

CODIFIED ORDINANCES OF SYLVANIA
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CHAPTER 1101
Definitions

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1101.01 PERSON.

“Person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. “Shall” is mandatory and “may” is permissive. “Used” or “occupied” includes the words “intended”, “designed” or “arranged to be used or occupied”. “Lot” includes “plot” or “parcel”.
(Ord. 35-68. Passed 7-15-68.)

1101.02 ACCESSORY USE OR STRUCTURE.

“Accessory use” or “accessory structure” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
(Ord. 35-68. Passed 7-15-68.)

1101.03 AGRICULTURE.

“Agriculture” means the use of land which includes farming, dairying, pasturage, apiculture, horticulture, viticulture and animal and poultry husbandry.
(Ord. 35-68. Passed 7-15-68.)

1101.04 BILLBOARD.

“Billboard” means a structure upon which a sign is located which directs attention to a business, commodity, service or entertainment, which is located or provided elsewhere than upon the premises where such structure is located.
(Ord. 35-68. Passed 7-15-68.)

1101.05 BOARD.

“Board” means the Sylvania City Board of Appeals.
(Ord. 35-68. Passed 7-15-68.)

1101.06 BUILDABLE PORTION OF A LOT.

“Buildable portion of a lot” means the portion of a lot other than required yards upon which the main building may be located under the terms of this Zoning Ordinance.
(Ord. 35-68. Passed 7-15-68.)

1101.07 BUILDING.

“Building” means any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.
(Ord. 35-68. Passed 7-15-68.)

1101.08 BUILDING HEIGHT.

"Building height" means the vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deckline of a mansard roof and to the mean height level between eaves and ridges for a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished surface of the ground adjacent to the exterior walls of the building. (Ord. 35-68. Passed 7-15-68.)

1101.09 BUILDING, MAIN.

"Main building" means a building in which is conducted the principal or primary use of the zoning lot on which it is situated. (Ord. 35-68. Passed 7-15-68.)

1101.10 BUSINESS.

"Business" means the purchase, sale or exchange of goods, merchandise or services, and the maintenance or operation of offices and recreational or amusement enterprises. (Ord. 35-68. Passed 7-15-68.)

1101.11 CELLAR.

"Cellar" means that portion of a building which is entirely below grade, or which