards for property owners, architects and contractors to aid in the preparation of construction and development plans;
 - vii) To provide the basis for consistency and objective decision-making when evaluating proposed development.
 - c) Design Principles. The buildings in the C-3 District define an urban space that represents the community character of the City of Bryan. In order to enhance the quality and compatibility of these buildings and thereby protect the character of the area, all

proposed rehabilitation, restoration and new construction projects shall incorporate the common aesthetic principles that are represented in this urban environment. These principles include:

- i) Proportion. The relationship of the dimensions of building details such as windows or doors, or entire facades from one building to the next shall create harmony with adjacent buildings and blocks within and surrounding the proposed development area.
 - ii) Scale. The size of buildings and building elements with respect to one another and the street level human scale shall be consistent with the prevailing scale of buildings within the C-3 District.
 - iii) Rhythm. The repetition of design in building details, such as the number and spacing of windows and doors, and backgrounds, such as walls, shall maintain the architectural rhythm of the existing facades.
 - iv) Variety and Unity. Projects shall blend both variety and unity in building design through varying levels of distinction in order to maintain a compatible built environment that is characterized by the unifying qualities of proportion, scale, and rhythm.
- d) Design Review Guidelines. The design criteria listed below have been established in order to protect, maintain, and foster unity of architectural styles and visual compatibility in the C-3 District, in conjunction with the design principles identified in subsection (c).
- i) Criteria Applicable to all proposals in the C-3 District:
 - (1) A minimum of sixty (60%) percent of wall areas fronting along a public right of way shall, measured between grade and eight (8) feet, shall provide for transparency through windows and doors
 - (2) Front façade windows and doors of historic buildings that are replaced shall use the same space and size as the original windows and doors.
 - (a) Restoration of building facades shall replicate as closely as possible the buildings original scale of wall openings and decorative elements.
 - (3) New construction shall complement the height, width and general proportion of adjacent buildings so that an overall harmonious appearance is created.
 - (a) Buildings shall not consist of long, monotonous, uninterrupted wall or roof planes.
 - (b) Vertical elements such as storefronts and windows shall maintain similar spacing and/or placement along the vertical plane as to adjacent buildings.

- (c) Provide roof line offsets and other design elements to vary massing with existing buildings along the frontage of longer facades to relieve visual monotony of a single, long roof.
 - (d) Include architectural features that are appropriate and compatible with the style of existing buildings and structures within the C-3 District, including windows and doors, roof pitch, cornice lines, shutters, dormers, eaves and other decorative details.
- (4) Paint, trim or building colors shall comply with the C-3 District approved color palette which is available through the Office of the Zoning Administrator
- (5) Awnings and canopies shall be placed within and in relation to the structural frame of the storefront, window or doorway; generally, this means within a window frame or within the frame formed by the storefront window(s), doors, or sign panel above.
 - (a) Awnings and canopies shall be located directly over windows or doors. Awnings shall be placed within building lines, not attached to the trim.
 - (b) In buildings with multiple storefronts, or on adjacent buildings, awnings shall be aligned with others, and used to unify the structure or block.
 - (c) Awnings shall be a minimum of eight (8) feet above grade and shall project a minimum of twenty-four (24) inches and a maximum of forty-eight (48) inches.
 - (d) Canvas is the preferred material, although other weatherproof materials compatible with the historic style of builds may be substituted with approval by the Zoning Administrator.
- (6) Open spaces between buildings of existing block facades shall be used for mid-block public spaces, development or outdoor eating areas or a combination of all, to provide for an enhance public experience
- (7) Landscaping, potted plants or public art shall be used to buffer exposed blank walls.
- (8) Enhance the continuity along each block through the use of landscaping, street furniture, and brick paving.
- (9) Construct or renovate signs in compliance with the design requirements set forth in Section 1173.07.
- ii) Criteria Applicable to Proposals in the Core Area of the C-3 District. Preserve or restore original building facades to the extent practicable, including the removal of any applied facades that are not original to the architecture.
 - (1) Preserve or replicate the distinguishing architectural features of historic buildings such as cornices, pressed metal, or overhangs. If major façade

components are badly deteriorated or missing and not replicable, replace them with architectural details that reflect the proportion and scale compatible with original elements.

(2) Windows:

- (a) Preserve the original proportions of window openings.
- (b) Maintain the original arrangement of glass panes whenever possible or duplicate similar configurations found within the Core.
- (c) Retain or duplicate the original materials of such window elements as sashes, frames, sills, jambs, and lintels.
- (d) Maintain widths of single and double module windows that reflect the architectural lines of the upper part of the façade.

(3) Materials and Buildings

- (a) Remove inappropriate, non-historic cladding, false mansard roofs, and other later alterations to reveal the historic character of a storefront whenever possible
- (b) Maintain colors, textures and bonding patterns of brick found on existing historic structures.
- (c) Removing paint or other coatings such as stucco from masonry of historically unpainted or uncoated building facades is encouraged

(4) Maintain established entrance door locations, materials, hardware, and design whenever possible.

e) Review Procedures.

- i) All new and rehabilitation projects in the C-3 District shall be subject to the development plan review procedures set forth in Chapter 1181, Development Plan Review.
- ii) A Certificate of Approval shall be obtained from the Planning Commission prior to any new construction or demolition within the C-3 District. All proposed building modifications that do not include new construction, additions, or demolitions, shall be reviewed and approved by the Zoning Administrator according to the procedures set forth in Section 1180.05, Certificate of Approval.

Chapter 1155 Industrial District Regulations

- 1155.01 Purpose.
- 1155.02 General Regulations.
- 1155.03 Industrial Performance Standards.

1157.01 Purpose.

- 1) Industrial Districts (M-U, I-1, I-2) and their regulations are established in order to achieve, among others, the following purposes:
 - a) To provide convenient and sufficient zoning districts for industrial activities and for the production, distribution, and exchange of goods and services in order to serve and promote the economic development of the community.
 - b) To establish performance standards, parking specifications and yard regulations to ensure that industrial development is compatible with adjacent uses.
 - c) To protect residential neighborhoods adjacent to industrial uses by restricting the types of uses, particularly at the common boundaries, which would create congestion, noise or other objectionable influences beyond the district boundaries and by separating and insulating residential districts from the most intense industrial activities.
 - d) To carry out the following specific purposes:
 - i) To provide M-U Multi-Use Districts in appropriate and convenient locations for general commercial establishments, wholesale and distribution establishments, and limited types of assembly and production establishments that do not cause conditions that would be objectionable to neighboring properties.
 - ii) To provide I-1 Light Industrial Districts which accommodate wholesale, warehouse, assembly, processing and other limited industrial uses, including storage and related activities, conducted entirely within enclosed buildings, that operate with a minimum of noise, glare, odor, dust, vibration, air and water pollution, fire and safety hazard or any potentially nuisance characteristic. The I-1 District is designed to encourage the development of industrial parks.
 - iii) To provide I-2 Heavy Industrial Districts for certain intensive industrial establishments that utilize products, materials and/or processes which may involve dust, smoke, fumes, glare, odors or other objectionable characteristics, but the impacts of which are reduced through the use of greater setback requirements so that such uses do not jeopardize the health, safety and general welfare of the surrounding neighborhoods. Uses in the I-2 Districts typically generate outdoor activities and outdoor storage in association with permitted principal uses.

1154.02 General Regulations.

- 1) General regulations applicable to all zoning districts may be found in Chapter 1160.
- 2) Lot size and configuration standards may be found in Chapter 1161.
- 3) The use of land shall be in conformance with Chapter 1162.

1155.03 Industrial Performance Standards.

- 1) Applicability. All uses in Industrial Districts shall comply with the following performance standards.
 - a) Compliance with State and Federal Regulations. All uses shall comply with all applicable state and federal Environmental Protection Agency, OSHA and all other state and federal regulations that pertain to the operation of industrial uses.
 - b) Storage Handling. All storage areas shall comply with the regulations set forth in Bulletin No. 30-L of the National Fire Protective Association and other fire protective codes of the City of Bryan. All parts shall be accessible to firefighting equipment.
 - c) Liquid Waste. Liquid wastes shall be disposed of in appropriate containers and removed from the site on a regular basis. Liquid waste or sewerage shall not be discharged into a reservoir, stream or other open body of water or into a storm or sanitary sewer until treated so that the insoluble substances, such as oils grease, acids, alkalines and other chemicals in the waste do not exceed the amount allowed by other codes of the City of Bryan.
 - d) Fire Hazards. Any processing that involves explosive materials shall be permitted only in the I-2 District and only as a conditional use. Such use shall only be permitted when in compliance the regulations set forth in Chapter 1163, which shall be in addition to the requirements set forth below. All activities that involve the use of flammable or explosive material shall comply with the following:
 - i) Any activity involving the use of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
 - ii) Such activities shall only be permitted in structures having incombustible exterior walls.
 - iii) The applicable provisions of the Ohio Revised Code shall be complied with, and no explosives shall be stored, used or manufactured without first submitting to the Zoning Administrator a certificate of compliance from the State Fire Marshal or the City Fire Chief.
 - iv) No gasoline or other inflammable or explosive material shall be stored unless the location, plans and construction of the storage facility conform to the laws and regulations of the State and have the approval of the State Fire Marshal.

e) Radioactive or Electrical Disturbances.

- i) No activity shall emit dangerous radioactivity at any point or electrical discharges affecting the operation, at any point, of any equipment other than that of the creator of such disturbances.
- ii) Such disturbances shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- iii) The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes shall be in conformity with the applicable regulations of the Nuclear Regulatory Commission and the Ohio Environmental Protection Agency.

f) Noise. All uses shall comply with the following noise standards.

i) Measurement.

- (1) A sound-level meter shall be used to measure sound pressure level.
- (2) Noise levels shall be measured at the lot line for all lots in M-U and I-1 Districts and at the nearest I-2 District boundary line for all lots in the I-2 District.

ii) No use shall emit noise which exceeds the decibel limits set forth below:

Octave Band Frequency (cycles per second)	Decibels
0 to 74	76
75 to 149	71
150 to 299	63
300 to 599	59
600 to 1199	50
1200 to 2399	45
2400 to 4799	38
4800 and over	36

g) Air Pollution.

- i) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited at any Residential or Commercial District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values.
- ii) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling and other acceptable treatment.

- h) Odorous Matter.
 - i) The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in a M-U or I-1 District.
 - ii) The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line in an I-2 District.
- i) Vibration.
 - i) In the M-U and I-1 Districts, vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
 - ii) In the I-2 District, all activities shall be set back from and controlled in such a manner as to prevent transmission of vibrations that are perceptible without the aid of instruments beyond the district boundary.
- j) Noxious, Toxic or Corrosive Fumes. Noxious, toxic or corrosive fumes or gasses shall not be emitted which shall be injurious to the property, vegetation or health of people residing or doing business in any adjacent Residential or Commercial District.
- k) Heat and Glare.
 - i) In an M-U or I-1 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
 - ii) In an I-2 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the district boundary.
- l) Erosion. No erosion, by either wind or water, which will carry objectionable substances onto neighboring properties shall be permitted.
- m) Water Pollution. Pollution of water is subject to the requirements and regulations established by the Ohio Water Commission and the Ohio Environmental Protection Agency.
- 2) Enforcement. Where determinations can be made by the Zoning Administrator or other authorized City employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Planning Commission may, in the case of the offenses under this Section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

Chapter 1160 General Regulations for all Districts

- 1160.01 Applicability.
- 1160.02 Off Street Parking and Loading Regulations.
- 1160.03 Landscape, Screening, and Lighting Requirements.
- 1160.04 Development Plan Review.
- 1160.05 Performance Standards.
- 1160.06 Site Improvement Standards.
- 1160.07 General Requirements for Dwelling Units.
- 1160.08 Maintenance Requirements.

1160.01 Applicability.

- 1) Unless otherwise specified, the provisions of this Chapter apply to all development in all zoning districts except the residential zoning districts R-1 and R-2.

1160.02 Off Street Parking and Loading Regulations.

- 1) Off-street parking and loading areas shall conform to the regulations of Chapter 1172 and the setbacks in Chapter 1161.
- 2) Off-street parking spaces shall be located not more than 700 feet from the principal use.
- 3) Loading and service areas shall be located in the side or rear yard in the C-1, C-2, C-3, MU, and I-1 Districts and shall comply with the parking setbacks in Chapter 1161.
- 4) In a residential district, on lots of one (1) acre or more, all points of entrance or exit should be no closer than 75 feet from an intersection.
- 5) Accessory off-street parking spaces shall be provided in compliance with the parking requirements set forth in Chapter 1172, which shall be located on the same lot as the dwelling served.
- 6) All vehicles must be parked a minimum of 5 feet from the right-of-way.

1160.03 Landscape, Screening, and Lighting Requirements.

- 1) Visual screening, landscape buffers and lighting fixtures shall be provided for multi-family and nonresidential developments in accordance with the provisions set forth in Chapter 1171.

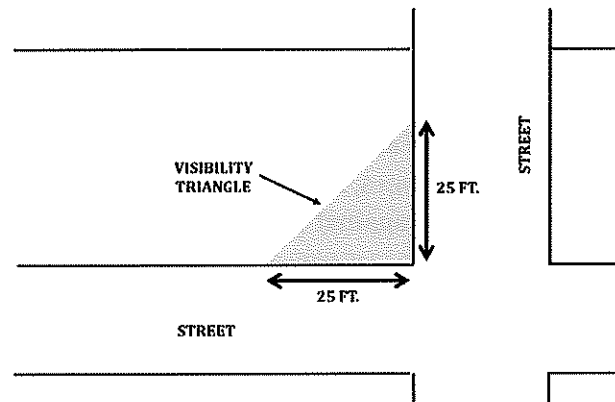
1160.04 Development Plan Review.

- 1) All multifamily and nonresidential uses shall be permitted only after development plans have been reviewed and approved by the Planning Commission according to the procedures set forth in Chapter 1181.

1160.05 Performance / Site Improvement Standards.

- 1) All uses shall comply with the following performance standards.
 - a) Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures shall be permitted to exceed the maximum height set forth for the district in which the structure is located provided:
 - i) No such structure shall exceed the height limits of the district in which it is located by more than 15 feet; and
 - ii) No such structure shall have a total area greater than 25 percent of the roof area of the building.
 - b) Waste Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container or dumpster shall be located in a side or rear yard on a paved surface in compliance with the minimum parking setbacks established in Chapter 1161 as well as the screening requirements set forth in Section 1171.06.
 - c) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall ensure that light is directed away from any adjoining residential properties and streets and shall not be of excessive brightness or cause glare that is hazardous to pedestrians or drivers.
 - d) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
 - e) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
 - f) A proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district in which the conditional use is proposed.
 - g) Underground Utilities. All utilities required to serve a development shall be located underground.
 - h) Sidewalks for Dwelling Units. Paved sidewalks shall be provided to each outdoor entryway in an R-3 development and shall connect all units to adjacent streets and to any recreation facilities that are provided as part of the development.

- i) Visual Clearance on Corner Lots. Except for lots in the C-3 District, nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to block vision between a height of 2 ½ and 10 feet above the center line grades of the intersecting streets, within the triangular area bounded by the street right-of-way lines of the corner lot and a line adjoining two points on the street right-of-way lines, each 25 feet from the point of intersection of the street right-of-way lines.



1160.07 General Requirements for Dwelling Units.

- 1) This Section applies in all zoning districts, including R-1 and R-2.
- 2) One Story Above Ground. All dwelling units shall have at least one story above ground level.
- 3) Dwelling units located within the MU District shall comply with R-2 District setbacks.
- 4) Any proposed construction or renovation of dwelling units in the R-2 District shall be designed to reflect the existing pattern of residential development in the district and shall be evaluated to ensure that the traditional design features of existing homes are maintained.
- 5) Siting Requirements. All dwelling units proposed to be located in an R-1, R-2, R-3 or MU district shall comply with the following requirements:
 - a) The structure shall be installed and property attached to a permanent foundation.
 - b) Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
 - c) The structure shall be connected to appropriate utilities.
 - d) The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.

1160.08 Maintenance Requirements.

- 1) Structures shall not be permitted to become deteriorated, decayed, remain fire damaged or otherwise un-maintained in any manner, as further specified below:
 - a) Foundations, Exterior Walls, Roofs and Appurtenances.

- i) Foundations. The foundation of every structure within the City shall be maintained free from damaged, loose, or missing, block bricks, tile, or any other deteriorated foundation material, nor shall any foundation otherwise be maintained in a condition so as to potentially damage the integrity of the structure that it supports.
 - ii) Exterior walls, structures and appurtenances. Every exterior wall, door, porch, patio, floor, step, chimney, railing, window, sill, sash, molding, lintel, frame, gutter, downspout, lattice, fence, gate, or any other exterior portion of a structure or any parts or features thereof, shall be maintained free from holes, cracks, damaged, decayed, deteriorated, warped, loose, or missing materials, and shall otherwise be maintained in good repair and in a structurally safe, sound and functioning condition. All windows, doors, roofs, walls, or other means of access to a building or structure shall be secured against uncontrolled outside access.
 - iii) Roofs. Every roof shall be maintained in good repair and in a weather-tight condition and shall otherwise be structurally sound and free from holes, cracks, damaged, decayed, deteriorated, warped, loose, or missing materials. All missing shingles or other roofing materials shall be replaced with materials of a similar kind, nature, design and color as the remaining materials. Any roof or distinguishable portion thereof determined by the Zoning Administrator to have more than five percent (5%) of its total area comprised of missing or deteriorated shingles or other roofing materials shall be replaced.
- b) Surface Coating Protection of Structures and Appurtenances Required. All exterior surfaces of every structure and appurtenances thereto in the City shall be maintained so as to resist decay or deterioration from the elements or from any other naturally occurring cause. To this end, all exterior surfaces shall be free from holes, breaks, and loose or rotting materials so as to effectively prevent such decay or deterioration. Any exterior wall segment, facing, or other distinguishable surface area determined by the Zoning Administrator to have more than five percent (5%) of its total area bare or otherwise deteriorated shall be required to be appropriately repaired and surface coated as specified above. If the surface to be coated is only a portion of a structure, then such surface coating shall be compatible in color, texture, and design with the entire structure.
- c) Repair or Removal of Deteriorated or Decayed Buildings or Structures. When the Zoning Administrator has determined that a violation of this code has occurred, the City may require the repair or removal of any buildings or other structures that have been found in violation of the code.
- i) Notification required. The City shall give notice by certified mail of its intentions with respect to repair or removal of the structure, to the owner of such property. If the owner's address is unknown and cannot be reasonably obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the City.
 - ii) Failure to repair or remove. Within 30 days of notice by the City, plans shall be submitted by the owner to the Zoning Administrator regarding the intended course of action for repair or removal of the structure. Within 90 days from notice by the

City, repair or removal as approved by the Zoning Administrator shall be completed, unless an extension is granted by the Zoning Administrator. If within the time period stated above the owner of such structure has not repaired or removed such structure, the owner may be cited and the City may provide for the repair or removal of the structure, either through an available public agency, by contract, or by arrangement with private persons, and the cost of which shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. 26-2011. Passed 6-20-11.)

Chapter 1161 Development and Dimensional Regulations

- 1161.01 Lot Regulations.
- 1161.02 Setbacks for Buildings and Structures.
- 1161.03 Additional Regulations for Buildings and Structures.
- 1161.04 Setbacks for Parking.

1161.01 Lot Regulations.

	R-1	R-2	R-3	C-1	C-2	C-3 CORE	MU	I-1	I-2
Minimum Lot Area	9,000 sf	7,000 sf	5 acres	30,000 sf	30,000 sf	none	30,000 sf	2 acres ²	2 acres
Minimum Lot Width at building line (ft)	75	60	-	100	100	20	100	200 ³	200
Minimum Lot Frontage (ft) ¹	40	40	100	100	100	20	100	200 ³	200
Maximum Lot Coverage	-	-	60%	-	-	-	-	-	-

¹ The minimum lot frontage on any street shall be equal to the minimum lot width, except for cul-de-sac lots where the smaller frontage applies.

² Except that for lots fronting on an internal street in an industrial park the minimum lot area shall be one acre.

³ Except that for lots fronting on an internal street in an industrial park the minimum lot width and frontage shall be 150 feet.

1161.02 Setbacks for Buildings and Structures.

- 1) Every permitted use of land and all buildings and structures shall be located on a lot in a manner that maintains the minimum front, side and rear yards set forth in this section for the district in which the lot is located, measured from the appropriate lot line. Each yard shall remain unobstructed by structures except as otherwise specifically permitted in this Code.
- 2) Principal Building Projections into Required Yards. No portion of the building including steps, porches, skylights, sills, belt-courses, eaves, cornices, chimneys, and ornamental features attached to the principal building shall project into a required yard.

	R-1	R-2	R-3	C-1	C-2	C-3 CORE	MU ⁷	I-1	I-2
Front Yard (ft) ^{1, 2}	30	25	40	40	40	4	10/25 ⁶	70	50
Rear Yard (ft)	25	20	-	-	-	-	-	-	-
Interior Side Yard (ft)	10	8	40	-	-	-	-	-	-
Corner Side Yard (ft) ²	10	8	-	40	40	-	10/25 ⁶	70	50
Side / Rear Adjacent to Nonresidential (ft)	-	-	20	15	15	0 ⁵	5	25	10
Side / Rear Adjacent to R-1 or R-2 (ft)	-	-	40	40	40	15	20	70	100
Easement Setback (ft) ³	15	15	-	-	-	-	-	-	-

¹ Front Yards on Built-up Blocks. In any district where more than 40% of the lots in a block are occupied by existing structures, the minimum depth of a front yard shall not be less than the average depth of the front yards of the existing structures on the adjoining lots on either side; or where there is an existing structure on adjoining lots on only one side, the minimum setback shall be the same as the existing structure.

² See Illustrations of Corner Lots below for applicability of setbacks on corners

³ Where a maintenance easement is required along a side lot line, the minimum side yard setback shall be increased to 15 feet on that side.

⁴ Maximum Front Yard In C-3 District Core Area. In the core area of the C-3 District, new construction shall comply with the maximum front yard requirements specified below:

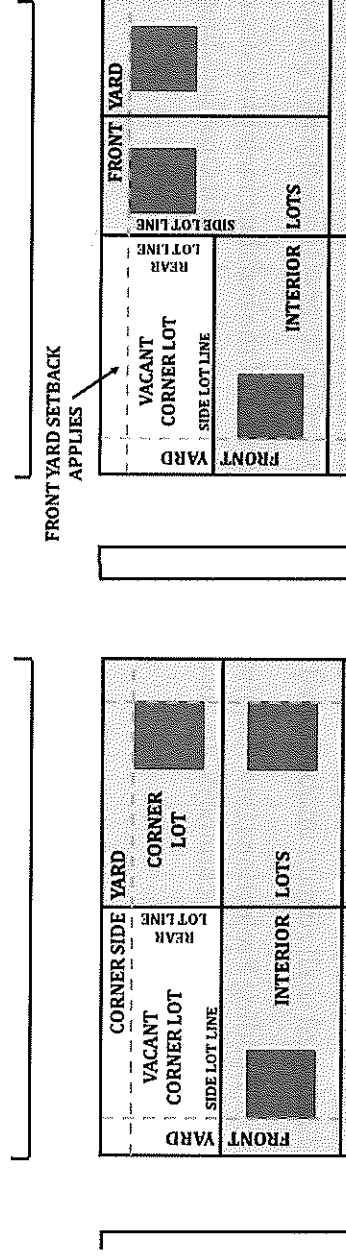
- a) A front yard not exceeding a depth of five (5) feet shall be required when there is not an existing building along the block front within 100 feet.
- b) When the lot is within 100 feet of an existing building on both sides, the depth of the front yard shall not be greater than the average depth of the adjacent front yards.
- c) When the lot is within 100 feet of an existing building on only one side, the maximum depth of the front yard for the lot in question shall be determined by adding five feet plus the depth of the adjacent front yard of the existing building, and dividing by two.

⁵ However, when two adjacent buildings do not share a common wall, they shall maintain a minimum separation of 20 feet.

⁶ When a property abuts a state route, the greater setback shall apply.

⁷ Residential uses in the MU district shall comply with R-2 district setbacks.

3) ILLUSTRATIONS OF CORNER LOTS



1161.03 Additional Regulations for Buildings and Structures.

	R-1	R-2	R-3	C-1	C-2	C-3 CORE	C-3	MU	I-1	I-2
Minimum Floor Area per Single Family Dwelling Unit (sf)	1,000	1,000	1,000	-	-	-	-	-	-	-
Minimum Ground Floor Area per Single Family Dwelling (sf)	750	750	750	-	-	-	-	-	-	-
Minimum Floor Area per Multifamily Dwelling Unit (sf)	-	-	650 ¹	-	-	-	-	-	-	-
Minimum Exterior Length & Width of Dwelling Unit (ft) ²	22	22	22	-	-	-	-	-	-	-
Maximum Height, Principal (ft) ³	35	35	35	35	50	50	35	35	35	80
Maximum Height, Accessory (ft) ³	18	18	18	18	18	18	18	18	18	18
Number Permitted Accessory Structures	1	1	-	-	-	-	-	-	-	-
Maximum Density ⁴ (units per gross acre)	-	-	15	-	-	-	-	-	-	-

¹ Plus 200 square feet for every bedroom over one.

² Excludes porch, garage, or other attachments and additions.

³ Height is measured from the average ground level.

⁴ Gross acreage does not include public right-of-way existing at the time the development plan is submitted

1161.04 Setbacks for Parking.

- 1) Parking setbacks are measured from the street right-of-way or property line, unless otherwise noted.
- 2) Front Adjacent shall consider the property on the opposite side of the public right-of-way.

	R-1	R-2	R-3	C-1	C-2	C-3 CORE	C-3	MU	I-1	I-2
Front Adjacent to R-1 or R-2 (ft)	-	-	¹	20	20	5 ²	20 ²	20	70	50
Front Adjacent to R-3 or Nonresidential District (ft)	-	-	30	20	20	5 ²	20 ²	20	20	20
Side / Rear Adjacent to R-1 or R-2 (ft)	-	-	20	5	5	10	10	30	30	30
Side / Rear Adjacent to R-3 or Nonresidential District (ft)	-	-	10	15	20	0	5 ³	5	10	10

¹ Parking areas shall be located no closer to the existing public right-of-way than the principal building.

² Or no closer than the building line, whichever is less.

³ Elimination of the side and rear yard parking setbacks may be approved when joint agreement signed and the on-site circulation and parking between the two or more lots are properly designed and landscaped as set forth in Chapters 1171 and 1172.

Chapter 1162 Use Regulations

1162.01 Use Table.

1162.01 Use Table.

1) Table Interpretation: P = Uses Permitted by Right, C = Conditional Use, - = Use Not Listed / Prohibited.

- Uses Permitted by Right. A use listed shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other City Ordinances and this Zoning Code have been met.
- Conditional Use. A use listed shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1163 have been met, according to the procedures set forth in Chapter 1182.
- Use Not Listed. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1114 or upon a finding that a use is substantially similar as provided in Chapter 1182.

2) Section references are provided for uses with supplemental regulations in other sections of this Code.

	RESIDENTIAL										SECTION
	R-1	R-2	R-3	C-1	C-2	C-3	MU	I-1	I-2		
Single Family Detached Dwelling	P	P	-	-	-	-	P	-	-		
Single Family Attached Dwelling	-	-	P	-	-	-	-	-	-		
Two Family dwelling	-	P ¹	P	-	-	-	P	-	-		
Multiple Family Dwelling	-	-	P	-	-	-	-	-	-		
Dwelling Unit above 1st floor	-	-	-	-	-	P	-	-	-		
Planned Unit Residential Development (PURD)	P	-	-	-	-	-	-	-	-		
Bed & Breakfast	-	C	-	-	-	C	-	-	-		1170.06
Family Home for Handicapped Persons	C	C	C	-	-	-	-	-	-		1170.16
Group Home for Handicapped Persons	-	C	C	-	-	-	-	-	-		1170.18
Congregate Care Facility	-	-	C	C	C	C	-	-	-		1170.12
Home Occupation	P	P	-	-	-	-	-	-	-		1170.19

¹ Two Family Dwellings in the R-2 district must be attached. Only one principal structure is permitted in R-2.

	R-1	R-2	R-3	C-1	C-2	C-3	MU	I-1	I-2	SECTION
OPEN SPACE, RECREATION										
Agriculture	C	-	-	-	-	-	-	-	-	1170.02
Golf Course, except miniature golf	C	C	C	-	-	-	-	-	-	1170.11
Public Recreational Areas	P	C	C	P	P	P	-	-	-	1170.11
Wireless Telecommunications Facility	C	C	C	C	P ¹	C	P ¹	P ¹	P ¹	1170.41

¹ Permitted by right only when located a distance at least 2 times the height of the tower from a residential district.

COMMUNITY FACILITIES										
Assembly Hall, Membership Club	-	-	-	C	P	C	P	-	-	1170.05
Cemetery	C	-	-	-	-	-	-	-	-	1170.08
Church or other place of worship	P	P	P	C	P	C	P	-	-	1170.09
Day Care Facility, child or adult	C	C	C	C	P	C	P	-	-	1170.14
Hospital	-	-	C	-	C	-	C	-	-	1170.20
Library or Museum	C	C	C	C	P	C	P	-	-	1170.09
Parking Lot	-	-	-	P	P	P	P	-	-	
Public Safety Facility	C	C	C	C	P	C	P	P	P	1170.29
Public Service/Maintenance Facility	-	-	-	-	-	-	C	-	P	1170.30
Public Utility Structure	C	C	C	C	C	C	P	P	P	1170.32
School Facility, public or private	P	P	P	C	P	C	P	-	-	1170.09

OFFICE AND PROFESSIONAL SERVICES										
Administrative, Business, or Professional Office	-	-	-	P	P	P	P	P	P	
Automated Teller Machine	-	-	-	P	P	P	P	-	-	
Bank or Other Financial Institution	-	-	-	P	P	P	P	-	-	
Research & Testing Laboratory	-	-	-	-	-	-	P	P	P	
Urgent Care, Medical Clinic	-	-	-	-	P	-	P	-	-	

	R-1	R-2	R-3	C-1	C-2	C-3	MU	I-1	I-2	SECTION
TRADE AND BUSINESS SERVICES										
Business Services, including Equipment Repair & Supply	-	-	-	-	P	-	P	P	P	
Cleaning & Laundry Plant	-	-	-	-	P	-	P	P	P	
Commercial, Business, or Trade School	-	-	-	-	P	-	P	P	-	
Mobile Home/Manufactured Home Sales	-	-	-	-	-	-	C	-	P	1170.13
Printing Shop	-	-	-	-	P	-	P	P	P	
Sales, Service, Repair, or Storage of Large Equipment	-	-	-	-	-	-	C	-	P	1170.13
Wholesale Business	-	-	-	-	-	-	P	P	P	

RETAIL, PERSONAL SERVICE, RECREATION										
Animal Hospital	-	-	-	C	P	-	P	-	-	1170.04
Commercial Recreation Indoor	-	-	-	-	P	C	P	-	-	1170.10
Commercial Recreation Outdoor	-	-	-	-	C	-	C	-	-	1170.11
Dance Hall	-	-	-	-	C	C	C	-	-	1170.10
Drive-thru	-	-	-	P	P	P	P	-	-	
Funeral Home	-	-	-	-	P	-	P	-	-	
Hotel or Motel	-	-	-	-	P	-	P	-	-	
Movie Theater Indoor	-	-	-	-	P	C	P	-	-	1170.10
Outdoor Dining	-	-	-	P	P	P	P	-	-	1170.25
Outdoor Display	-	-	-	C	C	C	-	-	-	1170.26
Outdoor Storage	-	-	-	-	C	-	-	-	-	1170.27
Personal Service in Enclosed Building	-	-	-	P	P	P	P	-	-	
Restaurant	-	-	-	P	P	P	P	-	-	
Retail Business in Enclosed Building	-	-	-	P	P	P	P	-	-	
RV Park	-	-	-	-	C	-	-	-	-	1170.33
Sexually Oriented Business	-	-	-	-	-	-	-	-	P	1170.34
Studio for Instruction	-	-	-	-	P	P	-	-	-	1170.36

	STORAGE AND DISTRIBUTION									
	R-1	R-2	R-3	C-1	C-2	C-3	MU	I-1	I-2	SECTION
Bulk Fuel Storage	-	-	-	-	-	-	-	-	C	1170.07
Construction Trade Contractor's Facility	-	-	-	-	-	-	C	P	P	1170.13
Junkyard	-	-	-	-	-	-	-	-	C	1170.21
Mini/Self Storage	-	-	-	-	-	-	P	C	C	1170.24
Outdoor Operations, Storage & Supply	-	-	-	-	-	-	C	C	P	1170.27
Overnight Storage of Fleet Vehicles	-	-	-	-	-	-	P	P	P	1170.28
Warehouse, Distribution Facility	-	-	-	-	-	-	P	P	P	

AUTOMOTIVE / TRANSPORTATION								
Airport	-	-	-	-	-	-	-	1170.03
Car Wash	-	-	-	-	P	-	-	
Farm Implement & RV Sales	-	-	-	-	C	-	-	1170.13
Gasoline Station	-	-	-	C	P	C	-	1170.17
Public Transportation Terminal	-	-	-	-	C	-	-	1170.31
Truck & Railroad Terminal	-	-	-	-	-	-	-	
Vehicle Repair Garage	-	-	-	-	C	-	-	1170.38
Vehicle Sales or Rental	-	-	-	-	C	-	-	1170.39
Vehicle Service Station	-	-	-	-	P	-	-	

MANUFACTURING, PROCESSING, AND ASSEMBLY								
Carpentry, Cabinet, Machine Shop	-	-	-	-	-	P	P	1170.23
Concrete Mixing	-	-	-	-	-	-	-	
Fabrication & Assembly Operations	-	-	-	-	-	P	P	
Food & Drink Processing	-	-	-	-	-	P	P	
Grain Elevator	-	-	-	-	-	-	-	
Heavy Manufacturing	-	-	-	-	-	-	-	
Light Manufacturing	-	-	-	-	-	P	P	1170.22
Manufacturing & Processing of Explosive Material	-	-	-	-	-	-	-	1170.22
Manufacturing using Raw Materials	-	-	-	-	-	-	-	1170.23
Mineral Excavation, Quarry Operations	-	-	-	-	-	-	-	1170.22
Slaughterhouse	-	-	-	-	-	-	-	

Chapter 1163 Conditional Use Regulations

1163.01 Purpose.

1163.02 General Criteria for all Conditional Uses.

1163.03 Development Standards for Conditional Uses.

1163.01 Purpose.

- 1) Conditional uses need to be adequately monitored in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance, making it possible that, without the Planning Commission's review, a particular use could be inappropriate in certain locations within the district.
- 2) Ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation.

1163.02 General Criteria for all Conditional Uses.

- 1) Conditional uses shall be subject to additional criteria identified in Section 1170.
- 2) A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Section 1163.03 and Chapter 1161.
- 3) The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:
 - a) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
 - b) The establishment, maintenance or operation of the conditional use will not endanger the public health, safety or general welfare.
 - c) The conditional use will not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right, nor substantially diminish or impair property values within the neighborhood.

- d) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - e) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.
- 4) Nothing in these regulations shall prohibit the Planning Commission from prescribing reasonable supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in this Section. Conditions may include limitations on noise beyond the property lines, hours of operation, paving to limit the creation of dust, additional fences, walls or shrubs, etc.

1163.03 Development Standards for Conditional Uses.

- 1) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Planning and Zoning Code, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.
- 2) The following regulations shall modify the minimum lot, yard, and parking location requirements for the listed conditional use permit:

Conditional Use	District Type ^a	Min Lot Regulations		Min. Building Setbacks		Min. Parking Setbacks	
		Area	Width	Front	Side/Rear	Front	Side/Rear
Agriculture	R	1 acre	(1)	(1)	(1)	(2)	(3)
Airport	I	5 acres	250 ft	-	-	-	-
Auto Sales and Rental	C & I	1 acre	150 ft	-	-	-	-
Bed and Breakfast	R	(1)	(1)	(1)	(1)	(2)	(3)
Cemetery	R	10 ac.	400 ft	(1)	40 ft	NP	20 ft
Church / Worship Place	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Commercial Recreation, Outdoor	C	2 acres	200 ft	-	-	-	-
Concrete Mixing	I	5 acres	250 ft	-	-	-	-
Congregate Care Facility	R	5 acres	400 ft	50 ft	(1)	NP	20 ft
Congregate Care Facility	C	2 acres	200 ft	-	-	-	-
Construction Trade Contractor's Facility	I	1 acre	150 ft	-	-	-	-
Day Care, Child or Adult	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Drive Thru Associated with Permitted Use	C	1 acre	150 ft	-	-	-	-

Conditional Use	District Type ^a	Min Lot Regulations		Min. Building Setbacks		Min. Parking Setbacks	
		Area	Width	Front	Side/Rear	Front	Side/Rear
Family Home for Handicapped Persons	R	(1)	(1)	(1)	(1)	(2)	(3)
Farm Implementation / RV Sales	C	2 acres	200 ft	-	-	-	-
Gasoline Station	C	1 acre	150 ft	-	-	-	-
Golf Course, except miniature golf	R	25 ac.	400 ft	50 ft	40 ft	NP	20 ft
Group Home for Handicapped Persons	R	15,000 sf	100 ft	(1)	(1)	NP	15 ft
Hospital	R	5 acres	400 ft	50 ft	(1)	NP	20 ft
Hospital	C & I	2 acres	200 ft	-	-	-	-
Junkyard	I	20 ac.	250 ft	-	-	-	-
Library or Museum	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Manufacturing Using Raw Materials and/or Processing Explosive Materials	I	5 acres	250 ft	-	-	-	-
Mineral Excavation / Quarry	I	20 ac.	250 ft	-	-	-	-
Mini / Self Storage	I	2 acres	200 ft	-	-	-	-
Mobile/Manufactured Home Sales	I	2 acres	200 ft	-	-	-	-
Outdoor Operations including Outdoor Storage	I	1 acre	150 ft	-	-	-	-
Outdoor Storage of Goods and Merchandise	C	1 acre	150 ft	-	-	-	-
Public Recreational Areas	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Public Safety Facility	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Public Transportation Terminal	C & I	2 acres	200 ft	-	-	-	-
Public Utility Structure	R & C	None	None	(1)	40 ft	NP	15 ft
Recreational Vehicle Park	C	5 acres	200 ft	-	-	-	-
Sales, Service, Repair, and/or Storage of Farm Implement, Construction Equipment, RVs, or Other Large Equipment	I	2 acres	200 ft	-	-	-	-
School Facility	R	1 acre	150 ft	(1)	40 ft	NP	15 ft
Slaughterhouse	I	5 acres	250 ft	-	-	-	-
Vehicle Repair Garage	C & I	1 acre	150 ft	-	-	-	-

^a R District Types shall include R-1, R-2, R-3. C District Types shall include C-1, C-2, C-3. I District Types shall include MU, I-1, I-2.

- (1) Shall comply with the regulations for the district in which the use is located.
- (2) Parking spaces for more than two (2) vehicles shall be located in the rear yard.
- (3) Shall comply with the side yard setback requirements for principal buildings.

NP = Not Permitted

- = Not Applicable

Chapter 1164 Accessory Structures and Accessory Use Regulations.

- 1164.01 General Criteria for all Accessory Structures and Uses.
- 1164.02 Residential Garage Requirements.
- 1164.03 Maximum Area and Rear Yard Coverage of Accessory Buildings.
- 1164.04 Swimming Pools.
- 1164.05 Ponds.
- 1164.06 Outdoor Display.

1164.01 General Criteria for all Accessory Structures and Uses.

- 1) Zoning Permit Required. The construction and installation of all accessory buildings and uses shall require a zoning permit, in compliance with the application requirements set forth in Section 1180.03.
- 2) An accessory use which is clearly incidental and subordinate to a use listed in Chapter 1162 shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section.
- 3) The following shall be considered accessory uses in residential zoning districts:
 - a) Accessory Storage Buildings, including Garages
 - b) Family Day Care
 - c) Home Occupations
 - d) Private Swimming Pools
 - e) Recreation and Community Facilities, intended for use by residents of a development in the R-3 district
- 4) No accessory building, structure or use shall be established on a lot unless a principal building or use has first been established on the lot in conformance with all applicable provisions of this Zoning Code.
- 5) No accessory structure shall be located within an easement.
- 6) Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard. The parking setbacks set forth for the underlying commercial or industrial zoning district shall apply. All other buildings shall be considered principal buildings and shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the lot is located.
- 7) Landscaping and Incidental Structures Permitted. Hedges, shrubs, trees, flowers, plants, walks, latticework screens, mail boxes, lamp posts, bird baths, benches and similar

landscaping features and incidental structures shall be permitted in a required yard provided such landscaping features and incidental structures comply with the visual clearance requirements for corner lots set forth in Section 1160.05.

- 8) If any accessory structure is located within an easement, the owner of such accessory structure shall be responsible for any costs associated with the removal and/or replacement of the structure should access to the easement be required.
- 9) Location Requirements for Accessory Uses. An accessory building or use permitted in a residential district shall be located in accordance with the following restrictions:

Use	Yard Permitted	Minimum Setback from Lot Line		
		Front	Side	Rear
Attached Accessory Structures	None	(1)	(1)	(1)
Detached Accessory Structures, including garages	Side, Rear	NA	(2)	(2)
Driveways	Front, Side, Corner Side, Rear	NA	3 ft	3 ft
Fences, Walls	Front, Side, Corner Side, Rear	0	0	0
Patios and decks	Front, Corner Side, Side, Rear	(1)	(2)	8 ft
Private Swimming Pools	Side, Rear	NA	(2)	(2)
(1) Shall comply with the setback requirements for principal buildings. (2) Shall comply with the minimum side yard setback requirement for principal buildings. NA – Not Applicable				

1164.02 Residential Garage Requirements.

- 1) Residential Garage Standards. Each dwelling unit shall be permitted to have only one garage, attached or detached, which shall comply with the following:
 - a) The area of such garage for a single-family dwelling shall not exceed the ground floor area of the dwelling.
 - b) Each garage shall have a pedestrian exit other than through the garage door for the vehicles.

1164.03 Maximum Area and Rear Yard Coverage of Accessory Buildings.

- 1) Maximum Area and Rear Yard Coverage of Accessory Buildings. The total area of all accessory buildings located in the rear yard shall not occupy more than 30% of the rear yard.

1164.04 Swimming Pools.

- 1) Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the locational and coverage requirements of accessory structures set forth in this Section and the supplemental regulations set forth below.

- a) All swimming pools, together with adjacent walkways, shall be completely enclosed by a wall or fence having a minimum height of 4 feet from ground level and shall be approved by the Zoning Administrator.
- b) For aboveground pools, the height of the pool, from the surrounding grade to the top of the pool wall, may be used as credit to meet the minimum fence height requirement.
- c) All fences and other pool enclosures shall be equipped with suitable locking devices to prevent unauthorized access. The enclosure shall be kept locked at all times the pool is not in use.
- d) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- e) The construction and operation of a pool shall meet all other applicable City regulations.

1164.05 Ponds.

- 1) All regulations in Section 1164.04 shall also apply to any pond, with an area of less than 20,000 square feet, that is located on a residential lot

1164.06 Outdoor Display.

- 1) Outdoor Display: Outdoor display, when permitted as an accessory use according to Chapter 1162 shall comply with the following:
 - a) Outdoor display of retail items, when permitted, shall be considered an accessory use and shall not exceed an area equal to 25% of the ground floor area of the principal building.
 - b) Outdoor display areas shall comply with the yard regulations set forth in Section 1161.02 and be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.
 - c) Outdoor display areas shall be depicted on the development plan and shall not occupy or interfere with traffic circulation, required parking areas, sidewalks or pedestrian access.

Chapter 1170 Supplemental Regulations for Certain Uses

- 1170.01 Applicability.
- 1170.02 Agriculture.
- 1170.03 Airport.
- 1170.04 Animal Hospital.
- 1170.05 Assembly Hall, Membership Club.
- 1170.06 Bed and Breakfast Establishment in a Residential District.
- 1170.07 Bulk Fuel Storage.
- 1170.08 Cemetery.
- 1170.09 Church/Place of Worship, Library, Museum, and Schools, Public or Private.
- 1170.10 Commercial Recreation, Indoor; Dance Floor/Entertainment in Association with a Permitted Use; Movie Theater, Indoor.
- 1170.11 Commercial Recreation, Outdoor; Public Park, Playground; Public Swimming Pool; Golf Course, Except Miniature Golf.
- 1170.12 Congregate Care Facility.
- 1170.13 Construction trade contractor's facility; Farm implement and recreation vehicle sales; Sale, service, repair and/or storage of farm equipment, recreation vehicles, construction equipment, and other similar large equipment; Mobile home and/or manufactured home sales.
- 1170.14 Day Care Facility, Child or Adult.
- 1170.15 Family Day Care Home, Type "B".
- 1170.16 Family Home for Handicapped Persons.
- 1170.17 Gasoline Station.
- 1170.18 Group Home for Handicapped Persons.
- 1170.19 Home Occupations.
- 1170.20 Hospital.
- 1170.21 Junkyard.
- 1170.22 Manufacturing and processing explosive materials; Manufacture of products from raw materials; Slaughterhouse.
- 1170.23 Mineral excavation, quarry operations; Concrete mixing.

- 1170.24 Mini/Self-Storage Facility.
- 1170.25 Outdoor Dining Area.
- 1170.26 Outdoor Display.
- 1170.27 Outdoor Operations, Outdoor Supply Yard and Outdoor Storage.
- 1170.28 Overnight Storage of Fleet Vehicles Used in Operation of Principal Use.
- 1170.29 Public Safety Facility.
- 1170.30 Public Service/Maintenance Facility.
- 1170.31 Public Transportation Terminal.
- 1170.32 Public Utility Structures.
- 1170.33 Recreational Vehicle Park.
- 1170.34 Sexually Oriented Businesses.
- 1170.35 Solid Fuel Fired Outdoor Heating Devices.
- 1170.36 Studios for Instruction.
- 1170.37 Temporary Uses.
- 1170.38 Vehicle Repair Garage.
- 1170.39 Vehicle Sales and Rental.
- 1170.40 Wireless Telecommunication Facilities Regulations.

1170.01 Applicability.

- 1) This chapter contains specific conditions, standards and regulations for certain uses and are in addition to the criteria and standards set forth in other chapters of this Code.

1170.02 Agriculture.

- 1) The regulations established for an agricultural use are not intended to restrict or regulate recreational gardening accessory to a residential use.
- 2) Any accessory structures used in association with the agricultural use shall be a minimum of 20 feet from a side lot line.
- 3) This regulation does not apply to commodity crops, which are allowed in any zone. Commodity crops only include corn, soybeans, wheat, hay, oats, and alfalfa.

1170.03 Airport.

- 1) Purpose. These airport regulations have been established to achieve, among others, the following purposes:
 - a) To protect the public health, safety and welfare and to reduce the potential for airport hazards by regulating development and land use on Williams County Airport property and in surrounding areas which are within the Federal Aviation Administration (FAA) runway protection zone.
 - b) To protect the airport from incompatible development and to assure that the future uses of land surrounding the airport are compatible with normal airport operations, including the landing and takeoff of aircraft.
 - c) To establish use, development and performance standards to ensure the optimal and safe operation of the Williams County Airport and to allow airport-related development which is logical, necessary and beneficial to the operation of the airport facility.
 - d) To protect public investment in the airport.
- 2) Compliance. Prior to receiving a conditional use permit for an airport or airport-related use in an I-2 District, the applicant shall:
 - a) Comply with previously existing aviation easements or convey to the City of Bryan an aviation easement permitting the right of flight in the airspace above the subject property.
 - b) Comply with all current applicable Ohio Department of Transportation (ODOT – Office of Aviation) regulations and Federal Aviation Administration (FAA) regulations, as set forth in the Ohio Administrative Code, Section 5501:1-10.
 - c) Submit a copy of the conditional use permit application, including the development plan, along with verification that the application has complied with subsection (2) B above, to appropriate Williams County Airport representatives. The representatives shall review said documents for compliance with current applicable FAA and ODOT regulations and provide a written recommendation indicating whether the proposed development impedes airport operations in any way to the Planning Commission within ten (10) days of receipt.

1170.04 Animal Hospital.

- 1) There shall be no outside runs or kennels associated with the veterinary office.
- 2) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.
- 3) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

1170.05 Assembly Hall, Membership Club.

- 1) All activities, programs and other events shall be directly related to the conditional use so granted.
- 2) The proposed use shall not generate excessive noise beyond the premises.
- 3) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.

1170.06 Bed and Breakfast Establishment in a Residential District.

- 1) Such use shall occupy an existing structure that was previously or is currently occupied for residential purposes.
- 2) A maximum of three (3) guestrooms shall be permitted and shall be located within the dwelling.
- 3) Guests shall be permitted to reside at the home for not longer than two continuous weeks.
- 4) Meals shall be provided only to guests taking lodging in the facility.
- 5) The building shall not contain a commercial kitchen and guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
- 6) Deliveries of food and other items shall be made during daytime hours.

1170.07 Bulk Fuel Storage.

- 1) With the review and approval of the Zoning Administrator and Fire Chief, the storage of above ground gasoline, oil or alcohol shall comply with state and national fire code regulations.

1170.08 Cemetery.

- 1) Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the development plans considered by the Planning Commission.
- 2) Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
- 3) No gravesite shall be located within 50 feet of a public street right-of-way or residential property line.
- 4) No mausoleum or crematory shall be located within 100 feet of a public street right-of-way or residential property line.

1170.09 Church/Place of Worship, Library, Museum, and Schools, Public or Private.

- 1) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
- 2) In any district, the Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
- 3) All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
- 4) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- 5) Associated uses such as a convent, faculty residence, cafeteria, fieldhouse, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in Chapter 1163.

1170.10 Commercial Recreation, Indoor; Dance Floor/Entertainment in Association with a Permitted Use; Movie Theater, Indoor.

- 1) The proposed use shall not generate excessive noise beyond the premises.
- 2) Buildings in which dance floor/entertainment is provided shall be located a minimum of 100 feet from a residential district.
- 3) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

1170.11 Commercial Recreation, Outdoor; Public Park, Playground; Public Swimming Pool; Golf Course, Except Miniature Golf.

- 1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of four (4) feet.
- 2) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
- 3) Rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the use of firearms shall not be permitted.

- 4) Delivery trucks shall not be used as refreshment stands, souvenir stands and/or concession stands.
- 5) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- 6) An adequate number of public restrooms shall be provided and maintained.
- 7) Access Drives shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- 8) In a residential district, only incidental retail uses such as a snack bar, shall be permitted as an accessory use to a public recreational facility or golf course. Such facility shall be provided for the convenience of customers attending the public recreation facility or golf course and no sign advertising the retail use shall be permitted.
- 9) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- 10) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.

1170.12 Congregate Care Facility.

- 1) A congregate care facility may include one or more of the following types of residential facilities:
 - a) Independent living with congregate dining facilities;
 - b) Congregate living;
 - c) Assisted living; or
 - d) Nursing care.
- 2) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
- 3) The number of beds for assisted living and nursing facilities shall not exceed one (1) bed for every 1500 square feet of lot area devoted to the facility and its related parking.

1170.13 Construction trade contractor's facility; Farm implement and recreation vehicle sales; Sale, service, repair and/or storage of farm equipment, recreation vehicles, construction equipment, and other similar large equipment; Mobile home and/or manufactured home sales.

- 1) Parking areas, storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of vehicular and pedestrian traffic on and adjacent to the site.
- 2) In a C-2 District, only repair of vehicles and equipment which is customarily associated with the conditionally permitted sales shall be permitted. Such repair activities shall be conducted inside a suitable building.
- 3) No junk, inoperative or unlicensed vehicle shall be permitted to remain outside on the property for more than 48 hours.
- 4) Outdoor storage areas for vehicles, equipment, etc. shall comply with the district regulations and Section 1170.27 below.

1170.14 Day Care Facility, Child or Adult.

- 1) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
- 2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.
- 3) In an R-1 District, such use shall only be permitted in a church, other place of worship or a school facility.
- 4) The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.
- 5) A day care center for children shall comply with the following:
 - a) An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.
 - b) Play structures and other similar apparatus shall not be located closer than forty (40) feet to any residential property.

1170.15 Family Day Care Home, Type "B".

- 1) This Zoning Code recognizes that the availability of safe and affordable, good-quality child day care is important to the wellbeing of parents and children. Furthermore, it is the purpose of this Section to regulate the operation of child day care in a manner that preserves

the residential character of neighborhoods. According to ORC 5104.054, any type "B" family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type "B" family day-care home is a permanent residence of the provider where childcare is provided for 1 to 6 children and where no more than three children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type "B" family day-care home are a permitted accessory use in residential districts, and do not require a zoning certificate.

1170.16 Family Home for Handicapped Persons.

- 1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - a) The resident intends to live at the dwelling on a continuing basis; and
 - b) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- 2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted.
- 3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
- 4) In order to maintain the residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises.
- 5) Signs or other means of identification as a family home for handicapped persons shall not be permitted.
- 6) The applicant shall comply with the applicable parking regulations of the Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
- 7) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped

persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 1,000 feet, measured from property line to property line, from where another family home or group home for handicapped persons is located.

- 8) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate.
- 9) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

1170.17 Gasoline Station.

- 1) In the C-3 District, gasoline stations shall be prohibited in the "core area". See the Bryan Zoning Map for boundaries of the core area.
- 2) When located on a corner lot, gasoline stations shall have not less than 150 feet frontage on each of the two intersecting streets.
- 3) The location of access drives shall be placed as far as possible from the intersection and shall be limited to no more than one access drive per street frontage.
- 4) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Section 1172.04.
- 5) The only services permitted to be performed on a vehicle shall be the dispensing of air and vehicle fluids such as fuel, oil and windshield wiper fluid.
- 6) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

1170.18 Group Home for Handicapped Persons.

- 1) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted.
- 2) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
- 3) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate.

- 4) The applicant shall comply with the applicable parking regulations of this Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
- 5) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 1,000 feet from where a family home or group home for handicapped persons is located.
- 6) The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

1170.19 Home Occupations.

- 1) The purpose of this section is to set forth regulations, which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and shall not in any way adversely affect the uses permitted in the residential district of which they are a part. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.
 - a) A home occupation shall only be operated by a member of the family residing in the dwelling unit.
 - b) A home occupation, including the storage of equipment, supplies or any apparatus shall be carried on wholly within the principal building and no use of a detached garage, accessory building or outdoor area shall be permitted. This shall include exterior displays or any exterior indication of the home occupation or variation from the residential character of the principal structure.
 - c) A home occupation shall occupy no more than 25% of the floor area of the dwelling and shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.
 - d) No freestanding sign advertising the home occupation shall be permitted. All other signs shall comply with the regulations set forth in Chapter 1173.
 - e) The number of vehicles attracted to the premise shall not be greater than that which is normally associated with the residential use including normal fluctuations in the level of residential activities. Client and customer traffic shall be limited to the hours between 8:00 a.m. and 10:00 p.m. and shall not include semi-truck traffic.
 - f) A home occupation may be permitted to have a maximum of 2 non-resident employees.

1170.20 Hospital.

- 1) Such use shall be located on an arterial or collector street.
- 2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.

1170.21 Junkyard.

- 1) All sites, procedures, and processes shall be subject to the approval of the appropriate state agencies; no conditional use permit shall be issued until all necessary state approvals are obtained.
- 2) The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
- 3) The outdoor storage of junk shall be entirely enclosed within a solid wall or fence that includes solid gates and has a minimum height of 10 feet. Items shall not be piled or stored higher than the top of the fence or wall.
- 4) Suitable measures shall be taken to control dust. There shall be no burning of refuse, garbage or other waste materials.
- 5) All aspects of a junkyard shall be located no closer than 300 feet to any R-District and 150 feet to all other lot lines.
- 6) A buffer yard, with a minimum width of 50 feet and located within the 150-foot setback, shall be planted according to the following specifications:
 - a) The 50-foot wide planting strips shall be located within the 150-foot buffer yard so as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
 - b) Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.

1170.22 Manufacturing and processing explosive materials; Manufacture of products from raw materials; Slaughterhouse.

- 1) The use and any associated outdoor storage shall not be permitted on any parcel adjacent to or within 300 feet of a residential district or use.
- 2) All buildings and outdoor storage areas shall be located a minimum of 100 feet from a lot line.
- 3) The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
- 4) The outdoor storage areas shall be entirely enclosed within a solid wall or fence that includes solid gates and has a minimum height of 10 feet. Items shall not be piled or stored higher than the top of the fence or wall.

- 5) Additional fences, walls or shrubs may be required by the Planning Commission, if necessary, to adequately screen the materials from adjoining districts or public streets.

1170.23 Mineral excavation, quarry operations; Concrete mixing.

- 1) A distance of no less than 200 feet shall be maintained at all times from the nearest edge of the excavation area or quarry to any residence existing at the start of operations. All other aspects of operations related to mineral excavation, quarry operations, or concrete mixing shall maintain a minimum setback of 150 feet from residential districts.
- 2) Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 3) Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of vehicle and pedestrian traffic on, and adjacent to, the site and shall be built or treated to prevent the creation of dust and drainage problems.
- 4) Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding dwellings.
- 5) Existing natural or manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
- 6) Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 7) All facilities, structures, and activities shall meet all county and/or state of Ohio health, building, electrical, and other applicable codes. In cases of overlapping codes and/or jurisdictions, the more restrictive shall apply.
- 8) Any area being excavated shall be enclosed by a fence having a minimum height of 7 feet for the entire periphery of the excavated area. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope. No sand or gravel shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business.

1170.24 Mini/Self-Storage Facility.

- 1) The leases for all self-storage units shall include clauses prohibiting the following:
 - a) The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
 - b) The use of property for uses other than dead storage.
- 2) The Bryan Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.

- 3) The maximum size of individual storage compartments shall be 500 square feet.

1170.25 Outdoor Dining Area.

- 1) Outdoor dining areas shall comply with the following additional regulations:
 - a) The outdoor seating area shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.
 - b) The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.
 - c) The outdoor seating area shall not interfere with the public right-of-way.
 - d) Areas devoted to outdoor dining shall be located in a side or rear yard and shall comply with all building setbacks and yard regulations for the district in which they are located, except as otherwise stated. Notwithstanding, outdoor dining areas in the C-3 district may be permitted to be located in front of the front building setback line, but must allow a minimum of four feet unobstructed space.
 - e) All outdoor dining areas shall be contiguous to the principal building.
 - f) No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Chapter 1173.
 - g) Proof of current liability insurance must be presented.

1170.26 Outdoor Display.

- 1) Outdoor display and sale of merchandise shall be limited to products which are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display and sale of merchandise conducted by any person operating or conducting a business, which is different or distinct from the principal business conducted at that location except for temporary displays pursuant to Section 1170.37.
- 2) Areas devoted to outdoor display shall be located in a side or rear yard and shall comply with all building setbacks and yard regulations for the district in which they are located, except as otherwise specifically stated.
- 3) All outdoor display shall be contiguous to the principal building.
- 4) No outdoor display area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.
- 5) No outdoor display shall be permitted between the front wall of the principal building and the adjacent street except for temporary displays pursuant to Section 1170.38.
- 6) No signs shall be permitted in conjunction with outdoor display except those otherwise in compliance with the sign regulations in Chapter 1173.

- 7) Outdoor display areas shall comply with the following additional regulations:
- a) The area of the lot devoted to outdoor display shall not exceed twenty-five percent (25%) of the ground floor area of the principal building. This limitation shall not apply to automotive sales and rental establishments.
 - b) Areas devoted to outdoor display shall be paved with asphalt or concrete or maintained free of dust.
 - c) The outdoor display area shall not interfere with the public right-of-way. Notwithstanding, outdoor display areas in the C-3 district may be permitted in front of the front building setback line, but must allow a minimum of four (4) feet of unobstructed space.

1170.27 Outdoor Operations, Outdoor Supply Yard and Outdoor Storage.

- 1) Outdoor storage of materials shall include the storage of goods, materials or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- 2) Location.
 - a) Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setbacks set forth in the district regulations for the district in which the lot is located.
 - b) All outdoor storage areas must be contiguous to the principal building.
 - c) No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.
- 3) Area. The area of the lot devoted to outdoor storage shall not exceed 25 percent (25%) of the ground floor area of the principal building.
- 4) Surfacing. Areas devoted to outdoor storage shall be paved with asphalt or concrete or free of dust.
- 5) Signs. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Chapter 1173.
- 6) Screening.
 - a) All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six (6) feet.

- b) All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public streets according to the screening requirements set forth in Section 1171.04. The Planning Commission may increase the minimum height of required screening when it is determined that additional height is needed to effectively conceal all materials from view of any observer standing at grade level of an abutting residential district line or public street.
- 7) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- 8) The bulk storage of sand, gravel, salt and other similar materials shall be permitted only when such material is effectively prevented from spreading.

1170.28 Overnight Storage of Fleet Vehicles Used in Operation of Principal Use.

- 1) Outdoor storage of fleet vehicles used in the operation of the principal use shall be located in the side or rear yard in off-street parking areas.
- 2) The area of the lot devoted to the storage of fleet vehicles shall not exceed 25 percent (25%) of the ground floor area of the principal building.

1170.29 Public Safety Facility.

- 1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
- 2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Chapter 1171.

1170.30 Public Service Facility/Maintenance Facility.

- 1) All outdoor operations and outdoor storage shall comply with the requirements set forth in this chapter and the pertinent regulations for the district in which of the facility is located.

1170.31 Public Transportation Terminal.

- 1) Public Transportation Terminals shall be located on an arterial street.
- 2) All vehicle waiting and stacking areas shall comply with the building setback requirements for the district.
- 3) Access Drives shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

1170.32 Public Utility Structures.

- 1) Public utility structures, including substations, shall be permitted as a conditional use only when the distribution of service is essential to the immediate neighborhood or when topological features restrict the location of such facility.

- 2) Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.
- 3) Storage of materials shall be within a completely enclosed building.
- 4) Substations shall be located a minimum of 50 feet from any residential property line.
- 5) Wireless telecommunication facilities shall comply with Section 1170.41.

1170.33 Recreational Vehicle Park.

- 1) Recreational vehicle parks shall have direct access to an arterial or collector street and the access drives shall have adequate width to accommodate the safe movement of recreational vehicles into and out of the park.
- 2) Conditions of soil, groundwater level, drainage, geological structure and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to hazards of objectionable smoke, odor, or noise or the possibility of subsistence, sudden flooding or severe erosion.
- 3) The density of the park shall not exceed 15 recreational vehicles spaces per acre, based on the total area of the site.
- 4) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 10 feet.
- 5) Recreational vehicles spaces shall comply with building setback requirements for the underlying district.
- 6) At least one centrally located recreation area equal in size to 8% of the total site shall be provided. Streets, parking area and park service facility areas shall not be included in the area requirement.

1170.34 Sexually Oriented Businesses.

- 1) Bryan has determined that permitting sexually oriented businesses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that sexually oriented businesses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-sexually oriented businesses and retail uses. Therefore, in order to prevent potential deterioration in Bryan's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, sexually oriented businesses, as defined in this Section, shall be permitted only in the I-2 District subject to the following requirements.
- 2) Sexually Oriented Businesses Defined. For purposes of this Planning and Zoning Code sexually oriented businesses shall include but not be limited to any of the following:

- a) Adult book/video store. An establishment which utilizes 5 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this Section.
 - b) Adult motion picture theater. An enclosed or open air drive-in motion picture theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.
 - c) Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
 - i) Entertainment or services which constitute adult material as defined in this Section; or
 - ii) Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material as defined in this Section.
- 3) To further determine whether the above facilities are sexually oriented businesses, the following definitions shall apply.
- a) Adult material defined. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
 - i) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 - ii) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
 - b) Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
 - c) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
 - d) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
 - e) Sexual activity. Sexual conduct or sexual contact, or both.

- f) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
 - g) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- 4) Sexually oriented businesses shall be located in accordance with the following distance requirements, measured as a buffer from the property line of the effective use:
- a) A minimum of 1,000 feet from the property line of any lot containing a church or other place of worship, library, public park or playground, day care center, school or any other institution where children are kept day or night;
 - b) A minimum of 1,000 feet from any residentially zoned parcel in Bryan or any adjacent township; and
 - c) A minimum of 1,000 feet from the property line of any other sexually oriented business.

1170.35 Solid Fuel Fired Outdoor Heating Devices.

- 1) Installation. Installation and operation of any solid fuel fired heating device shall comply with the following:
- a) The solid fuel fired outdoor heating device shall be 25 feet from the owner's primary residence and;
 - b) The solid fuel fired outdoor heating device shall be in accordance with the City of Bryan Planning and Zoning Code in regards to distance from neighboring property line and;
 - c) The solid fuel fired outdoor heating device shall be at least 100 feet in any direction from any neighboring primary residence and;
 - d) The solid fuel fired outdoor heating device shall have a stack which extends two (2) feet above the roof line of the highest structure within a 125-foot radius of the device and;
 - e) If the criteria for A. to D. above are met, the owner shall obtain a permit from the City Engineer's Office by submitting the manufacturer's specifications, owners' manual and drawings of the intended location of the device which will be confirmed by the City Engineer's Office before issuance of a permit.
- 2) Operation.
- a) The solid fuel fired outdoor heating device shall comply with manufacturer specifications with respect to installation and operation;
 - b) The solid fuel fired outdoor heating device shall comply with all applicable state and federal laws;

- c) Fuel fired outdoor heating devices which are designated to heat structures twenty-five percent (25%) greater than the size of any structure on the property shall not be permitted;
- d) No fuel other than natural wood, without additive, wood pellets without additives and agricultural seeds in their natural state may be burned in any fuel fired outdoor heating device.
- e) Nothing contained herein shall authorize any installation or operation of a fuel fired outdoor heating device that constitutes a public or private nuisance. Compliance with this Ordinance shall not be a defense to any civil or criminal action for nuisance.

3) Penalties.

- a) Any person who constructs, erects, operates, replaces or modifies any solid fuel fired outdoor heating device that does not meet the requirements of this ordinance shall forfeit twenty-five dollars (\$25.00) per day for each day the non-complying unit remains on the premises.
- b) Illegally constructed or erected solid fuel fired outdoor heating device shall be removed at the cost of the owner within 30 days of the first citation.
(Ord. 52-2006. Passed 9-7-06.)

1170.36 Studios for Instruction.

- 1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
- 2) Studios for Instruction offering non-academic instruction should be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Studios are encouraged to have associated retail uses located in the first-floor space nearest the street in order to contribute to the retail environment of the district.

1170.37 Temporary Uses.

- 1) Temporary uses such as temporary outdoor sales and displays, not associated with the principal use, including, but not limited to, sales of plants, flowers, arts and crafts, Christmas trees, temporary inventory reduction or liquidation sales, shall be permitted in compliance with the following regulations:
 - a) Review Required. Temporary uses shall be reviewed and approved according to the following:
 - b) Temporary uses that extend for a period no longer than 30 days shall be authorized by the Zoning Administrator.
 - c) Temporary uses that extend longer than 30 days shall require approval by the Planning Commission.
 - d) In no case, however, shall a temporary use exceed a 180-day period.

- e) Regardless of the duration of the use, in all instances the owner of the property on which the activity is to be conducted shall sign the permit application.
- 2) Location. Temporary use activities shall not be conducted in the public right-of-way unless the appropriate license is obtained from the City.
- 3) Related Facilities.
 - a) Adequate parking for the temporary use must be available within 1,400 feet of the proposed site.
 - b) Any outdoor lighting shall be shielded or directed away from adjoining residential properties and streets.
 - c) Temporary signs shall be permitted in compliance with Chapter 1173.
- 4) Temporary Construction Facilities. Temporary construction facilities for use incidental to construction work may be erected in any zoning districts herein established; however, such facilities shall be removed upon completion or abandonment of the construction work. Such facilities shall not be occupied for human habitation. Temporary construction facilities, and their duration of use, shall be authorized by the Zoning Administrator.
- 5) Temporary Permit Required. Temporary use permit applications shall be filed in the Office of the Zoning Administrator, along with the application fee as established by Council and any additional information necessary to ensure compliance with this section.

1170.38 Vehicle Repair Garage.

- 1) Vehicle parking areas, vehicle storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of vehicle and pedestrian traffic on and adjacent to the site.
- 2) Outdoor storage areas shall comply with 1170.27 above.

1170.39 Vehicle Sales and Rental

- 1) Service garage, leasing department and other activities customarily incidental to a full-service franchised vehicle dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in a wholly enclosed building.
- 2) Only repair of automobiles customarily associated with vehicle sales shall be permitted and shall be conducted inside a suitable building.
- 3) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours.

1170.40 Wireless Telecommunication Facilities Regulations

- 1) Purpose. These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific zoning district in which they are proposed to be located. The

purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the City in regulating wireless telecommunication towers and related facilities. Specifically, these regulations are intended to achieve the following purposes:

- a) To protect property values;
- b) To regulate a commercial use so as to provide for orderly and safe development within the City;
- c) To provide for and protect the health, safety and general welfare of the residents of the City;
- d) To minimize any adverse effects on residential properties, parks, open spaces and the non-intensive commercial zoning districts; and
- e) To promote collocation of wireless telecommunication facilities in order to decrease the number of towers in the City.

2) Permitted Locations

- a) A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Planning Commission according to the procedures set forth in Chapter 1181, Development Plan Review. Efforts shall be made to locate in the areas listed in the order of priority listed. If a location other than the most preferred location is proposed, the applicant shall demonstrate to the Planning Commission that a technically suitable, higher priority location is not available and that the proposed location is needed to meet the reasonable service requirements of the applicant.
- b) New wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.
- c) A wireless telecommunication tower may be located within a recorded electric high-tension power line easement, provided that the tower shall not exceed the height of the existing high-tension power line towers by more than 10 feet and the wireless telecommunication tower shall not be located within 40 feet of such existing high tension power line towers.

3) Locations requiring conditional use approval.

- a) A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning Commission according to the procedures set forth in Chapter 1182, Conditional Use Certificates. When considering an application, the Planning Commission shall determine that the applicant demonstrates compliance with the standards set forth in subsection (4) below as well as the standards set forth in Chapter 1163, Conditional Use Regulations, and the applicant has

demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed.

- i) In a C-2, M-U, I-1 or I-2 zoning district, when located less than twice the height of the tower from a residential district.
- ii) In a C-1 and C-3 zoning district, when located at least twice the height of the tower from a residential dwelling.
- iii) In an R-1, R-2 and R-3 zoning district, when located at least twice the height of the tower from an existing residential dwelling.

4) Standards applicable for conditional use applications.

- a) A wireless telecommunication facility that is proposed in a location that requires conditional use approval shall comply with the following:

- i) A wireless telecommunication facility shall be permitted in a location set forth in subsection (3) above only to the extent that a technically suitable location is not available in an area identified in subsection (2) above. The applicant shall demonstrate that a technically suitable location in an area identified in subsection (2) above is not available because:

- (1) A technically suitable location does not exist in any area set forth in subsection (2) above. The applicant shall provide documentation that supports the applicant's claim that no such technically suitable location exists; or

- (2) If another tower, building or structure set forth in subsection (2) above is technically suitable then the applicant must show that reasonable efforts have been made to:

- (a) Request co-location on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure; or

- (b) Request all owners of properties that are determined to be technically suitable locations to allow it to construct a wireless telecommunication tower under reasonable terms and that each request was rejected.

- ii) As a condition of approving the conditional use permit to construct and operate a wireless telecommunication tower in the City, the owner/operator of the wireless telecommunication tower shall be required to allow co-location until said tower has reached full antenna capacity. In no event shall the owner/operator agree to allow fewer than two additional antenna platforms. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of such tower. Written documentation shall be presented to the Planning Commission showing that the owner of the property on which such tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this Section.

- iii) Any wireless telecommunication tower proposed as a conditional use shall be located a minimum of one-half mile from any other wireless telecommunication tower proposed or previously approved as a conditional use.

5) Standards applicable to all wireless telecommunication facilities:

- a) All wireless telecommunication towers and facilities shall comply with the following standards and conditions.
 - i) Towers shall be of monopole design with no guy wires. The Planning Commission may approve a lattice-type structure when the applicant demonstrates that such a structure provides greater ability to collocate additional antenna. Towers and antennas shall be designed to meet all applicable building code requirements.
 - ii) Unless otherwise provided for in this Section, a wireless telecommunication facility must comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located. A wireless telecommunication tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event shall any portion of a wireless telecommunication facility be located in front of the principal use or building on the lot, if any.
 - iii) Recognizing that the Federal Aviation Administration (FAA) may impose greater restrictions, a wireless telecommunication tower shall in no event be more than 200 feet in height as measured from the average ground level at the base of the tower. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antenna and is no higher than existing towers housing similar antenna.
 - iv) Any accessory structure related to the wireless telecommunication facility shall comply with the district regulations in which the tower is located.
 - v) The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight (8) feet. Such fence shall be equipped with a locked gate.
 - vi) A landscaped buffer area of not less than fifteen (15) feet in depth shall be located around the required fence. The buffer area shall be continuously maintained and promptly restored when necessary and shall consist of at least one of the following:
 - (1) A row of hardy evergreen trees tightly spaced. The initial plantings shall be no less than six feet tall and planted a maximum of five (5) feet on center.
 - (2) Other appropriate landscaping that achieves the screening objective, as approved by the Planning Commission.
 - vii) Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.

- viii) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the FAA.
- ix) The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.
- x) Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures shall not be attached to the antenna or tower. Lighting for security purposes shall be permitted at the base of the wireless telecommunication tower.
- xi) "No Trespassing" signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include phone numbers for the police, fire and county emergency management facilities, and a local or toll-free telephone number of whom to contact in the event of an emergency. The warning sign shall be a minimum of 12 inches by 12 inches. No other signs or advertising shall be located anywhere on the facility or site.

6) Abandoned Telecommunication Facilities

- a) In the event the use of a wireless telecommunications tower ceases for a period of six months, whether the tower has had no antenna mounted upon it or the antenna(s) mounted thereon is not operated, the facility shall be considered abandoned. The owner/operator shall agree to remove the nonfunctioning facility within 180 days after receipt of a notice from the Zoning Administrator to do so.
- b) In the event that more than one wireless telecommunication service provider is using a wireless telecommunications tower, the tower shall not be considered abandoned until all such users cease using the tower, as provided in this Section.
- c) The site shall be restored to its original state within six (6) months following the date that the wireless telecommunications tower or facility is no longer operational.

7) Approval required

- a) All wireless telecommunications towers and facilities shall comply with the procedures for development plan review set forth in Chapter 1181. In addition to the submission requirements set forth in Section 1181.06, the applicant shall submit the following additional items:
 - i) Detailed description of the wireless telecommunications towers or facility's capacity including the number and types of antenna that it can accommodate.
 - ii) Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

- iii) A vicinity map (at a scale of 1" = 1,000") indicating within a two-mile radius of the proposed site the location of all wireless telecommunications towers and facilities and electrical utility high-tension wires.
- iv) A list of names and phone numbers of whom to contact in an emergency. This list shall be kept current at all times.
- v) A list of any and all hazards that are within the secured area.
- b) Prior to the issuance of a zoning permit, the applicant shall post a performance bond, the amount of which is determined by City Council. The bond shall be for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with subsection (6) above. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.
- c) Prior to receiving approval for a new tower, the applicant shall demonstrate to the City that such facility is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect to, but not limited to, height, opportunities for co-location, impact on residents and impact on service levels. The City may retain consultants to review the information, with the reasonable costs for such consultation being borne by the applicant.

Chapter 1171 Landscaping, Screening, and Lighting Regulations

- 1171.01 Purpose.
- 1171.02 Screening and buffering when lot abuts a residential district or residential use.
- 1171.03 Landscaping along the street frontage.
- 1171.04 Screening and landscaping of parking lots.
- 1171.05 Supplemental landscaping requirements for the C-3 district.
- 1171.06 Screening of accessory uses.
- 1171.07 Requirements for fences and walls.
- 1171.08 Landscaping and maintenance of yards.
- 1171.09 Approval process for required landscaping, fences and walls.
- 1171.10 Flexibility in the arrangement and placement of landscaping and screening.
- 1171.11 Lighting.

1171.01 Purpose.

- 1) Visual screening or landscape buffers shall be provided for the following purposes:
 - a) To remove, reduce, lessen or absorb the impact between one use or zoning district and another;
 - b) To soften the appearance of building masses and break up and reduce the impact of large parking areas;
 - c) To provide interest and lessen the monotony of the streetscape;
 - d) To minimize potential noise, glare and visual clutter of outdoor storage, rubbish areas, dumpsters, parking and loading areas by obscuring the view with landscaping and screening; and
 - e) To provide protection from soil erosion.
 - f) To establish a minimum standard for the consistent appearance of plant material in the community landscape.

1171.02 Screening and buffering when lot abuts a residential district or residential use.

- 1) Screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by Chapter 1181.
 - a) When Required. A buffer yard shall be required when:
 - i) A lot in any Commercial or Industrial District abuts a Residential District;
 - ii) A lot in a Multi-Family District abuts a Single-Family or Traditional Residential District;
 - iii) A lot in the R-1 District is developed with attached single-family units as part of a PURD; or
 - iv) A lot in a Residential District is devoted to a nonresidential use.
 - b) Width of Buffer Yard. Each required buffer yard shall have a minimum width equal to the parking setback required for the district, except as otherwise required in Section 1152.07(h) for PURDs.
 - c) Screening. Screening within the buffer yard shall consist of one or a combination of the following:
 - i) A dense vegetative planting incorporating existing trees and/or shrubs or new plantings of a variety, which shall be equally effective, with 75% opacity, in winter and summer.
 - ii) A non-living opaque structure such as a solid masonry wall, or a solid fence.
 - iii) A fence which is 50% open through which light and air may pass, together with a landscaped area at least 5 feet wide. The landscaped area shall consist of 1 shade tree and 5 shrubs for every 100 linear feet.
 - iv) A landscaped mound or berm a minimum of 10 feet wide and 6 feet tall. The landscaping shall consist of 1 shade tree and 5 shrubs for every 100 linear feet.
 - d) Location. The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect, as determined by the Planning Commission.
 - e) Height of Screening. The height of screening shall be in accordance with the following:
 - i) Visual screening walls, fences, berms or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, except as otherwise required in subsection (e)(iii) below.
 - ii) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect, except as otherwise required in

subsection (e)(iii) below. The required height shall be achieved no later than twelve months after the initial installation.

- iii) Whenever the required screening is located along the common side lot line in the area extending from the front building line of the abutting residential use to the street, the required screening shall not exceed a height of 3 feet. Fences and walls in a front yard shall also comply with Section 1171.07.

1171.03 Landscaping along the street frontage.

- 1) All areas within the required building and parking setback, excluding driveway openings, shall be landscaped with the following minimum plant materials.
 - a) Three major shade trees shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - b) Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - c) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment, excluding paving or gravel.
 - d) Trees and shrubs may be aggregated appropriately.
- 2) The following are exceptions to Section 1171.03.1 above:
 - a) Lots devoted to single-family detached and two-family dwellings
 - b) Whenever the building setback is five (5) feet or less, these requirements shall not apply.

1171.04 Screening and landscaping of parking lots.

- 1) Landscaping on the Interior of Parking Lots: Interior landscaping of parking lots shall be provided in accordance with the following requirements.
 - a) For any parking area designed to accommodate 40 or more vehicles, each parking space shall be within 100 feet of a landscaped area. Each row of parking shall include one landscaped island at each end.
 - i) Each landscaped island shall be a minimum of the dimension of one parking space, based on the angle of the space. See Section 1172.11;
 - ii) Within the landscaped islands, there shall be provided one major shade tree for every 10 parking spaces. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - iii) Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

- iv) Landscaped areas along the perimeter of the parking area, or in any part of a yard, shall not be counted as interior parking lot landscaped areas.
 - b) For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area within the perimeter of the parking lot, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side.
- 2) Screening Along Public Streets and Perimeter of Parking Areas. Whenever parking areas consisting of 5 spaces or more are located such that the parked cars will be visible from a public street, screening, in addition to the interior landscaping required in subsection (1) above, shall be provided and maintained between the parking area and the street right-of-way.
- a) All shrubs, berms, walls, and fences shall have a minimum height of 3 feet, and shall cover at least 50% of the perimeter of the parking area.
 - b) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.
 - c) If the landscaping along the street frontage required in Section 1171.03 meets the coverage and location requirements in subsections 1171.04(1) (a) and (b) above, then such landscaping along the street frontage may be used to meet the screening requirements of subsection 1171.04(2).

1171.05 Supplemental landscaping requirements for the C-3 district.

- 1) When the owners of two or more lots in the C-3 District form a joint agreement to eliminate the side and rear yard parking setbacks, pursuant to the requirements of Section 1161.04, any parking areas located on such lots shall be considered one parking lot and shall comply with the landscaping requirements for the interior of parking lots as set forth in Section 1171.04. Maintenance and upkeep of such landscaped areas shall be agreed upon by the owners in the joint agreement required in Section 1161.04.

1171.06 Screening of accessory uses.

- 1) In Multi-Family, Commercial and Industrial Districts and for nonresidential uses in residential districts, screening of accessory uses shall be provided according to the following:
 - a) Waste receptacles and loading areas shall be screened using a method prescribed in Section 1171.02(c).
 - b) Permitted accessory outdoor storage of goods, supplies, equipment or vehicles used in the operation of an establishment, where permitted, shall be enclosed with a solid fence or wall, including solid gates. The wall or fence shall have a height tall enough to conceal all operations and materials therein from the view of any observer standing at the grade level of an abutting residential district line or a public street.

- c) Selected screening shall be a minimum of six (6) feet in height placed adjacent to the waste receptacles, storage or loading areas so as to effect screening from any adjacent streets and any adjoining properties.

1171.07 Requirements for fences and walls.

- 1) Fences shall be of chain link, picket, split rail, sapling, louver, board on board, or other design, and, if painted, shall be one color. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced when the fence is located within 3 feet of a lot line.
- 2) Fences and walls in any residential district, including multifamily, shall comply with the following:
 - a) Front Yards and Corner Side Yards. Fences in a front yard or corner side yard shall not exceed 48 inches in height above the natural grade and may be located in any part of the yard. At least 50% of the vertical surface of the fence located in a front or corner side yard shall be open. Fences which are not at least 50% open shall not exceed 36 inches in height above the natural grade.
 - b) Side and Rear Yards. Fences and walls in the interior side or rear yard shall not exceed 6 feet in height above the natural grade.
 - c) Construction, Maintenance and Repair. Fences that are painted, shall be one color. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located.
- 3) Fences and walls in any commercial or industrial district shall comply with the following maximum height regulations as set forth for the district in which the use is located, unless a taller fence is specifically required elsewhere in this Planning and Zoning Code:
 - a) Fences in a front yard or corner side yard shall not exceed 48 inches in height above the natural grade and may be located in any part of the yard. At least 50% of the vertical surface of the fence located in a front or corner side yard shall be open. Fences which are not at least 50% open shall not exceed 36 inches in height above the natural grade. Fences and walls in a front yard shall be used for decorative purposes only.
 - b) A fence or wall in a side or rear yard shall not exceed a height of eight (8) feet, unless otherwise specified.

1171.08 Landscaping and maintenance of yards.

- 1) Required yards and all other portions of a lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.
 - a) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

- b) Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.
- c) The required landscaping shall be maintained in healthy condition by the property owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.
- d) Maintenance and replacements requirements shall apply to landscaped areas within the public right-of-way adjacent to the subject property.
- e) Vehicle parking shall not be permitted in landscaped areas.
- f) Maintenance of landscaped right-of-ways shall be the responsibility of the adjacent land owner and/or an association.

1171.09 Approval process for required landscaping, fences and walls.

- 1) The location of proposed landscaping, fences or walls required to fulfill the standards and criteria of this Chapter shall be reviewed and approved as part of a development plan pursuant to Chapter 1181.
- 2) When a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:
 - a) Complies with the requirements of this Section;
 - b) Is consistent with any previously approved plan;
 - c) Is compatible with the current site development if there is no approved plan; and
 - d) Will have a minimal adverse impact to the surrounding areas.
- 3) If, because of the nature and location of the proposed fence or wall, the Zoning Administrator does not make such a determination, the request shall be referred to the Planning Commission and considered by the Commission according to the variance procedures in Chapter 1183.

1171.10 Flexibility in the arrangement and placement of landscaping and screening.

- 1) The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards during the development plan review the Planning Commission may:
 - a) Exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of the district and the proposed development or redevelopment are best satisfied.

- b) Grant a waiver allowing existing conditions, trees and/or vegetation retained on site to be used to meet the landscaping and screening requirements when it can be determined that the proposed measures equal or exceed the intent and provisions of this Chapter.

1171.11 Lighting.

- 1) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.

Chapter 1172 Off-Street Parking and Loading Regulations

- 1172.01 Purpose.
- 1172.02 Parking facilities required.
- 1172.03 Units of measure.
- 1172.04 Off-street parking standards.
- 1172.05 Allowance for shared parking.
- 1172.06 Reduced standards for C-3, Central Business District.
- 1172.07 Deferred construction of required spaces.
- 1172.08 Location of required parking spaces.
- 1172.09 Off-street waiting spaces for drive-thru facilities.
- 1172.10 Parking spaces for persons with disabilities.
- 1172.11 Parking design standards.
- 1172.12 Regulations for access drives.
- 1172.13 Access to other districts prohibited.
- 1172.14 Off-street loading requirements.
- 1172.15 Improvement and maintenance standards.

1172.01 Purpose.

- 1) Off-street parking regulations are established to achieve, among others, the following:
 - a) To relieve congestion so streets can be utilized more fully for movement of vehicular traffic;
 - b) To promote the safety and convenience of pedestrians and shoppers by separating parking areas and extensive car movements in the vicinity of pedestrian ways;
 - c) To protect adjoining residential neighborhoods from on-street parking related to nonresidential uses; and
 - d) To promote the general convenience, welfare and prosperity of residential, business, service, and manufacturing developments which depend on off-street parking facilities.

1172.02 Parking facilities required.

- 1) Off-street parking facilities, including access drives, shall be provided prior to the occupancy of such building or use. Facilities shall be provided for the entire building or use in accordance with the regulations contained in this Chapter whenever:

- a) A building is constructed or a new use established.
- b) The use of an existing building is changed to a use requiring more parking facilities.
- c) An existing building is altered and there is an increase in seating capacity, floor area of the building, or number of employees.

1172.03 Units of measure.

- 1) In computing the number of parking spaces required by this Code, the following rules shall apply:
 - a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses. If a cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
 - b) Seats. Where seating capacity is the standard for determining parking spaces, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.
 - c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.
 - d) Fractional Numbers. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.
 - e) Parking for Mixed Uses. A building or group of buildings containing 2 or more uses, operating normally during the same hours, and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.
 - f) Parking Requirements for Uses Not Specified. When the off-street parking requirements for a use are not specifically defined herein, the parking facilities for such use shall be determined by the Planning Commission so as to be sufficient to meet all the parking needs of the proposed use, based on the parking standards for a specified use listed in Section 1172.04 that the Commission determines to be most similar to the proposed use.

1172.04 Off-street parking standards.

1) The number of required off-street parking spaces for each facility or use shall be determined by application of the following standards:

a) General to All Uses:

- i) A minimum of five (5) spaces is required for each facility other than a single-family detached, single-family attached or two-family dwelling.
- ii) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and/or group of buildings where the required parking spaces are provided in a shared parking lot.

b) Residential Uses

Principal Building or Use	Minimum Spaces Required
i) Single-family detached or attached dwelling	2 parking spaces per dwelling unit
ii) Two-family dwelling	2 parking spaces per dwelling unit
iii) Multi-family dwelling	2.25 parking spaces per dwelling unit
iv) Bed and Breakfast	1 space per guest room, plus two additional spaces
v) Congregate care facility	1 space per 2 beds
vi) Group and family homes for the handicapped	1 space per 2 beds

c) Community / Educational Facilities

Principal Building or Use	Minimum Spaces Required
i) Auditorium, assembly hall, meeting place	1 space for every 4 seats
ii) Church or other place of worship	1 space for every 4 seats in the sanctuary
iii) Library, museum, art gallery or similar public building	1 space per 300 square feet of floor area
iv) Kindergarten, nursery school, and child or adult day care center	2 spaces per classroom but not less than 6 spaces for the building
v) Elementary and junior high schools	2 spaces per classroom plus 1 space for every 4 seats in the largest auditorium or assembly room
vi) High School	4 spaces per classroom plus 1 space for each administrative office, plus 1 space for every 4 seats in the largest auditorium or sports arena
vii) Business, commercial, or trade school	5 spaces per classroom plus 1 space for each administrative office

d) Eating Establishments

Principal Building or Use	Minimum Spaces Required
i) Restaurant-- in a shopping center(b)	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus 1 space for each delivery vehicle
ii) Restaurant as the only use in a free-standing building	20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus 1 space for each delivery vehicle

e) Office, Professional Services

Principal Building or Use	Minimum Spaces Required
i) Bank, Financial Institutions, Business, professional and administrative office (excluding medical and dental)	1 space per 250 square feet of floor area
ii) Medical, dental office and/or clinic, including urgent care clinic	1 space per 200 square feet of floor area
iii) Hospital	1 space for every 2 beds, plus 1 space for every 3 employees
iv) Research and testing laboratory	1 space per 400 square feet of floor area

f) Retail/ Personal Services

Principal Building or Use	Minimum Spaces Required
i) Retail store or personal service establishment in completely enclosed buildings (except as otherwise specified below)	1 space per 200 square feet of floor area
ii) Beauty salons and barber shops	2 spaces per beauty or barber chair
iii) Funeral home, mortuary	1 space per 50 square feet of floor area of sitting or service rooms, plus one space for each vehicle maintained on the premises
iv) Hotel, motel	1 space per guest room or unit, plus 1 space for every 2 employees
v) Veterinary office and animal hospital	1 space per 400 square feet of floor area, plus 1 space for every 2 employees

g) Entertainment – Recreation

Principal Building or Use	Minimum Spaces Required
i) Private clubs, lodges	1 space for every 4 seats
ii) Indoor theater, sports arena	1 space for every 4 seats
iii) Bowling alley	4 spaces per bowling lane, plus 1 space per 100 square feet of floor area used for a restaurant or lounge
iv) Dance hall, skating rink	1 space per 100 square feet of floor area (including lounging and spectator area)
v) Indoor recreation/ health, recreational facility	1 space per 200 square feet of exercise area, including locker and equipment rooms
vi) Golf course (9 holes or more)	8 spaces per green
vii) Miniature golf	2 spaces per hole
viii) Swimming pools, public or private (not associated with residences)	1 space for every 5 persons, based on pool capacity
ix) Tennis Courts	4 spaces per court

h) Automotive Uses

Principal Building or Use	Minimum Spaces Required
i) Gasoline station	1 space for every employee
ii) Automotive service station, vehicle repair garage	2 spaces per service bay, plus 1 space for every employee
iii) Vehicle sales and rental	1 space per 400 square feet of floor area of sales room, plus 1 space for each auto service stall in the service room and 1 space per employee
iv) Car wash	1 space for every employee
v) Farm implement sales, service and repair	1 space per 400 square feet of floor area of sales room, plus 1 space for each service stall in the service room and 1 space per employee

i) General Commercial and Industrial Uses

Principal Building or Use	Minimum Spaces Required
i) Truck terminals	1 space for every 2 employees
ii) Distribution, warehouse facility, wholesale, printing and publishing	1 space per 800 square feet of floor area
iii) Mini/self-storage	5 spaces plus 1 space per employee
iv) All other general commercial uses	1 space per 250 square feet of floor area
v) All other industrial uses	1 space per 400 square feet of floor area

1172.05 Allowance for shared parking.

- 1) The Planning Commission may approve a development plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations when it is determined that:
 - a) In a mixed-use project or a single-use project for which the different components of the use have varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.
 - b) The required parking spaces for a proposed use can be accommodated on an adjacent or nearby site and binding arrangements are made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements. In such case not more than 50 percent of the required parking spaces shall be shared.

1172.06 Reduced standards for C-3, Central Business District.

- 1) In recognition of the historic, compact character of buildings in the Central Business District, as well as the less efficient use of the floor area of those buildings, the number of off-street parking spaces for each facility or use in the Central Business District shall be determined according to the following:
 - a) The number of off-street parking spaces shall be seventy-five percent (75%) of the standards set forth in Section 1172.04.
 - b) However, due to unique building and site characteristics that may be present in the Central Business District, the Planning Commission may approve a development plan with fewer parking spaces than seventy-five percent (75%) of the requirements set forth in Section 1172.04. In order for the Planning Commission to consider a reduction of the required spaces, the applicant must demonstrate that such a reduction is warranted based on the following criteria:
 - i) The character of the proposed use, the design of the building and the ability of the proposed use to reinforce the main street environment;
 - ii) The availability and accessibility of public parking spaces, both on-street and within public parking lots;
 - iii) The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses; and
 - iv) The potential negative impact to the character of the district if the requisite number of parking spaces is provided.

1172.07 Deferred construction of required spaces.

- 1) If the number of parking spaces required in Section 1172.04 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:
 - a) The total number of spaces initially constructed shall not be less than 70 percent (70%) of the spaces required by Section 1172.04.
 - b) Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Section 1172.04. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Zoning Code.
 - c) The Planning Commission, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in subsection (b) be constructed.
 - d) When additional parking is determined necessary, it shall be provided according to the approved development plan.

1172.08 Location of required parking spaces.

- 1) In addition to specific requirements contained in each district regulation, the location of off-street parking facilities shall further be regulated according to the following provisions:
 - a) Off-street parking spaces required for dwelling units shall be located on the same lot as the dwelling unit served. Required guest parking in a multi-family development shall be equally distributed throughout the development.
 - b) Off-street parking spaces required for nonresidential uses shall be located within 700 feet of the use measured along lines of public access to the property. When spaces are to be provided on an adjacent or nearby site, a written agreement shall be made between the applicant and the property owner(s) of such adjacent or nearby site prior to approval.
 - c) All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.

1172.09 Off-street waiting spaces for drive-thru facilities.

- 1) Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Section 1172.04, in accordance with the following:

a) Minimum Number of Waiting Spaces:

i) Establishments serving and/or selling food and/or drinks:	10 waiting spaces
ii) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	10 waiting spaces
iii) Facilities with service windows or service entrances such as banks, ticket booths, drive-up ATM machines and other similar facilities:	10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls
iv) Self-serve car wash facilities:	2 waiting spaces per stall
v) Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island

- b) Vehicles Prohibited within the Public Right-of-Way. In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- c) Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

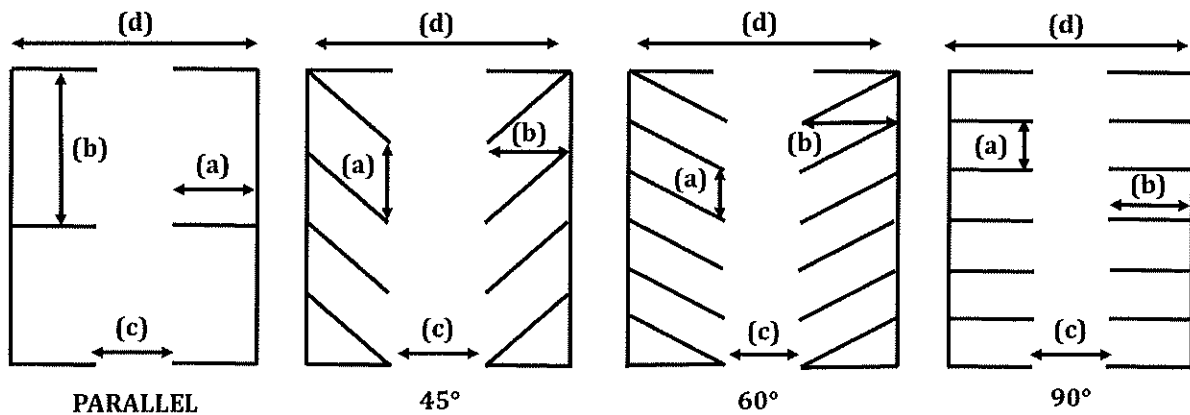
1172.10 Parking spaces for persons with disabilities.

- 1) In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities.

1172.11 Parking design standards.

- 1) Circulation aisles having a width less than 22 feet shall be one-way aisles.
- 2) Off-street parking area shall be designed and constructed in accordance with the following minimum dimensions based on the angle of the spaces:

	45°	60°	90°	Parallel
a) Width of Parking Space	13	10	9	9
b) Length of Parking Space	19	19	20	23
c) Width of Circulation Aisle	13	18	22	12
d) Width of Double-Loaded Parking Module when spaces interlock	51	56	62	--

**1172.12 Regulations for access drives.**

- 1) The location, width, and number of entrance and exit access drives to parking spaces shall be in accordance with the following:
 - a) Location. The location and width of entrance and exit access drives to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access drives shall be located at least 50 feet from the right-of-way line of the nearest intersecting street.
 - b) Number of Drives.
 - i) Each parcel shall have not more than two access drives from each abutting street unless otherwise permitted below.

- ii) One additional access drive may be permitted for lots that have 200 or more feet of frontage on one street.
- iii) The Planning Commission may permit an additional access drive for lots that have more than 500 feet of frontage when the Commission determines it is in the interest of good traffic operation.
- iv) Insofar as practical, the use of common drives by two (2) or more uses shall be encouraged to reduce the number of such highway access points.
- v) Number of Lanes. One-way entrances and exits shall be limited to two lanes and all other access drives shall be limited to three lanes.
- vi) Width. Access drives shall have a width per lane of not less than 9 feet or more than 12 feet and a total width of not more than 36 feet, measured at the street right-of-way.
- vii) Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

1172.13 Access to other districts prohibited.

- 1) Driveways shall not be established from a road in a residential district to land in a nonresidential district.

1172.14 Off-street loading requirements.

- 1) When off-street loading spaces are provided and maintained for business, commercial and industrial buildings, they shall comply with the following regulations:
 - a) All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes, except as permitted in subsection (f) below.
 - b) Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
 - c) No loading area shall be located within 40 feet of the nearest point of intersection of any two streets.
 - d) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.
 - e) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading, except as otherwise permitted by the Planning Commission.
 - f) In the C-3 District, off-street loading areas can occur in off-street parking areas, recognizing that they will be competing with space and shall be limited to the time

necessary for loading and unloading purposes.

1172.15 Improvement and maintenance standards.

- 1) All driveways, parking areas, curbs, and bumper guards shall be constructed in accordance with standards established by the City Engineer and the following:
 - a) Paving. All parking and loading areas and access drives shall have a bituminous, concrete or similar hard surface approved by the City Engineer. Such paving material, and base materials related thereto, shall be capable of supporting all anticipated loads without damage. The owner shall, at his/her own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or sealing when such disintegration takes place.
 - b) Drainage. Parking areas shall be graded, drained and provided with adequate drainage facilities so that adjacent properties and rights-of-way, including public sidewalks, shall not be subject to flooding by run-off water from the proposed parking area.
 - c) Illumination in Open Areas. Parking areas shall be illuminated whenever necessary to protect the public safety. All lighting used to illuminate such areas shall be so arranged as to direct the light away from adjoining residential properties and streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.
 - d) Curbs and Wheel/Bumper Guards. Appropriate bumper guards or barrier curbs shall be provided in order to define parking spaces or limits of paved areas, contain the cars on sloping surfaces, and to prevent bumper over-hang or other encroachment into required yards, walkways, aisles or spaces.
 - e) Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
 - f) Maintenance. A parking area or loading space shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.
 - g) Storage. All off-street parking areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except where expressly permitted in this Zoning Code as accessory to the principal use of the lot.

Chapter 1173 Sign Regulations

- 1173.01 Purpose.
- 1173.02 Classification of signs.
- 1173.03 Computations.
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- 1173.05 Signs in residential districts.
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1173.01 Purpose.

- 1) In the interest of promoting the general health, safety and welfare of the residents of Bryan, these regulations provide for the use, location and size of signs. More specifically, the purposes of these regulations are to:
 - a) Promote and maintain attractive, high value residential, office, retail, and commercial districts, and preserve the scenic and natural beauty of designated areas.
 - b) Provide reasonable, yet appropriate, standards for identification of uses including residential developments, institutions, businesses, and commercial or industrial establishments.
 - c) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment and eliminate any confusion or hazardous conflict between identification signs and traffic control signs and devices.
 - d) Minimize the negative consequences of excessive numbers and sizes of signs.
 - e) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
 - f) Prohibit all signs not expressly permitted by this Chapter.
- 2) The regulations contained in this Chapter are the minimum regulations necessary to abate the nuisance and to achieve the stated purposes of this Chapter.

1173.02 Classification of signs.

- 1) For the purposes of these regulations, a sign shall be classified by physical design or structure and by function or purpose based on the following.
 - a) Physical Design or Structure.
 - i) Abandoned Sign: A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
 - ii) Animated Sign: Any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special affect or scene.
 - iii) Awning or Canopy Sign: Any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.
 - iv) Banner Sign: Any sign of lightweight fabric or similar material with no enclosing framework that is mounted at one or more edges.
 - v) Changeable Copy Sign: A sign such as a bulletin board or announcement board, where the message or graphics are not permanently affixed to the structure, framing, or background allowing the message or graphics to be periodically replaced or covered over manually or by electronic or mechanical devices.
 - vi) Flashing Sign: A sign that contains an intermittent or sequential flashing light source used primarily to attract attention.
 - vii) Freestanding Sign: A sign that is supported from the ground or a structure other than a building.
 - viii) Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
 - ix) Projecting Sign: A sign attached to a building wall that perpendicular beyond the face of the wall.
 - x) Roof Sign: Any sign erected, constructed or maintained upon or over the roof or parapet wall of a building.
 - xi) Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling,
 - xii) Wall Sign: A sign erected parallel to, or painted on the surface or on the outside wall of a building which does not project above the roofline or beyond the corner of the building.

- xiii) Window Sign: A sign that is applied or attached to the interior or exterior of a window or located near a window within a building so that it can be seen from the exterior for the purpose of being visible to and read from the outside of the building.

b) Function.

- i) Building Marker: A sign or insignia cut into the exterior building surface, or otherwise permanently mounted on the building, indicating the name of the building, address, date of construction, or incidental information about its construction or historical significance.
- ii) Directional Sign: A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.
- iii) Identification Sign: A sign intended to identify the principal use of a lot, development, building, or building unit according to the following:
 - (1) Business Identification Sign: A sign intended to announce or promote the use, activity, service, business or other commercial enterprise on the premises, and which may include a directory of occupants.
 - (2) Institution Identification Sign: A sign displaying the name of the organization, activities or services occupying the premises of a public or semi-public use or institution.
 - (3) Residential Development Identification Sign: A freestanding sign identifying the name and address of a completed residential subdivision, planned residential development or multi-family development.
- iv) Instructional Sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers, or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered, or methods of payments accepted.
- v) Nameplate: A sign indicating only the name and/or address of the person, home occupation, business, or activity occupying the lot or the buildings.
- vi) Project Real Estate/Construction Sign: A temporary sign which directs attention to the promotion, development, construction, rental, sale, or lease of non-residential parcels or of residentially zoned parcels, on which the sign is located, and may identify the name of the architect, engineer or contractor involved with the development.
- vii) Public Purpose/Safety Sign: A sign erected by a public authority, utility, public service organization, or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the

rules and regulations of governmental agencies or through public policy. Such signs include “No Parking Fire Lane”.

- viii) Temporary Sign: A sign that is designed to be used only temporarily and is not permanently, or not intended to be permanently, attached to a building, attached to a structure or installed in the ground.

1173.03 Computations.

- 1) Determining Sign Area or Dimension. The area of a sign shall be determined using the following calculation methods.
 - a) For a sign that is framed, outlined, painted or otherwise prepared and designed to include a background for a sign display, the sign area or dimensions shall include the entire portion within such background or frame but shall not include the pole or other structural support unless such structural support is illuminated or otherwise so designated to constitute a display device.
 - b) For a sign comprised of individual letters, figures, emblems, logos or elements on a wall, or an irregular shaped freestanding sign, the area of the sign shall encompass the smallest regular, or a combination of regular geometric shapes that form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining one or more geometric forms that comprise the entire display area, including the space between the elements.
 - c) The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- 2) Determining Sign Height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
 - a) Normal grade shall be construed to be the lower of:
 - i) Existing grade prior to construction, or
 - ii) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 - b) In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

- 3) Determining Building Frontage and Building Unit. The building wall that faces the principal street or building wall that contains the main entrance to the uses therein shall be considered the building frontage.
 - a) The building frontage shall be measured along the length of the front wall between the exterior faces of the exterior side walls.
 - b) In the case of an irregular wall surface, a straight line extended between the exterior faces of the exterior side walls shall be used to measure the length.
 - c) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the property owner shall determine which wall shall be the primary building frontage and which wall(s) shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage.
 - d) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- 4) Determining Window Area. The window area of a building shall be the total glass area of windows on the first floor of the wall of the building frontage, provided that for the purpose of these regulations, the height of windows on the first floor shall be that portion of window (s) within 15 feet of grade.

1173.04 Sign design and construction criteria.

- 1) In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Administrator shall consider the proposed general design arrangement and placement of the sign according to the following criteria:
 - a) Design Criteria.
 - i) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
 - ii) The sign should be consolidated into a minimum number of elements.
 - iii) The ratio between the message and the background shall permit easy recognition of the message.
 - iv) The size, style and location of the sign shall be appropriate to the activity of the site.
 - v) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture of the building.
 - vi) Signs shall be designed with a limited number of, and harmonious use of, colors.
 - vii) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.

- viii) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- b) Illumination. Signs shall be permitted to be illuminated in compliance with the following:
 - i) Light sources shall be shielded from all adjacent buildings and streets.
 - ii) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
 - iii) Signs shall not include flashing, moving or intermittent lighting in which any part of the message changes at a rate of more than once every 10 seconds.
 - iv) The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.
- c) Construction Standards.
 - i) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
 - ii) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.
 - iii) All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning or other sign. No part of any sign shall be revolving, oscillating or otherwise designed to move to attract attention.
 - iv) No sign shall be erected so as to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.
 - v) Temporary signs shall be durable and weather-resistant, non-illuminated and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
 - vi) No sign shall be located in the public right-of-way, except as specifically permitted in Section 1173.06(e) for the core area of the C-3 District, or attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

1173.05 Signs in residential districts.

- 1) Signs in residential districts shall conform to the standards set forth in this Section.
 - a) Maximum Sign Number, Area and Height Regulations for Signs in Residential Districts. All signs in residential districts shall, based on the type of sign, conform to the following maximum number of each type of sign allowed, the maximum area and, for freestanding signs, the maximum height standards:

SIGN TYPE	RESIDENTIAL DISTRICTS R-1, R-2, R-3		
	Number Allowed	Maximum Area (sf)	Maximum Height (ft)
i) Nameplate	1 per address	2	N/A
ii) Residential Development Identification Sign	See Section 1173.05.b	24	6
iii) Institutional Identification Sign	See Section 1173.05.c	24	6
iv) Instructional Sign	Shall be exempt from regulation when in compliance with Section 1173.05.d		
v) Temporary Sign, except:	See Section 1173.05.e	6	4
(1) Project Real Estate / Construction Sign	See Section 1173.05.e	24	6
(2) Special Event Sign	See Section 1173.05.e	24	6
vi) Public Purpose / Safety Sign	Permitted as needed to achieve the intended public purpose.		

- b) Residential Development Identification Signs. Residential development identification signs shall be permitted for each entrance to a residential subdivision, planned unit residential development or multi-family development pursuant to the area and height limitations of Section 1173.05 in compliance with the following regulations:
 - i) Such signs shall be placed on private property not less than 10 feet from the street right of way, and shall be located not less than 25 feet to a side lot line.
 - ii) A maximum of two sign faces shall be permitted per entrance: either as a double-sided freestanding sign or as two single-sided freestanding signs. Such signs shall be mounted on a foundation, wall or other entrance feature. Freestanding signs shall be

erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the freestanding sign shall obstruct the view of vehicles entering or exiting the property.

c) Institution Identification Signs.

- i) Only one sign permitted, may be either a wall sign or freestanding sign.
- ii) A freestanding sign for an institutional use in a residential district may have all or a portion of the permitted sign area set forth in Section 1173.05 devoted to changeable copy.
- iii) A freestanding sign for an institutional use shall be located no closer than 10 feet from the street right-of-way and no closer than 25 feet to a side lot line.
- iv) Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the freestanding sign shall obstruct the view of vehicles entering or exiting the property.

d) Instructional Signs. Instructional signs shall be permitted on a lot in a residential district that is devoted to a conditional use or multi-family development provided such signs comply with the following:

- i) Instructional signs shall be clearly intended, designed and located for instructional purposes, as determined by the Zoning Administrator or Planning Commission, as appropriate.
- ii) Each sign shall not be larger than necessary to serve the intended instructional purpose, and
- iii) The sign shall not be in a location and shall not possess design characteristics that constitute or serve the purposes of an identification sign.

e) Temporary Signs. Temporary signs are permitted in Residential Districts subject to the following provisions:

i) Temporary Signs for Individual Lots in Residential Districts:

- (1) Each residential unit shall be permitted to erect one temporary sign either in a window or as a freestanding sign in the front yard subject to the following:

- (a) Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall be removed.

- (b) Temporary signs are permitted for up to three 30-day periods per calendar year.

- (2) Temporary freestanding signs shall be located on private property and at least 10 feet from a side lot line.

- (3) Temporary signs for commercial uses shall not be permitted in residential districts except that one temporary sign promoting a garage sale shall be permitted. Such sign shall be posted on private property for a period not to exceed 72 hours, on not more than two separate occasions in any given year.
- ii) Project Real Estate/Construction Signs. A project real estate or construction sign shall comply with the following:
 - (1) One project real estate/construction sign shall be permitted for each street frontage only for the following types of uses and lots.
 - (a) Advertising the sale of a vacant lot when the area of the lot is equal to or greater than one (1) acre.
 - (b) Identifying the development of an approved project during construction and prior to the installation of the permanent identification sign for a subdivision, planned unit residential development, multi-family development or a lot that is proposed for development of a nonresidential use that is entitled to a permanent freestanding sign as set forth in Section 1173.05.
 - (2) Such signs shall be located a minimum of 5 feet from any street right-of-way.
 - (3) A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent or lease or the building project is under construction. Such temporary sign shall be removed within fourteen (14) calendar days of installation of the permanent identification sign.
- iii) Special Event Signs. Such signs shall comply with the following:
 - (1) Special Event Signs shall be permitted for institutional uses only
 - (2) One temporary freestanding sign or one banner attached to the front of the building shall be permitted for a period not to exceed 14 days, not more than three times per calendar year for the purposes of announcing a community event, program or festival. Special event signs may be permitted for a period longer than 14 days only when the Planning Commission approves an extend time frame for the special event, pursuant to Section 1170.37.
 - (3) A temporary freestanding sign shall be located no closer than 10 feet from the street right-of-way line.
 - (4) Such sign shall be removed within two days of the completion of the event or project.

1173.06 Signs in commercial and industrial districts.

- 1) Signs in commercial and industrial districts shall conform to the standards set forth in this Section.

- a) Maximum Sign Number, Area and Height Regulations for Signs in Commercial and Industrial Districts. All signs in commercial and industrial districts shall, based on the type of sign, conform to the following maximum number of each type of sign allowed, the maximum area and, for freestanding signs, the maximum height standards:

SIGN TYPE	COMMERCIAL & INDUSTRIAL DISTRICTS					
	C-1	C-2	C-3 Core	C-3	MU	I-1, I-2
i) Nameplate, Area	2 sf	2 sf	2 sf	2 sf	2	2
ii) Business Identification Sign, Max. Height	12 ft	25 ft	Not Permitted	12 ft	12 ft	12 ft
(1) Attached to Building, Area ^a	2 sf	2.5 sf	2 sf	2 sf	2 sf	2.5 sf
(2) Awning / Canopy, Area		50% of awning / canopy face				Not Permitted
(3) Freestanding, Area ^b	40 sf	80 sf	40 sf	40 sf	40 sf	80 sf
(4) Window, Area ^c	20%	20%	20%	20%	20%	20%
iii) Institutional Identification Sign, Area , Max. Height	Shall be permitted the allowable sign area for business identification signs for the district in which the use is located.					
	12 ft	12 ft	12 ft	12ft	12 ft	Not Applicable
iv) Directional Sign, Area , Max. Height	4 sf 4 ft	4 sf 4 ft	4 sf 4 ft	4 sf 4 ft	4 sf 4 ft	4 sf 4 ft
v) Building Marker, Area	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf
vi) Temporary Sign, Area ^d , Max. Height except:	6 sf 4 ft	6 sf 4 ft	6 sf 4 ft	6 sf 4 ft	6 sf 4 ft	6 sf 4 ft
(1) Project Real Estate / Construction Sign, Area ^d , Max. Height	40 sf 12 ft	80 sf 25 ft	40 sf 12 ft	40 sf 12 ft	40 sf 12 ft	80 sf 12 ft
(2) Window Sign, Area ^d	20%	20%	20%	20%	20%	Not Permitted
SIGN TYPE	C-1	C-2	C-3 Core	C-3	MU	I-1, I-2
(3) Special Event Sign, Area ^d	24 sf 6 ft	24 sf 6 ft	24 sf 6 ft	24 sf 6 ft	24 sf 6 ft	24 sf 6 ft

, Max Height	
vii) Instructional Sign, Area	Considered an identification sign unless exempt pursuant to Section 1173.06(c)
viii) Public Purpose / Safety Sign	Permitted as needed to achieve the intended public purpose. No Max. Height Limit.
<p>^a Per linear foot of building frontage, see also Section 1173.06(b)</p> <p>^b See also Sections 1173.06(d)</p> <p>^c Of total window area. See also Section 1173.06(a)</p> <p>^d See also Section 1173.06(e)</p>	

b) Maximum Area of Business Identification Signs in Commercial and Industrial Districts. The area of business identification signs shall comply with the following:

i) Signs Attached to Buildings. The area of signs attached to a building shall comply with the following:

(1) The total area of all identification signs shall not exceed the area identified in Section 1173.06.a above, except as otherwise specifically permitted in this Chapter.

(a) This maximum area shall be the sum of the areas of all identification signs attached to the building, including wall signs and awning or canopy signs, and shall also include the area of instructional signs unless such instructional signs are determined to be exempt pursuant to subsection (b) below.

(b) Notwithstanding the above standard, each building shall be permitted a minimum of 40 square feet of identification signs attached to the building.

ii) Under-canopy signs shall comply with the maximum area set forth in Section 1173.06, the area of which shall not be included in the sum total set forth in Subsection (b)(i)(1), above.

iii) Bonus Sign Area. Additional area for business identification signs attached to buildings shall be permitted for any lot in a Commercial or Industrial District that meets the following requirements.

(1) Corner Lots and Side and Rear Entrances. The maximum allowable area for identification signs attached to a building shall be increased beyond the allowable area set forth in Section 1173.06 in compliance with the following:

(a) Additional area shall be permitted when a building has a secondary frontage as defined in Section 1173.03 (3)(c).

- (b) The increased sign area for each secondary building frontage shall be 75 percent of the sign area permitted for the primary frontage, provided that:
 - (i) The additional sign area is utilized only on the secondary building frontage.
 - (ii) The sign area permitted on the principal building frontage may, however, be redistributed along the secondary building frontage(s), provided that the total sign area facing the secondary street(s) or parking lot, does not exceed the formula set forth in Section 1173.06 based on the length of the building frontage.
- (2) Large Building Setbacks. The maximum allowable area for identification wall signs may be increased by one-half square foot of sign area for each foot of building frontage when the principal building is set back more than 200 feet from the principal street on which the building is located. When only a portion of the building is set back more than 200 feet from the principal street, the sign area may be increased by one-half square foot of sign area for each lineal foot of that portion of the building which is more than 200 feet from the street and the additional sign area is included in a sign placed on that portion of the building.
- c) Instructional Signs. The area of instructional signs that are clearly intended for instructional purposes, as determined by the Zoning Administrator shall not be included in the sum of the area of identification signs, provided such signs comply with the following:
 - i) The sign is not larger than necessary to serve the intended instructional purpose, and
 - ii) The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign.
- d) Freestanding signs permitted in commercial and industrial districts shall comply with the following regulations:
 - i) Minimum Building Setback and Lot Width. A freestanding sign shall be permitted on a lot only when the lot complies with the minimum lot width requirements and the principal building is set back from the street right-of-way a minimum distance that is equal to the height of the sign.
 - ii) Maximum Number of Freestanding Signs. One freestanding sign shall be permitted per project or development, except for facilities on corner lots, pursuant to Section 1173.06(1)(d) (viii), below and bonuses as established for large lots, pursuant to Section 1173.06(1)(d)(ix), below.
 - iii) Minimum Sign Setback from Street. Freestanding signs shall be setback from the street right-of-way line a distance equal to one-half the height of the sign. All signs shall be placed so as not to obstruct sight lines for vehicles or pedestrians. On

corner lots, freestanding signs shall be erected at least 50 feet from any intersection except as otherwise permitted below.

- iv) **Minimum Sign Setback from Side Lot Lines.** Freestanding signs shall be located a minimum of 10 feet from any side lot line, except that when a side lot line coincides with a residential zoning district boundary line, the minimum setback shall be 20 feet.
- v) **Landscaping.** Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the freestanding sign shall obstruct the view of vehicles entering or exiting the property.
- vi) **Changeable Copy.** Business identification freestanding signs may have up to 50% of the permitted sign area set forth in Schedule 1173.06 devoted to changeable copy.
- vii) **Multi-Tenant Facilities.** When a freestanding sign is permitted on a site that has more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor tenant, all tenants, or some combination thereof.
- viii) **Additional Freestanding Sign For Corner Lots:** One additional freestanding sign may be permitted for a corner lot provided that:
 - (1) The total lot frontage of both streets is not less than 300 feet;
 - (2) The area of each freestanding identification sign complies with Section 1173.06, and the total area of both freestanding signs shall not exceed 175 percent of the maximum area permitted for a single sign;
 - (3) The second freestanding sign is clearly located to provide identification along the secondary street; and
 - (4) The two signs may be aggregated into a single sign at the corner provided that the area of any freestanding sign face shall not exceed 150 percent of the maximum area permitted for a single sign, unless otherwise permitted in subsection (ix) below.
- ix) **Additional Freestanding Signs for Large Lots.** The area and number of freestanding signs on large lots may be increased according to the following:
 - (1) The allowable area of any freestanding sign face may be increased by one square foot of area for every 5 linear feet of lot frontage greater than 200 feet.
 - (2) The allowable area pursuant to this Section may be distributed to one freestanding sign for each 250 feet of lot frontage or fraction thereof.
 - (3) Notwithstanding any provision of this section, the area of any freestanding sign shall not exceed 200 square feet.

- e) Temporary Signs. The following regulations for temporary signs in commercial and industrial districts are in addition to the maximum sign area and height regulations set forth in Section 1173.06.
 - i) Project Real Estate/Construction Signs. A project real estate or construction sign for a development project shall be permitted only in compliance with the following:
 - (1) One project real estate or construction sign shall be permitted for each street on which the lot has frontage.
 - (2) Such sign shall be located a minimum of 10 feet from any street right-of-way.
 - ii) Temporary Window Signs. Temporary window signs, where permitted, shall be attached to the interior of the building and shall comply with the following:
 - (1) The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed the percentage of the window area as set forth in Section 1173.06. This area is in addition to the allowable sign area for identification signs that are permanently attached to windows.
 - (2) All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall be removed.
 - (3) Temporary signs are permitted for up to three 30-day periods per calendar year.
 - iii) Special Event Signs. One temporary special event sign, either a freestanding sign or a banner attached to the front of the building, shall be permitted for a period not to exceed 14 days not more than three times per calendar year for the purpose of advertising the opening of a business, special sales event or community event, program or festival. Special event signs may be permitted for a period longer than 14 days only when the Planning Commission approves an extended time frame for the special event, pursuant to Section 1170.38. Such sign shall be removed within two days of the completion of the event or project.
 - iv) Temporary Signs in C-3 District. Portable sandwich board signs and similar types of temporary signs shall be permitted only in the core area of the C-3 District. Such signs shall be placed no more than five feet from the front of the building and may encroach upon the public right-of-way provided a four feet unobstructed walkway is reserved for public passage. Such signs shall not exceed three feet in height or two feet in width. Sandwich board signs must be placed indoors at the close of each business day. The Zoning Administrator shall approve all such signs.
 - v) Other Temporary Signs. In addition to the above, each business shall be permitted to erect one additional temporary sign in compliance with Section 1173.06.
 - (1) Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall be removed.
 - (2) Temporary signs are permitted for up to three 30-day periods per calendar year.

- vi) Setbacks. All temporary freestanding signs shall be located on private property and no closer than 10 feet from the street right-of-way line and 10 feet from a side lot line, unless specifically regulated otherwise.

1173.07 Supplemental regulations for signs in the C-3 district.

- 1) In addition to Section 1173.04, signs in the C-3 District shall comply with the following supplemental regulations. In the event these regulations conflict with other sections of this Chapter, these regulations shall govern.
 - a) Signs attached to buildings shall be placed on the building façade in a manner that respects the historic placement of signs. Sign backgrounds shall be a maximum of four (4) feet high and shall not extend to within two (2) feet of the edge of the face of the building to which the sign is attached.
 - b) Permanent signs shall be placed so that their lowest point is not less than nine (9) feet, and their highest point is not more than fourteen (14) feet above the sidewalk.
 - i) Signs on adjacent buildings and storefronts shall be aligned vertically along the bottom of the sign.
 - c) Sign letters shall not exceed one-half the height of the background and signs composed of individual lettering shall have a maximum height of thirty (30) inches.
 - d) All illuminated signs shall be lit externally except that backlit channel lettering may be allowed.
 - e) Externally illuminated permanent signs shall comply with the following:
 - i) Illumination shall not to exceed .02-foot candles.
 - ii) Lighting shall be placed so that the illuminated sign or direct lighting source are more than nine (9) feet above grade.
 - f) Sign backgrounds shall be of an opaque material in a color harmonious with surrounding signs along the street on which the building fronts.
 - g) Letters shall be constructed of metal, plastic or wood, or painted in a color harmonious with surrounding signs and buildings.

1173.08 Maintenance.

- 1) All signs shall be maintained in accordance with the following:
 - a) The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
 - b) If the sign is deemed by the Zoning Administrator to be in an unsafe condition, or has been constructed, erected or maintained in violation of this Planning and Zoning Code, the owner of the business shall be immediately notified, in writing, and shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the

correction has not been made within the 48 hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located.

- c) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 - i) There shall be no alteration or remodeling to the structure or the mounting of the sign itself.
 - ii) There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
 - iii) The sign shall be accessory to a legally permitted, conditional or nonconforming use.
- d) The Zoning Administrator may order any sign to be painted or refurbished at least once each year, if needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the Zoning Administrator.
- e) Any sign now or hereafter existing that no longer identifies or advertises a bona fide business or service located on the premises shall be removed by the owner, agent or person having beneficial use of the building, structure or premises upon which such sign is located within 10 days after written notification from the Zoning Administrator. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

1173.09 Administrative procedures.

- 1) Signs Requiring a Permit. The following signs shall require a permit prior to the erection or alteration of the sign.
 - a) The Zoning Administrator shall review and act on sign applications for the following signs according to the design and construction criteria set forth in Section 1173.04 and the review procedures for development plan review set forth in Chapter 1181. However, the Zoning Administrator may forward such application to the Planning Commission for their review and comment.
 - i) Business identification signs;
 - ii) Institution identification signs;
 - iii) Residential development identification signs;
 - iv) Directional signs;

- v) Temporary signs for uses other than single family and two-family dwellings (except for temporary window signs);
 - vi) Instructional signs.
- 2) Signs Not Requiring Permit. The erection of the following signs shall not require a permit provided that all applicable regulations of this Chapter are complied with:
- a) Building markers;
 - b) Temporary signs for single-family and two-family dwellings;
 - c) Nameplates;
 - d) Temporary window signs;
 - e) Maintenance of existing signs in compliance with Section 1173.08.
- 3) Exempt Signs. The following signs shall be exempt from regulation under the Planning and Zoning Code:
- a) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or Planning and Zoning Code.
 - b) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the building in which such sign is located.
 - c) Works of art that do not include a commercial message.
 - d) Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
 - e) Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
 - f) Architectural Features. Architectural features that are part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. An architectural feature is any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms complementing the site in general.
- 4) Prohibited Signs. All signs not expressly permitted in this Chapter or exempt from regulation pursuant to subsection (3) above shall be prohibited in the City. Such signs include but are not limited to the following:
- a) Signs containing information or advertising for any product not sold or produced on the premises or for any use that does not occur on the premises.

- b) Animated, flasher, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, except those exempt under the previous Section, and other similar types of attention-getting devices;
 - c) Signs on temporarily placed vehicles;
 - d) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
 - e) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
 - f) Signs located in the public right-of-way or on utility poles, except as specifically permitted in Section 1173.06(1)(e)(iv) for the core area of the C-3 District.
 - g) Roof signs shall be prohibited: No sign shall be located on the roof of any building.
- 5) Sign Concept Plan. For multi-tenant buildings and development projects with multiple buildings in the C-1, C-2, M-U, I-1 or I-2 Districts, the Planning Commission may approve basic sign parameters that set forth the location, size and style of each tenant sign. Such sign parameters may be established when the Planning Commission reviews development plans for new buildings or at the time a specific sign application is made for an identification sign for an existing building. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for a tenant of the development or building that complies with such sign parameters.
- 6) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall include one (1) copy depicting the actual colors of the building and sign, either drawing or photo, at eight and one half by eleven (8 1/2 x 11") size and suitable for reproduction. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:
- a) A complete site plan or photograph showing the location of the sign and its relationship to the building, the building setbacks and lot width, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;
 - b) Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, materials of the sign and the frame or structure, and approximate weight of the sign; and
 - c) Construction, erection or fastening details, including wattage of electric lamps or illuminating tubes, if applicable.
 - d) A permit fee for each sign application, as established by City Council.

- e) A completed Sign Permit Application. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

1173.10 Regulations for nonconforming signs.

- 1) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1173.08 and may continue until such sign is required to be removed as set forth in this Section.
- 2) Alteration and Removal of Nonconforming Signs.
 - a) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 1173.08, shall conform to all requirements of this Chapter:
 - i) When more than 50 percent of the value of the sign has been destroyed or has been taken down; or
 - ii) When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days. The sign shall be removed by the owner of the premises within 10 days after it is deemed vacant or abandoned;
 - b) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except that:
 - i) When the existing use has new ownership which results in a change in the name of the use or business on the property or when the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, then the message of a nonconforming sign may be changed.
 - ii) An existing sign pursuant to this subsection may be changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.
 - c) Subject to the provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed 50 percent of the value of such sign within any 12-month period

Chapter 1180 Procedures for Zoning Certificates, Zoning Permits, and Certificates of Approval

- 1180.01 Purpose.
- 1180.02 Zoning certificate required.
- 1180.03 Zoning permit required.
- 1180.04 Expiration of zoning certificate/permit.
- 1180.05 Work started without a permit.
- 1180.06 Certificate of approval required in the C-3 district.
- 1180.07 Records.

1180.01 Purpose.

- 1) The administrative provisions of this Chapter establish the procedures for reviewing and acting upon applications for zoning certificates, zoning permits, and certificates of approval in order to accomplish the purposes for which this Planning and Zoning Code is adopted.

1180.02 Zoning certificate required.

- 1) A zoning certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Planning and Zoning Code.
 - a) A zoning certificate shall be issued when:
 - i) Site/Development Plan Review. An application for any permitted use has been reviewed and approved by the Planning Commission according to the site/development plan review procedures set forth in Chapter 1181.
 - ii) Conditional Uses. An application for a conditional use has been reviewed and approved by the Planning Commission and Council according to the procedures set forth in Chapter 1182.
 - iii) Variance Requests. An application for which a variance from a requirement of this Planning and Zoning Code is requested has been reviewed and approved by the Planning Commission, according to the procedures set forth in Chapter 1183.
 - iv) Similar Uses. An application for any building or use not specifically listed in this Planning and Zoning Code as a permitted or conditional use has been reviewed and approved by the Planning Commission and Council according to the procedures set forth in Chapter 1182.

- b) Applications for zoning certificates are available in the Office of the Zoning Administrator. A completed application form accompanied by all other applicable submission requirements shall be submitted to the Zoning Administrator.
- 2) Completion of Construction with Zoning Certificate. Nothing in this Planning and Zoning Code shall prohibit the completion of the construction and use of buildings for which a zoning certificate has been issued prior to the effective date of this Planning and Zoning Code, or amendments thereto, provided that construction is commenced within 90 days after the issuance of such certificate, that construction is carried on diligently and without interruption and the entire building is completed within two (2) years after the issuance of the zoning certificate. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

1180.03 Zoning permit required.

- 1) No building, structure, or property shall be erected, enlarged, structurally altered, moved or improved upon in whole or in part prior to the issuance of a zoning permit.
- 2) Construction or alteration of single-family dwelling, two family dwelling, or use accessory thereto that meet the requirements established in this code may file directly for a zoning permit.
 - a) Submission of Applications. An application for a zoning permit for the construction or alteration of a single-family dwelling, two family dwelling, or use accessory thereto shall include the items set forth below.
 - i) The completed application form, along with the application fee as established by City Council.
 - ii) New construction of dwellings requires a site plan, floor plans, and elevation views of the proposed structure.
 - iii) Additions and alterations to a dwelling and accessory use construction requires a construction drawing showing the following:
 - (1) A sketch of the lot.
 - (2) All existing structures and features.
 - (3) The proposed improvements with dimensions.
 - (4) Dimensions from proposed improvements to the lot lines.
 - (5) Location and dimension of any easements and use of the easement.
 - (6) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Planning and Zoning Code.

- b) **Review for Completeness.** Within 10 days after receiving an application, the Zoning Administrator shall review the submitted application to determine compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made.
 - c) **Action by Zoning Administrator.** The Zoning Administrator shall evaluate the application and approve or deny it within 30 days from the date it was determined to be complete. In evaluating the application, the Zoning Administrator may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Planning and Zoning Code.
 - d) **Approval.** The Zoning Administrator shall issue a zoning permit upon finding that the building, structure or use, as proposed, complies with the provisions of this Planning and Zoning Code.
 - e) **Denial.** If it is determined by the Zoning Administrator that the proposed building, structure or use would violate one or more provisions of this Planning and Zoning Code, then the zoning permit shall not be issued and a zoning certificate is required. The Zoning Administrator shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated and noted as disapproved, retaining the original application for the City's permanent record.
- 3) **Zoning Permits for All Other Buildings and Structures.** An application for all other buildings and structures not described in subsection (c) above, including, but not limited to, multi-family dwellings (with more than three units), community or institutional facilities, and commercial and industrial buildings or structures, shall have the following:
- a) **Zoning Certificate Required.** Zoning certificates, including approval of the site/development plan, conditional use(s) and/or variance(s) shall be obtained prior to submission of application for a zoning permit.
 - b) **Submission Requirements.**
 - i) The application shall include the property number assigned by the City Engineer as set forth in Chapter 1335.
 - ii) A complete set of building plans, approved by the state of Ohio Department of Commerce, Industrial Compliance Division for compliance with the OBC shall be submitted with the required application.
 - iii) Proposed grading plan indicating final grading of the site after completion of the building and/or structure.

- iv) Other plans, drawings, documentation as needed to indicate compliance with the construction standards adopted by the City of Bryan.
- c) Review.
 - i) The Zoning Administrator shall review the application for compliance with the submission requirements.
 - ii) The Fire Official shall review the application for compliance with provisions related to fire prevention.
 - iii) The City Engineer shall review the application to determine conformity to the grading, storm water retention, and construction standards in effect in the City.
- d) Action.
 - i) If the application is determined to comply with the submission requirements and is approved by the City Engineer and Fire Official, the Zoning Administrator shall issue a zoning permit.
 - ii) The Zoning Administrator shall keep one set of State of Ohio-approved plans and a copy of any change/addenda/ waiver.
 - iii) Any future change/ addenda/ waiver issued by the State of Ohio Department of Commerce, Industrial Compliance Division shall be submitted to the Zoning Administrator for his review and approval prior to the change/ addenda/ waiver becoming valid in the City.
- 4) Partial Permits. The Zoning Administrator may issue a permit authorizing work to begin on only a portion of a proposed project, otherwise known as a partial permit. However, prior to issuing such a permit, all necessary zoning approval shall be obtained.
- 5) Zoning Permit for Sign. Applications for a permit to erect a sign shall comply with the requirements and procedures set forth in Chapter 1173 of the Planning and Zoning Code.
- 6) Zoning Permit for Demolition. Applications for a permit to demolish a building shall be submitted to the Zoning Administrator and reviewed by the City Engineer and Fire Official.

1180.04 Expiration of zoning certificate/permit.

- 1) A zoning certificate/permit shall become void at the expiration of 12 months after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Administrator. If no construction is begun within one year of the date of the certificate/permit and an extension has not been granted, a new application and certificate/permit shall be required. Construction is deemed to have begun when all necessary excavation and piers or footings of the structure included in the application have been completed. The date of expiration shall be noted on the zoning permit. Unfinished construction projects on which no progress is made for 180 days shall be considered abandoned and declared a nuisance.

1180.05 Work started without a permit.

- 1) Where work for which a permit is required by this Zoning Code is started prior to obtaining such permit, the fees required by the permit shall be double. The payment of such double fee shall not relieve any person from fully complying with the requirements of the law of the State or ordinances of this Municipality.

1180.06 Certificate of approval required in the C-3 district.

- 1) A certificate of approval shall be obtained prior to commencing any new construction or modification to a property in the C-3 Core District. For the purposes of this Section, modifications shall include: expanding the floor area of a permitted use; altering significant exterior architectural features of a building, which does not alter the footprint or ground floor area of the building; demolition of a building or structure; or any exterior change to the property such as signs, fences, awnings, paint and similar features.
 - a) The application for a certificate of approval shall be filed with the City with such plans, specifications, and other material as the Zoning Administrator may prescribe.
 - b) Within 30 days after receipt of an application for a certificate of approval, the City shall consider the application, plans, and specifications and determine whether the proposed construction, reconstruction, demolition or alteration meets the C-3 design criteria as set forth in Section 1155.03.
 - c) Applications for demolition, new construction, or substantial modifications to building facades, including change of materials, wall openings, or building renovations exceeding 50% of assessed value per the County Auditor shall be reviewed by the Planning Commission to determine if the proposal has an adverse effect upon the property and the DBHD. Notice of the meeting shall be given to the applicant and the public at least ten (10) days prior to the date on which such meeting is held.
 - i) If the proposed construction, reconstruction, demolition or alteration is determined to have no adverse effect on the property, then the certificate of approval shall be issued. That certificate may also contain conditions imposed by the Planning Commission to ensure that the construction, reconstruction, demolition, or alteration will be compatible with the historic nature of the property.
 - ii) If the Planning Commission determines that the proposed construction, reconstruction, demolition or alteration will have an adverse effect on the property, then the C-3 certificate of approval shall be denied.
 - iii) In the event the Planning Commission determines that a certificate of approval shall not be issued, it shall forthwith state in its records reasons for such determination, and may include recommendations relative to the proposed construction, reconstruction, demolition or alteration of any building. The applicant shall be notified in writing of such determination and the reasons for denial and recommendations, if any.

- d) The applicant may appeal a denial of the certificate of approval to the City Council within 15 days of notice of determination.
 - e) The City Council may reverse or modify the decision only when the Council finds that:
 - i) The decision of the Planning Commission is not consistent with the purpose and intent of the design criteria set forth in Section 1155.03; or
 - ii) The application of the design criteria set forth in Section 1155.03 creates a hardship in terms of excessive costs or prohibiting a reasonable use of the property for its intended purpose.
 - iii) In evaluating the appeal, the City Council shall rely on the findings and determination of the Planning Commission.
 - iv) The City Council shall review the appeal and issue its determination within 45 days after receipt of the appeal.
 - f) When the proposed construction or alteration is also subject to development plan review, pursuant to Section 1181.02, the Planning Commission shall review the certificate of approval application concurrent with the development plan.
- 2) Minor alterations shall be reviewed by the Zoning Administrator. Minor alterations include
- a) Signs
 - b) Paint and minor façade repairs
 - c) Replacement of windows, doors and trim
 - d) Awnings
 - e) Fences
 - f) Landscaping and street furnishings

1180.07 Records.

- 1) A permanent record of all applications and certificates issued shall be on file in the office of the Zoning Administrator and available to the public.

Chapter 1181 Site/Development Plan Review

- 1181.01 Purpose.
- 1181.02 Development plan review required.
- 1181.03 Exemptions to site/development plan review.
- 1181.04 Preapplication meeting encouraged.
- 1181.05 Minor alterations reviewed by Zoning Administrator.
- 1181.06 Site/development plan submission requirements.
- 1181.07 Site/development plan review procedures.
- 1181.08 Public hearing and notice by Planning Commission.
- 1181.09 Planning Commission review of site/development plans.
- 1181.10 Action by Planning Commission.
- 1181.11 Equivalency provision.
- 1181.12 Significance of an approved plan; plan revisions.
- 1181.13 Expiration of development plan approval.
- 1181.14 Revisions to association documents approved by City Attorney.
- 1181.15 Appeals to the court of common pleas.

1181.01 Purpose.

- 1) The purpose of this Chapter is to provide adequate review of proposed planned unit residential, multi-family, commercial, and industrial which because of their size, scale or effect on surrounding property, review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

1181.02 Site/Development plan review required.

- 1) Review of a site/development plan shall be conducted in compliance with the following:
 - a) All proposed planned unit residential developments, and any project which includes multiple buildings or phased development;
 - b) New construction of all permitted uses in multi-family, commercial, and industrial districts, except single-family uses;
 - c) New construction of all conditional uses;
 - d) Any alteration, reconstruction, or otherwise modification of a multi-family, commercial, industrial, or conditional use or site which may include expanding the floor area of the

permitted use; increasing the number of dwelling units in a multi-family development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

- 2) Site/development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.

1181.03 Exemptions to site/development plan review.

- 1) The following shall be exempt from development plan review:
 - a) Re-occupancy of an existing structure when:
 - i) there is no change in the bulk of the structure;
 - ii) there is no change to a previously approved final development plan; or
 - iii) there is no change in the required parking.
 - b) Exterior changes proposed to property in the C-3 District that do not alter the footprint or ground floor area of a building See Section 1180.05 for additional standards related to the C-3 District.

1181.04 Preapplication meeting encouraged.

The applicant is encouraged to meet with the Zoning Administrator, or his/her designee, prior to applying for site/development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

1181.05 Minor alterations reviewed by Zoning Administrator.

- 1) When a minor alteration is proposed to an existing building, structure or site arrangement on a lot otherwise subject to development plan review pursuant to Section 1181.02, the Zoning Administrator may make a preliminary determination that such a proposal is not subject to development plan review.
 - a) For the purposes of this Section, a minor alteration shall include:
 - i) Small incidental construction of accessory structures;
 - ii) Incidental additions or alterations to principal buildings on large lots;
 - iii) Proposed construction of a building or structure that is substantially distant and screened from adjacent roadways and property lines so as to have no impact on the surrounding properties; and
 - iv) Minor design modifications that will have no discernible impact on neighboring properties, the public, or those intended to occupy or use the proposed development.

- b) The applicant shall submit a scaled drawing indicating the proposed minor alteration.
- c) The Zoning Administrator shall review the proposal to determine that the proposal is not contrary to this Planning and Zoning Code; and will not result in any material adverse impact to the site; or surrounding areas.

1181.06 Site/Development plan submission requirements.

- 1) An application for site/development plan review shall be required for each phase of development. Submit a site/development plan application to the Zoning Administrator along with the application fee. Two (2) sets of the maps, plans, designs and supplementary documents itemized below, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary and are waived in writing by the Zoning Administrator.
 - a) An accurate, legal description prepared or certified by a registered surveyor of the state;
 - b) A property location map showing existing property lines, easements, utilities and street rights-of-way;
 - c) A site/development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - i) Use, location and height of existing and proposed buildings and structures;
 - ii) Location of all public rights-of-way and private streets;
 - iii) Location and configuration of vehicular circulation including off-street parking and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - iv) Location of proposed and existing fences, walls, signs, and lighting;
 - v) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - vi) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - vii) Dimensions of all buildings, setbacks, parking areas, drives and walkways;
 - viii) The following items for planned unit residential developments, in addition to the items identified in this Section:
 - (1) Location of restricted open space required; and
 - (2) Location of building envelopes within which dwelling units are to be constructed, and lot lines for single-family detached dwellings.

- d) The substance of protective covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings, including proposed easements or grants for public utilities. If the proposed project is a phased development, such documentation shall be submitted with the first phase;
- e) Topographic maps showing existing and proposed grading contours and major vegetation features including existing trees over six inches in diameter, wooded areas, wetlands and other environmental features;
- f) Preliminary architectural plans for the proposed development or use showing exterior elevations and building floor plans, site construction materials, and signs, prepared and certified by a professional engineer, architect, or surveyor;
- g) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping, screening elements and any existing trees to be removed;
- h) Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type;
- i) For a phased development, a proposed schedule for completion of improvements that are designed to relate to, benefit or be used by the entire development. Such schedule shall be submitted with the first phase and shall relate completion of such improvements to completion of one or more phases of the development;
- j) Other information necessary for the evaluation of the site/development plan as deemed necessary by the Zoning Administrator.

1181.07 Site/Development plan review procedures.

- 1) Site/development plans shall be reviewed and distributed according to the following procedures.
 - a) Review for Completeness. Within 10 days after receiving an application, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.
 - b) Distribution of Plans. Upon deeming the application complete, the Zoning Administrator shall forward the application to the following for review and comment.
 - i) All applications shall be transmitted to the appropriate City departments and professional consultants;

- ii) Applications for proposed construction or modifications in the C-3 District shall be reviewed for compliance with the certificate of approval requirements set forth in Section 1180.05.
- c) Return of expert opinions. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator within 10 days from the date the application is deemed complete.
- d) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application for development plan review and any reports prepared by the individuals in subsection (b) above to the Planning Commission, prior to the time of the Commission's review at their next regularly scheduled meeting.

1181.08 Public hearing and notice by Planning Commission.

- 1) The Planning Commission shall hold a public hearing on the site/development plan. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 250 feet of the property on which the use is proposed. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the site/development plan. The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

1181.09 Planning Commission review of site/development plans.

- 1) The Planning Commission shall review a site/development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff, consultants and any other City authorized committees when reviewing the application. In order to approve a site/development plan, the Planning Commission shall determine that:
 - a) The plan is consistent with any plan for the orderly development of the City.
 - b) When applicable, the plan conforms in all respects to the regulations of this Planning and Zoning Code provided, however, that the Planning Commission may authorize minor changes in the plans as specified in Section 1181.10.
 - c) The appropriate use and value of property within and adjacent to the area will be safeguarded.
 - d) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
 - e) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

- f) The development will have adequate public service.
- g) The development will have adequate open spaces.
- h) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Planning and Zoning Code.
- i) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.
- j) The proposed signs must meet code requirements.
- k) The landscape plan must meet code requirements.
- l) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with the applicable regulations in this Planning and Zoning Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters.
- m) If the project is to be carried out in progressive phases, each phase shall be so planned that the foregoing conditions are complied with at the completion of each phase.
- n) If the project is located within the C-3 district, the Planning Commission shall review the development in accordance with C-3 design criteria, Section 1180.05.
 - i) If the project is located within the C-3 Core area the Planning Commission shall review the project in terms of its compatibility with the existing buildings in the core area, whether the building is deemed a “contributing structure” per the Downtown Bryan National Historic District (DBHD) application, and the condition of the existing building(s), if applicable.
 - ii) No application for a certificate of approval shall conflict with or detract from the DBHD.
- 2) In their review of an application, the Planning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.

1181.10 Action by Planning Commission.

- 1) For a site/development plan, the Planning Commission shall either:
 - a) Approve the development plan as submitted; or
 - b) Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or

- c) Table the site/development plan for the next scheduled Planning Commission meeting, demonstrating to the applicant an acceptable alternative plan; or
 - d) Deny the site/development plan when the application does not demonstrate that the required standards have been met.
- 2) If the Planning Commission fails to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, then the applicant shall deem the site/development plan denied.

1181.11 Equivalency provision.

- 1) In reviewing the application, the Planning Commission may find that a site/development plan either adheres or is equivalent to the requirements of this Planning and Zoning Code.
 - a) The Planning Commission may consider elements of a site/development plan to be equivalent to a requirement if:
 - i) The proposed site/development plan substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district;
 - ii) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and
 - iii) The site/development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
 - b) It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Planning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such finding, the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Planning and Zoning Code.

1181.12 Significance of an approved plan; plan revisions.

An approved site/development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved site/development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Chapter.

1181.13 Expiration of site/development plan approval.

- 1) An approved site/development plan shall remain valid for a period of 12 months following the date of its approval.
- 2) Expired plans shall be of no effect unless resubmitted and reapproved in accordance with this chapter.
- 3) The Planning Commission may authorize a longer expiration period at the time of approval.
- 4) Zoning Administrator may administratively grant a longer expiration period.

1181.14 Revisions to association documents approved by City Attorney.

- 1) Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a planned unit residential development, such amendment shall be submitted to the City Attorney for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Planning and Zoning Code.

1181.15 Appeals to the court of common pleas.

- 1) Decisions by the Planning Commission granting or denying approval of site/development plans shall be final. Appeals shall be subject to judicial review by the Court of Common Pleas of Williams County, Ohio, in accordance with the laws of the State of Ohio.

Chapter 1182 Conditional Use Certificates and Similar Uses

- 1182.01 Purpose.
- 1182.02 Preapplication meeting encouraged.
- 1182.03 Submission of application.
- 1182.04 Conditional use application procedures.
- 1182.05 Review of conditional use application.
- 1182.06 Public hearing and notice by Planning Commission.
- 1182.07 Burden of presenting evidence.
- 1182.08 Action by Planning Commission.
- 1182.09 Confirmation by City Council.
- 1182.10 Terms and duration of conditional use certificate.
- 1182.11 Reapplication.
- 1182.12 Similar uses.

1182.01 Purpose.

- 1) When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use certificate is required and the application for such conditional use certificate shall be submitted and reviewed according to the guidelines outlined in this Chapter.

1182.02 Preapplication meeting encouraged.

- 1) The applicant is encouraged to meet with the Zoning Administrator, or his/her designee, prior to applying for a conditional use certificate. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

1182.03 Submission of application.

- 1) The owner or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Administrator an application for a conditional use certificate accompanied by payment of the required fee established by Council. The application for a conditional use certificate shall disclose all uses proposed for the development, their location, extent, and characteristics and shall include the following:

- a) A development plan and associated documentation as required in Section 1181.06 unless specific items required in Section 1181.06 are determined by the Zoning Administrator to be inapplicable or unnecessary and are waived, in writing, by the Zoning Administrator.

1182.04 Conditional use application procedures.

- 1) Review for Completeness. Within 10 days after receiving an application for conditional use certificate, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.
- 2) Distribution of Plans. When the Zoning Administrator determines that the application is complete, the Zoning Administrator shall forward the application to appropriate City departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator within 10 days from the date the application is deemed complete.
- 3) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application for conditional use certificate and any reports prepared by the individuals in subsection (2) above to the Planning Commission, prior to the time of the Commission's review at their next regularly scheduled meeting.

1182.05 Review of conditional use application.

- 1) The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Planning and Zoning Code.
 - a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review procedures and criteria set forth in Chapter 1181, as applicable;
 - b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1163 of this Planning and Zoning Code; and
 - c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

1182.06 Public hearing and notice by Planning Commission.

- 1) The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 250 feet of the property on which the use is proposed. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

1182.07 Burden of presenting evidence.

- 1) The burden of presenting evidence to the Planning Commission that is sufficient to lead the Commission to conclude that the application should be denied shall be upon the party or parties urging this position, unless the information presented by the applicant in the submitted application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

1182.08 Action by Planning Commission.

- 1) The Planning Commission shall take one of the following actions:
 - a) If the proposed conditional use is determined by the Planning Commission to be appropriate and in conformance with the review criteria outlined in Sections 1181.08, the Planning Commission shall approve the conditional use certificate. As part of the approval, the Planning Commission may prescribe reasonable requirements on the proposed use to ensure that the development conforms with the intent and purposes of Section 1163.02. The Planning Commission may approve the application for a conditional use without approving the submitted development plan.
 - b) The Planning Commission shall deny the application if the Planning Commission concludes that, if completed as proposed, the development will not be in compliance with the requirements of this Planning and Zoning Code. Such action shall be stated in writing and include specific findings, based upon the evidence submitted, justifying such a conclusion.
- 2) If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the development denied.

1182.09 Confirmation by City Council.

- 1) When the Planning Commission recommends approval of a conditional use, the recommendation, along with the application, shall be submitted within 21 days to Council for confirmation.

- a) The purpose of Council's review shall be to confirm or deny the recommendation of the Planning Commission. In doing so, Council shall rely on the record of the Planning Commission. A public hearing shall not be required.
- b) Council shall act on the application according to the following:
 - i) Council, by a majority vote, may confirm the recommendation of the Planning Commission or modification thereof; or
 - ii) Council, by a majority vote, may refer the conditional use application back to the Planning Commission for further study and review. Any additional review shall comply with the time frame allotted in Section 1182.08; or
 - iii) Council, by a 4/5 vote of its membership, may approve a modification of the recommendation of the Planning Commission; or
 - iv) Council, by a 4/5 vote of its membership, may reject the recommendation of the Planning Commission.
- c) Failure of Council to act within 60 days from the date Planning Commission makes a recommendation shall be deemed a confirmation of the Planning Commission's recommendation.

1182.10 Terms and duration of conditional use certificate.

- 1) Following Council's approval of an application for conditional use certificate, the Zoning Administrator shall issue a conditional use certificate.
 - a) A conditional use certificate shall authorize a particular conditional use on a specific parcel for which it was approved. A conditional use certificate issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
 - b) The conditional use certificate shall expire one year from the date of enactment, unless:
 - i) The final development plan is approved for uses that require a final development plan;
 - ii) Substantial progress in the establishment of the use is accomplished; or
 - iii) As otherwise specifically approved by the Planning Commission.

1182.11 Reapplication.

- 1) No re-application for a conditional use certificate shall be accepted by the Zoning Administrator unless the re-application is based on a revised application that addresses the justification for the denial of the initial application. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

1182.12 Similar uses.

- 1) Within each zoning district established by the Planning and Zoning Code and amendments thereto, uses of land or structures, which are compatible with each other, are permitted in the district. To the extent that new types of uses are created and are not addressed by this Planning and Zoning Code, this section provides the procedure by which the Planning Commission may determine a new use is similar to a use permitted in a district.
 - a) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use complies the following provisions:
 - i) The proposed use is not prohibited in any other district;
 - ii) The proposed use is not listed as a permitted building or use in any other district;
 - iii) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
 - iv) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.
 - b) Procedure. The Planning Commission shall review the proposed use according to the conditional use procedures set forth in Sections 1182.02 through 1182.08, including the requirement for a public hearing.
 - c) Action by Planning Commission. Within 21 days of a recommendation for approval by the Planning Commission, the application shall be submitted to City Council for confirmation. The Planning Commission shall recommend that Council approve, approve with modifications or deny the application for a similar use determination and provide the reasons for their decision.
 - d) Assignment to Districts. If Council, by a majority vote of its members, concurs with the recommendations of the Planning Commission and approves the proposed similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in the recommendation.

Chapter 1183 Appeals and Variances

- 1183.01 Appeals to the Planning Commission.
- 1183.02 Initiation of appeal.
- 1183.03 Public hearing by the Commission.
- 1183.04 Notice of public hearing.
- 1183.05 Stay of proceedings.
- 1183.06 Review of appeal.
- 1183.07 Decision by the Commission.
- 1183.08 Appeals to the Court of Common Pleas.
- 1183.09 Variances.

1183.01 Appeals to the Planning Commission.

- 1) Appeals to the Planning Commission may be submitted by any person, firm or corporation, or by any officer, board or department of the City, deeming him/herself or itself to be adversely affected by a decision of the Zoning Administrator, or by any administrative officer deciding matters relating to this Planning and Zoning Code.

1183.02 Initiation of appeal.

- 1) Applications for appeal shall be filed with the Zoning Administrator within 15 days after the date of any adverse order, requirement, decision, or determination. The application for appeal shall include reference to the decision, the provision of this Planning and Zoning Code from which the appeal is sought, and reasons for the appeal.

1183.03 Public hearing by the Commission.

- 1) When an application for appeal has been filed in proper form with the Planning Commission and the application fee has been paid, the Zoning Administrator shall immediately place the request upon the calendar for public hearing before the Planning Commission. The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.

1183.04 Notice of public hearing.

- 1) Notice of such public hearing shall be given by first class mail to the parties making the request for the appeal and to the property owners within 250 feet of the property to which such appeal relates. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general

circulation in the city. All notices shall be made at least 10 days before the date of said public hearing. All notices shall set forth the time, place and nature of the public hearing.

1183.05 Stay of proceedings.

- 1) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator shall certify to the Planning Commission after the notice of the appeal has been filed, that by reason of facts stated in the permit, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by a court having lawful jurisdiction.

1183.06 Review of appeal.

- 1) The Planning Commission shall review the appeal. To aid in their review, the Commission may transmit the application to appropriate administrative departments and professional consultants for review and comment. Any reports, comments or expert opinions shall be compiled by the Zoning Administrator and transmitted to the Commission prior to the time of the Commission's review.

1183.07 Decision of the Commission.

- 1) Within its powers, the Planning Commission may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a permit or certificate.
 - a) The Commission shall render a decision on the appeal within 10 days from the date of the hearing unless an extended period of time is mutually agreed upon by the applicant and the Commission. If the Commission fails to act within such period of time, the appellant may determine the appeal has been denied.
 - b) The Commission shall notify the appellant in writing of the decision of the Commission.
 - c) The Zoning Administrator, or their designee, shall keep minutes of all proceedings related to the appeal, showing the vote of each member thereon, and shall keep record of the Commission's official actions.
 - d) Once the appellant has received the Commission's decision, they may apply for a zoning certificate or permit that complies with the Planning Commission's decision. A copy of the Planning Commission's decision shall be attached to the application.

1183.08 Variances.

- 1) The Planning Commission may authorize, upon appeal in specific cases, a variance from the terms of this Planning and Zoning Code so long as the variance will not be contrary to the public interest according to the following procedures:
 - a) Application Requirements. An application for a variance shall be filed with the Zoning Administrator for review by the Planning Commission upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

- i) Name, address and phone number of applicant(s);
 - ii) Proof of ownership, legal interest or written authority;
 - iii) Description of property or portion thereof;
 - iv) Description or nature of variance requested;
 - v) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (c) below;
 - vi) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
 - vii) Payment of the application fee as established by Council;
 - viii) Any other documents deemed necessary by the Zoning Administrator;
 - ix) The application and required documentation shall be submitted at least 18 days prior to the meeting of the Planning Commission at which the application is to be considered. Applications received less than 18 days in advance of a meeting will be placed on the agenda of the next Planning Commission meeting.
- b) Review for Completeness. Within 10 days after receiving an application for variance, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.
- c) Review by the Planning Commission. The Commission shall hold a public hearing and give notice of the same. Notice of the public hearing shall be given by first class mail to the applicant and to the property owners within 250 feet of the subject property. The Planning Commission shall review each application for a variance to determine if it complies with the purpose and intent of this Planning and Zoning Code and evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty or unnecessary hardship.
- i) Area Variance. The following factors shall be considered and weighed by the Planning Commission to determine practical difficulty:
 - (1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot;

- (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - (6) Whether the property owner purchased the property with knowledge of the zoning restrictions;
 - (7) Whether special conditions or circumstances exist as a result of actions of the owner;
 - (8) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - (9) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 - (10) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- ii) Use Variance. In order to grant a use variance, the Planning Commission shall determine that strict compliance with the terms of this Planning and Zoning Code will result in unnecessary hardship to the applicant. The following factors shall be considered and weighed by the Planning Commission to determine practical difficulty:
- (1) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
 - (2) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - (3) The hardship condition is not created by actions of the applicant;
 - (4) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - (5) The granting of the variance will not adversely affect the public health, safety or general welfare;

- (6) The variance will be consistent with the general spirit and intent of the Planning and Zoning Code; and
- (7) The variance sought is the minimum that will afford relief to the applicant.
- d) Requests for Additional Information. The Planning Commission may request that the applicant supply additional information that the Commission deems necessary to review and evaluate the request for a variance.
- e) Additional Conditions and Safeguards. The Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulation(s) or provision(s) to which the variance applies will be met.
- f) Action by the Planning Commission. The Commission shall either approve, approve with supplementary conditions as specified in subsection (e) above, or disapprove the request for variance according to the procedures established for appeals in Section 1183.07.
- g) Term and Extension of Variance. Variances shall be non-assignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance or an extension of time has been granted by the Zoning Administrator. There shall be no modification of variances except by further consideration of the Commission. Once the time limit pursuant to this Section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

1183.09 Appeals to the Court of Common Pleas.

- 1) Decisions by the Planning Commission granting or denying a variance shall be final. Appeals shall be subject to judicial review by the Court of Common Pleas of Williams County, Ohio, in accordance with the laws of the State of Ohio.

Chapter 1184 Nonconformities

1184.01 Purpose.

1184.02 Nonconforming uses, lots, buildings, and structures.

1184.01 Purpose.

- 1) The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Planning and Zoning Code's enactment, or amendment thereto, but which now do not conform with one or more of the regulations contained in this Planning and Zoning Code.

1184.02 Nonconforming uses, lots, buildings, and structures.

- 1) Nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists. Therefore, nonconforming uses, buildings, lots, and structures are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be continued only in conformance with this Chapter.
 - a) Permitted Use on Nonconforming Lot. A lot of record existing on the effective date of this Planning and Zoning Code may be occupied by a use listed as a permitted principal use in Chapter 1162 for the district in which the lot is located even when the lot does not comply with the minimum requirements set forth in Chapter 1161, provided the use can be conducted in compliance with all other requirements set forth in this Planning and Zoning Code.
 - b) Nonconforming Lots. A lot of record that does not comply on the effective date of this Planning and Zoning Code, or any amendment thereto, with the lot area and/or lot width regulations of the district in which the lot is located may be used as follows:
 - i) Existing Dwelling on a Residential Lot. If the lot is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Planning and Zoning Code, except for the lot area and lot width regulations of the district in which the lot is located. The number of dwelling units shall not be increased unless all regulations, including lot area, are complied with.
 - ii) Single Nonconforming Lot of Record in a Residential District. A nonconforming lot in a Residential District that is in separate ownership and not of continuous frontage with other lots in the same ownership shall be permitted to be developed as a site for a single-family dwelling provided that the dwelling and its accessory uses comply

with all regulations of this Planning and Zoning Code, except for the lot area and lot width regulations of the district in which the lot is located.

- iii) **Lots in Combination.** If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Planning and Zoning Code, or applicable amendment thereto, such lots shall be replatted to create conforming lots as a prerequisite for development.
- iv) **Lots Under Separate Ownership.** A nonconforming lot of record that is owned separately from adjoining lots on the effective date of this Code, or as amended, which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.
- c) **Nonconforming Use of Buildings and Land.** A nonconforming use may continue so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:
 - i) **Alteration or Reconstruction of a Building Occupied by a Nonconforming Use.** No building or structure occupied by a nonconforming use shall be altered, improved, or reconstructed except when the use is changed to a use permitted in the district in which it is located or upon prior approval of the Planning Commission, and then only if the cumulative cost of the alteration, reconstruction, or improvement does not exceed 50% of the building's replacement value. However, no such building shall be enlarged or expanded to increase the nonconforming use.
 - ii) **Expansion or Relocation of Nonconforming Use of Land.** A nonconforming use of land shall not be physically enlarged, increased, extended, or relocated to a part of the lot that was not occupied by the use at the time it became nonconforming. No additional structures shall be constructed in connection with such nonconforming use.
 - iii) **Expansion or Relocation of Nonconforming Use of Structures.** A nonconforming use of an existing structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment to this Planning and Zoning Code. However, no such use shall be extended to occupy any land outside such building not previously occupied by such nonconforming use.
 - iv) **Change or Substitution of Use.** A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Planning Commission, on appeal, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with other provisions of this Planning and Zoning Code. Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

- v) Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for a period of 12 consecutive months or longer shall constitute voluntary abandonment of such use and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located.
- vi) Damage or Destruction. In the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.
- d) Nonconforming Buildings or Structures. A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:
 - i) Additions and Moving. A nonconforming building or structure shall not be added to, enlarged or moved unless the addition(s) or part(s) moved is made to conform to the regulations of the district in which it is located.
 - ii) Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any means, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure, provided the reconstruction is begun within 12 months of the damage or destruction and the cumulative replacement costs do not exceed 50% of the replacement cost of the building or structure at the time of such damage. Any restoration that exceeds the original footprint and/or floor area shall comply with subsection 1184.02(1)(d).
 - iii) Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all regulations of this Planning and Zoning Code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- e) Nonconforming Parking Facilities. A building or use existing lawfully at the time of this Planning and Zoning Code, or an amendment thereto, became or becomes effective, but which does not comply with the off-street parking regulations for the use may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided in compliance with 1184.02(1)(h).
- f) Nonconforming Signs. A sign, lawfully existing at the time this Planning and Zoning Code, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Chapter 1173.

- g) Maintenance and Repair of Structures. Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on a nonconforming structure or on any portion of a structure that contains a nonconforming use provided that the cubic content shall not be increased and no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
 - h) Existing Nonconforming Site Condition at the Time of Development Plan Review. If a nonconforming site condition(s) exists when a revised development plan is required pursuant to Section 1181.02, then such site condition(s) must be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the Planning Commission shall approve a development plan that reduces the existing nonconforming site condition(s) to the maximum extent practicable.
- 2) Nonconforming Use Due to Reclassification. The provisions of this Section shall also apply to any building, structure, land or other use hereafter becoming nonconforming as a result of amendments made to this Planning and Zoning Code or Zoning Map.
 - 3) A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.
 - 4) Change from Nonconforming Use. A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no nonconforming use shall be made, resumed or reinstated.
 - 5) Existing Use Deemed Conditional Use; Permit Required for Change. Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Planning and Zoning Code, or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Planning Commission according to the procedures for conditional uses set forth in Chapter 1182, Conditional Use Certificate.

PART ELEVEN - PLANNING AND ZONING CODE

TITLE SEVEN - DEFINITIONS

Chapter 1190 Definitions

Chapter 1190 Definitions

1190.01 General to all Definitions.

1190.02 Definitions.

1190.01 General to all Definitions.

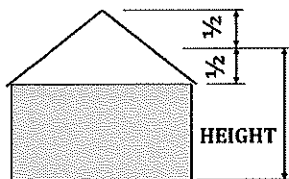
- 1) Words used in this Planning and Zoning Code are used in their ordinary English usage.
- 2) For purposes of determining the ordinary usage of any word, reference may be made to the latest edition of Webster's Dictionary, or where Webster's Dictionary does not define a word, reference may be made to A Planners Dictionary, published by the American Planning Association.
- 3) For the purpose of this Planning and Zoning Code the terms, whenever used in this Planning and Zoning Code, shall have the meaning in 1190.02 below.

1190.02 Definitions.

- 1) **ACCESS DRIVE:** A paved strip, which provides a vehicular connection between off-street parking spaces and a public street.
- 2) **AGRICULTURE:** The cultivating of land for the raising or production of crops, flowers, vegetables, trees, ornamental plants, or grapes, and the necessary accessory structures for the packing, treating, or storing of produce; provided, however, that the operation of any such accessory structure shall be secondary to that of the normal agricultural activities.
- 3) **AIR POLLUTION:** The presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life or property.
- 4) **AIRPORT:** The existing or proposed facilities or uses which are related to the Williams County Airport including, but not limited to - Airport administration and control structures, Passenger and freight terminals, Aircraft hangars, Landing pads, runways, ramps and taxiways, Aircraft sales and rental, Aircraft repair, reconstruction and research and development, Aircraft fuel-handling facilities, Flight training and instruction facilities, Communications and weather facilities.
- 5) **AIRPORT-RELATED USE:** Uses or facilities which are located, arranged and intended to primarily serve the needs of the Williams County Airport, although such uses may secondarily serve nearby businesses. Includes, but is not limited to - Motels and hotels, Restaurants and bars, Offices, Business services, Mail/package/freight handling and delivery services, Vehicle rental facilities and associated parking lots.
- 6) **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a subdivision, planned residential development or multi-family development is a member and each dwelling unit is subject to charges for a

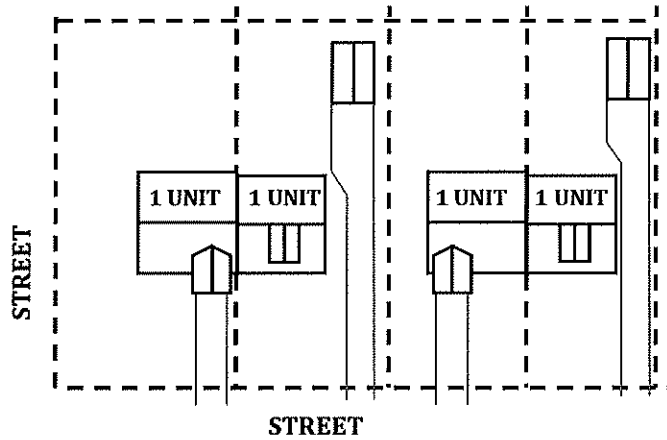
proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.

- 7) **AWNING / CANOPY:** A fixed shelter used only as a roof and extending beyond a building line, a building wall or street line, and which is supported by the building to which it is attached or which is freestanding. The term "marquee" is used synonymously with Awning / Canopy.
- 8) **BASEMENT:** A portion of a building story all or partly underground having at least one-half of its height below the average finished grade.
- 9) **BED AND BREAKFAST ESTABLISHMENT:** A single-family dwelling in which the principal use is for residential quarters and, as an accessory use, up to 3 guest bedrooms are made available for the purpose of temporary lodging where meals may be provided for compensation.
- 10) **BUFFER:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
- 11) **BUILDING:** Any structure having one or more floors and a roof supported by columns or walls, and is designed or intended for the shelter or protection of persons, animals or property.
 - a) **BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.
 - b) **BUILDING, PRINCIPAL:** A building occupied by the main use of the lot on which said building is located.
 - c) **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the finished grade around the building to the highest point of the coping of a flat roof or to the deck lines of a mansard roof, or the mean height level between eaves and the ridge line of gable, hip or gambrel roofs. See Illustration for Determining Building Height below.

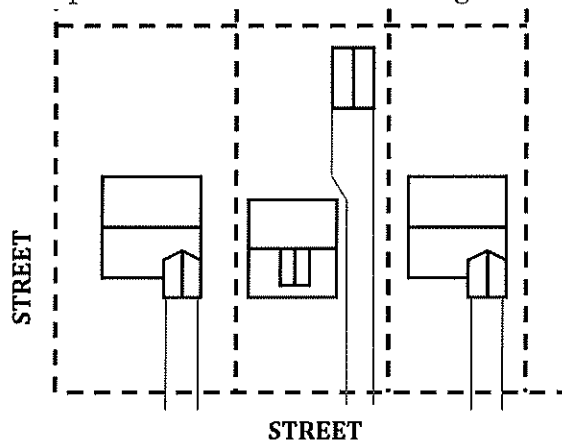


- d) **BUILDING LINE:** An imaginary linear extension of the building parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.
- 12) **BUSINESS SERVICES:** Any activity which renders services to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes and businesses, but which involves only incidental retail sale for personal use.
- 13) **CAR WASH:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- 14) **CARPORT:** A structure to house or protect motor vehicles, which is open to the weather on at least 30 percent of the total area of its four (4) sides. A carport shall be subject to all the provisions prescribed in these regulations for a private garage.
- 15) **COMMON AREA:** Any land area, and associated facilities, that is held in common ownership by the residents within a planned unit residential development through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common, whether residential or commercial.
- 16) **COMMON DRIVE:** An Access Drive which provides vehicular access to multiple private properties.
- 17) **CONDITIONAL USE CERTIFICATE:** A permit issued by the Zoning Administrator upon approval by the Planning Commission and confirmation by City Council to allow a use listed in the District regulations other than a use permitted by right to be established within the district on a specific parcel. See also; Use, Conditional.
- 18) **CONDOMINIUM:** Ownership in common with others of a parcel of land and certain parts of a building together with individual ownership in fee of a particular unit in such building. Each individual has an absolute title to his or her unit, which may be sold, mortgaged or devised.
- 19) **CONGREGATE CARE FACILITY:** A residential facility to provide for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and food preparation facilities.
- 20) **CONTOUR:** An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
- 21) **COUNCIL:** The City Council of the City of Bryan.
- 22) **COUNTY:** Williams County, Ohio.
- 23) **CROSSWALK:** Any portion of a public right-of-way, at an intersection or elsewhere, distinctly indicated for pedestrian crossing.

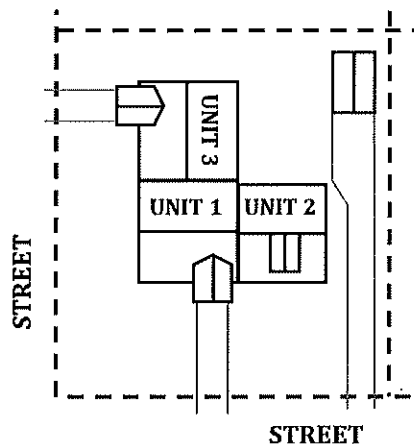
- 24) **DAY CARE FACILITY:** Any place other than a family day care home in which day care is provided for either adults or children.
- a) **DAY CARE FACILITY, ADULT:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.
 - b) **DAY CARE FACILITY, CHILD:** An establishment which administers to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home.
 - c) **DAY CARE HOME, FAMILY, TYPE B:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
- 25) **DENSITY:** The number of dwelling units permitted per acre of land.
- 26) **DRAINAGEWAY:** A depression across the ground surface that collects water runoff from surrounding land and carries it to a larger stream, or an underground pipe serving the same purpose.
- 27) **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Vehicle Service Station.
- 28) **DWELLING UNIT:** A group of rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities.
- 29) **DWELLING:** Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes.
- a) **DWELLING, SINGLE-FAMILY ATTACHED:** A dwelling unit which is structurally attached to another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall, without openings, extending from the basement floor to the roof located on a common property line. Dwelling, Single Family Attached includes such elements as separate ground floor entrances, services, and attached garages.



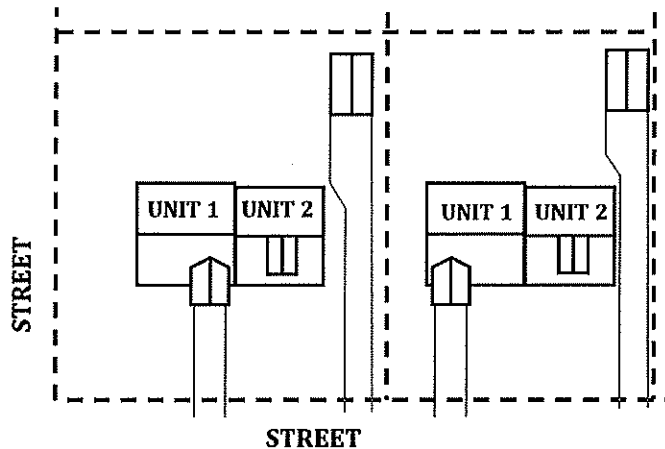
- b) **DWELLING, CLUSTER:** A dwelling unit which is separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units, on individual lots or a shared lot
- c) **DWELLING, SINGLE-FAMILY DETACHED:** A dwelling unit situated on an individual lot separated from all other dwelling units by open space from ground to sky.



- d) **DWELLING, MULTI-FAMILY:** A dwelling designed for three (3) or more dwelling units, where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of Dwelling, Single Family Attached.



- e) **DWELLING, TWO-FAMILY:** A dwelling designed for or converted to contain two (2) dwelling units.



- 30) **EASEMENT:** A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.
- 31) **FAMILY:** One individual, any number of individuals related by blood, adoption or marriage plus no more than two (2) unrelated individuals; or not more than three (3) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit
- 32) **FARM IMPLEMENT/RECREATIONAL VEHICLE OR CONSTRUCTION EQUIPMENT SALES:** Any establishment engaged in activities such as displaying, offering for sale and selling recreation vehicles, farm implements, and/or construction equipment and which may include operating an accessory service facility to perform repairs and maintenance on such vehicles, farm implements and construction equipment; offering for sale and selling recreation vehicle, farm implement or construction equipment parts at retail; and/or offering for sale and selling used recreation vehicles, farm implements and construction equipment at retail, but only as incidental to the sale of new vehicles and farm implements and/or construction equipment.
- 33) **FENCE:** Any structure erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
- 34) **FLEET VEHICLES:** Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.
- 35) **FLOOR AREA, DWELLING UNIT:** The sum of the gross horizontal area of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units. This sum shall not include unfinished basements, attached garages, attics, terraces, breezeways, open porches, and covered steps.

- 36) **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for off-street parking.
- 37) **FOOD PROCESSING PLANT:** A manufacturing plant designed to process food products, other than meat from live animals, for sale, which processing may include the cooking, baking, freezing, and packaging of such products.
- 38) **FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles (e) cremation and (f) a funeral chapel.
- 39) **GARAGE, PRIVATE:** A detached accessory building or portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.
- 40) **GASOLINE STATION:** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.
- 41) **GRADING:** The act of excavation or filling or a combination thereof or any leveling to a smooth, horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.
- 42) **HANDICAPPED:** A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
- a) **HANDICAPPED PERSONS, FAMILY HOME FOR:** A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 4 to 8 handicapped persons. (See HANDICAPPED.) One to 3 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see FAMILY), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

- b) **HANDICAPPED PERSONS, GROUP HOME FOR:** A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for 9 or more handicapped persons. (See **HANDICAPPED**.) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
- 43) **HOME OCCUPATION:** An occupation conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the building for dwelling purposes, and which is carried on by a person who resides in such dwelling unit.
- 44) **HOTEL (OR MOTEL):** A building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one week.
- 45) **IMPROVEMENTS:** The furnishing of all materials, equipment, work and services, including plans and engineering services, staking and supervision, necessary to construct all the infrastructure required in the subdivision regulations set forth in this Planning and Zoning Code or any other improvements that may be provided by the proprietor.
- 46) **JUNK YARD:** Any building or open area, or part thereof, used as a place to store, sell, exchange or dump partly dismantled, obsolete or wrecked vehicles or their parts, second hand building materials, junk or other salvaged material which is capable of being used again in some form.
- 47) **LANDSCAPED AREA:** An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- 48) **LOADING SPACE, OFF-STREET:** An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.
- 49) **LOT AREA:** The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- 50) **LOT COVERAGE:** The ratio of total ground floor area of all buildings and parking on a lot to the Lot Area, expressed as a percentage.
- 51) **LOT DEPTH:** The horizontal distance between the front lot line and rear lot line, measured within the lot boundaries.
- 52) **LOT FRONTAGE:** That portion of the lot extending along the street right-of-way.
- 53) **LOT LINE:** The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

- a) **LOT LINE, FRONT:** The lot line separating an interior lot from the street right-of-way upon which the lot fronts. In the case of a corner lot, the front lot line separates the lot from the street right-of-way upon which the major entrance of the building fronts.
 - b) **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - c) **LOT LINE, INTERIOR SIDE:** Any lot line, of an interior lot, other than a front or rear lot line.
 - d) **LOT LINE, CORNER SIDE:** The lot line, of a corner lot, separating the lot from the secondary street right of way, generally perpendicular to the front lot line.
- 54) **LOT WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback.
- 55) **LOT:** A parcel of land of sufficient size to meet the minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces are herein required.
- a) **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Williams County Recorder; or a lot or parcel, the deed to which has been so recorded prior to the adoption of this Planning and Zoning Code.
 - b) **LOT TYPES:** Terminology used in this Planning and Zoning Code with reference to corner lots, interior lots and through lots is as follows. See, also, Figure 3 for an illustration of lot types.
 - i) **LOT, CORNER:** A lot at the junction of and abutting on two (2) intersecting streets.
 - ii) **LOT, INTERIOR:** A lot abutting or with frontage on only one street.
 - iii) **LOT, THROUGH:** A lot other than a corner lot, having frontage on two streets, also called a double frontage lot.
- 56) **MANUFACTURED HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility for installation or assembly at the building site, designed to be used as a permanent dwelling unit, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
- 57) **MANUFACTURING, HEAVY:** Manufacturing, processing, assembling, storing, testing, and similar industrial activities which are major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and which generate some nuisance such as smoke, noise,

vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

- 58) **MANUFACTURING, LIGHT:** Manufacturing or other industrial activities which are controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating within enclosed structures with limited outdoor storage; and no nuisances.
- 59) **MEDICAL CLINIC:** A building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured human patients by an individual or a group of physicians or dentists practicing medicine together, but where no surgery other than minor or emergency care is performed and where patients are not usually lodged overnight.
- 60) **MEDICAL HOSPITAL, ANIMAL/VETERINARIAN:** An establishment for the medical or surgical treatment of animals, including the boarding of animals incidental to the hospital use as well as the incidental boarding of animals not subject to medical or surgical treatment.
- 61) **MEDICAL HOSPITAL:** An institution specializing in health services primarily for in-patient medical or surgical care and emergency services for human patients, licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, including facilities for the care and treatment of mental and nervous disorders and other physical conditions or illnesses.
- 62) **MEMBERSHIP CLUB:** An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
- 63) **MOBILE HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility designed to be used as a dwelling but which does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.
- 64) **MOTEL:** See "HOTEL".
- 65) **NONCONFORMITY:** A lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing on the effective date of this Planning and Zoning Code, which do not conform to the regulations of the district or zone in which it is situated.
 - a) **NONCONFORMING BUILDING:** A building lawfully existing on the effective date of this Planning and Zoning Code but which does not conform to the regulations governing buildings and structures of the district in which it is located.
 - b) **NONCONFORMING LOT:** A lot lawfully existing on the effective date of this Planning and Zoning Code, which, does not conform to the lot area, width or frontage requirements of the district in which it is located.

- c) **NONCONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this Planning and Zoning Code which, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.
- d) **NONCONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Planning and Zoning Code which does not conform to the use regulations of the district in which it is situated.
- 66) **OFFICE; BUSINESS OR PROFESSIONAL:** An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.
- 67) **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
- 68) **PARKING LOT:** An outdoor paved area made up of marked parking spaces where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.
 - a) **PARKING LOT, PUBLIC:** A surfaced area which is used for the parking of vehicles, and which does not serve any specific main use but, rather, a number of uses open to the general public, and where a parking fee may or may not be charged.
- 69) **PARKING SPACE, OFF-STREET:** An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles.
- 70) **PARTIAL-COMMERCIAL OR INDUSTRIAL BUILDING PERMIT:** A permit which allows the initial construction to proceed when a complete State approved set of plans, certificate and addendum are in progress.
- 71) **PERFORMANCE BOND OR SURETY BOND:** A bond posted by an applicant for a proposed project or use to the City for the amount of the estimated construction cost, or such amount determined by Council, guaranteeing the project's completion or removal of facilities, when applicable, by the applicant's agreement.
- 72) **PERFORMANCE STANDARD:** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
- 73) **PERSONAL SERVICES:** Any legal enterprise conducted for gain which offers services directly to the public at the site of the business, and which includes but is not limited to shoe repair, watch repair, barber shops, beauty parlors and photography studios.

- 74) **PLACES OF WORSHIP:** A building, structure, or other facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related, and which are further qualified under 501(C) of the Internal Revenue Code.
- 75) **PLAN, COMPREHENSIVE:** A long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.
- 76) **PLAN, DEVELOPMENT:** Drawing(s) and map(s) illustrating the proposed design, layout and other features for the development of one or more lots.
- 77) **PLANNED UNIT RESIDENTIAL DEVELOPMENT:** An area of land to be planned and developed as a single residential development, in which a variety of housing units are accommodated and the minimum lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the planned unit residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve restricted open space areas.
- 78) **PLANNING COMMISSION:** The Planning Commission of the City of Bryan.
- 79) **PLANT MATERIALS:** Terms related to required plant materials shall have the following meanings:
 - a) **BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
 - b) **CALIPER:** American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.
 - c) **SHADE TREE:** A tree with foliage that usually sheds annually and planted primarily for its high crown of foliage or overhead canopy.
 - d) **SHRUB:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- 80) **PLAT:** A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.
 - a) **PLAT, FINAL:** The final map, drawing or chart on which the subdivder's plan is submitted to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Williams County.
 - b) **PLAT, PRELIMINARY:** A drawing for the purpose of study of a subdivision and which, if approved, permits proceeding with the preparation of the final plat.

- 81) **PORCH:** A roofed open structure that projects from the front, side or rear wall of a building. For the purposes of this Planning and Zoning Code, an enclosed porch shall be considered part of the principal building.
- 82) **PROJECT BOUNDARY:** The boundary defining the tract(s) of land, which is included in a proposed development to meet the minimum required project area for a planned unit residential development or multi-family development. The term “project boundary” shall also mean “development boundary”.
- 83) **PROTECTIVE COVENANT:** A restriction on the use of private property within a subdivision, to be set forth on the plat, and incorporated in each deed for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development.
- 84) **PUBLIC HEARING:** An official meeting called by City Council or the Planning Commission, duly announced in local newspapers, which is intended to inform and obtain public comment, prior to the governing body rendering a decision.
- 85) **PUBLIC SAFETY FACILITY:** A governmentally owned and operated facility established to provide local police or fire safety services to the surrounding area.
- 86) **PUBLIC SERVICE/MAINTENANCE FACILITY:** A governmentally owned and operated facility that provides for the upkeep and maintenance of the community such as but not limited to a service garage, maintenance building, and salt dome.
- 87) **PUBLIC UTILITY STRUCTURE:** Electric and telephone substations and distribution centers, filtration plant pumping station, and water reservoir, public or package sewage treatment plants, telephone exchange, radio and television transmitting or relay stations, antenna towers and other similar public utility service structures.
- 88) **RECREATION, INDOOR COMMERCIAL:** An indoor facility operated for profit for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- 89) **RECREATION, OUTDOOR COMMERCIAL:** An outdoor area operated for profit and devoted to facilities and equipment for recreational uses, including swimming pools, tennis courts, batting cages, miniature golf courses and other similar uses, upon the payment of a fee or service charge, and which may include an accessory retail shop for the sale of related equipment.
- 90) **RECREATION, PUBLIC:** An indoor or outdoor area devoted for recreational uses, including game courts, exercise equipment, locker rooms, swimming pools, tennis courts, playgrounds, parks and other similar uses, open to the public and not operated for profit.
- 91) **RECREATIONAL VEHICLE/EQUIPMENT:** A portable structure designed to be mounted on or drawn by a motor vehicle or trailer, or built on a chassis, and intended to be used for recreational use. For the purposes of this Code, recreational vehicle/equipment shall

include a recreational vehicle, boat, boat trailer, pick-up truck camper, mobile home, snow mobile, folding tent trailer, or other camping or recreational equipment, and any trailer that may be used to convey such vehicle or equipment.

- 92) **RESEARCH AND TESTING LABORATORY:** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 93) **RESTAURANT:** A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed. A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
- 94) **RESTRICTED OPEN SPACE:** The portion of the open space within a planned unit residential development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted according to the provisions of Section 1152.06.
- 95) **RETAIL:** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.
- 96) **RIGHT-OF-WAY LINE:** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
- 97) **RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- 98) **SCHOOL FACILITIES:** Publicly or privately-owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately-owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.
- 99) **SCHOOL, COMMERCIAL, BUSINESS, OR TRADE:** A higher education facility primarily teaching useable skills that prepare students for jobs in a trade.
- 100) **SETBACK LINE (See also "Yard, Required"):** A line established by this Planning and Zoning Code generally parallel with and measured from the lot line, defining the minimum

distance a building, structure, parking area or outdoor storage area shall be located from the said lot line, except as may be provided in this Planning and Zoning Code. The term "setback line" shall also include "required setback line."

- 101) **SETBACK:** The required minimum horizontal distance between a lot line and a structure as established by this Planning and Zoning Code.
- 102) **SIGN:** Any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.
- 103) **SLAUGHTERHOUSE:** A building used for the for-profit slaughtering of animals that are transported to the building, and the processing and storage of animal products and waste that results from a slaughtering process.
- 104) **SOLID FUEL FIRED OUTDOOR HEATING DEVICES:** Any equipment, device or apparatus, which is for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. Solid fuel fired outdoor heating device does not include a fireplace.
- 105) **SOLID FUEL:** Natural untreated wood or natural wood products, agricultural seeds in their natural state, coal, paper or processed pellets.
- 106) **STORAGE, MINI/SELF:** A facility comprised of individual storage units available for rent which are restricted to personal, private access.
- 107) **STORAGE, OUTDOOR:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
- 108) **STREET:** A public or private way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, court, lane, alley, trail, terrace, boulevard or otherwise.
 - a) **ALLEY:** A street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
 - b) **CUL-DE-SAC:** A minor street that terminates in a vehicle turnaround.
 - c) **STREET, ARTERIAL:** A street primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. Also called a major street.
 - d) **STREET, COLLECTOR:** A street that primarily carries traffic from minor to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

- e) **STREET, MINOR:** A street that provides access to abutting properties. Also called a local street.
 - f) **STREET, PRIVATE:** A local private way which provides pedestrian and vehicular access to more than one residential structure that will not be dedicated for public use, but which is owned and maintained by an Association.
 - g) **STREET, PUBLIC:** A State, County, or City street or public way shown on the recorded subdivision plat.
- 109) **STRUCTURAL ALTERATION:** Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.
- 110) **STRUCTURE:** Anything constructed or erected, including, but not limited to, buildings, walls, sheds, gazebos, signs, patios, platforms, or fences.
- 111) **STUDIOS FOR INSTRUCTION:** A building, or portion thereof, that is used or intended to be used for nonacademic group instructional purposes for a fee, which include, but are not limited to arts, crafts, dance and computer instruction.
- 112) **SUBDIVISION:**
- a) 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, for the purpose, whether immediate or future, of transfer of ownership;
 - b) The division or allocation of land for the opening, widening or extension of any street or streets, except private streets, or as open spaces for common use, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities in connection with the improvement of one or more parcels of land for residential, commercial or industrial developments; or
 - c) A resubdivision or replatting.
- 113) **SUPPLY YARD:** An establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
- 114) **SWIMMING POOL:** An outdoor structure capable of containing in excess of two (2) feet of water at its deepest point or having more than 100 square feet of water surface.
- 115) **TELECOMMUNICATIONS:** The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- a) **COLLOCATION:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

- b) **LATTICE TOWER:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
 - c) **MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
 - d) **TECHNICALLY SUITABLE:** The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.
 - e) **WIRELESS TELECOMMUNICATIONS ANTENNA:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
 - f) **WIRELESS TELECOMMUNICATIONS FACILITY:** A facility consisting of the 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 the land-based telephone lines.
 - g) **WIRELESS TELECOMMUNICATIONS TOWER:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.
- 116) **TRUCK OR TRANSFER TERMINAL:** A building, including accessory buildings and uses, in which merchandise and freight from various sources brought by motor truck is assembled, sorted or reloaded for shipment by motor truck.
- 117) **UNDISTURBED SOIL:** Ground surface, which has not been altered in connection with grading for construction nor previously altered for a period of at least two (2) years prior to such grading.
- 118) **USE:** The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.
- a) **USE, ACCESSORY:** A use located on the same lot with the principal use of building or land, but incidental to and constructed subsequent to the principal use of the building or land.
 - b) **USE, CONDITIONAL:** A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1163, and which requires a conditional use certificate and approval of the Planning Commission with confirmation by Council, in accordance with the standards and procedures set forth in Chapter 1182.

- c) **USE, PERMITTED:** A use that is authorized by this Planning and Zoning Code as either a use permitted by right, a conditional use or an accessory use.
 - d) **USE, PERMITTED BY RIGHT:** A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Planning and Zoning Code, the approval of which does not require a public hearing.
 - e) **USE, PRINCIPAL:** The primary or main use or activity of a building or lot.
 - f) **USE, SIMILAR:** A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar by both the Planning Commission and Council and added to a schedule for a particular district.
- 119) **VARIANCE:** A grant by the Planning Commission to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations where such variance will not be contrary to the public interest.
- 120) **VEHICLE REPAIR GARAGE:** A building or any portion of a building in which repairs are made to motor vehicles including structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities. See also Vehicle Service Station.
- 121) **VEHICLE SALES OR RENTAL:** An open area used for the display, sale or rental of new or used automobiles, and where no repair work is done except incidental repair or service, excluding body and fender work or spray painting of automobiles to be displayed, sold or rented on the premises.
- 122) **VEHICLE SERVICE STATION:** A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and the making of minor repairs to motor vehicles. Repairs described as major repairs under VEHICLE REPAIR GARAGE shall not be permitted.
- 123) **YARD:** An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.
- a) **YARD, CORNER SIDE:** On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front wall to the rear wall of the main building.
 - b) **YARD, FRONT:** The area across the full width of the lot between the front of the principal building and the front line of the lot.
 - c) **YARD, REAR:** The area across the full width of the lot between the rear of the principal building and the rear line of the lot.

- d) **YARD, REQUIRED** (See also Setback Line): The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Planning and Zoning Code.
- e) **YARD, SIDE**: The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.
- 124) **ZONING ADMINISTRATOR**: The individual designated to administer the Planning and Zoning Code of the City of Bryan, Ohio.
- 125) **ZONING CERTIFICATE**: A document issued by the Zoning Administrator authorizing the use of a lot or structure in accordance with this Planning and Zoning Code.
- 126) **ZONING PERMIT**: A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure in accordance with this Planning & Zoning Code.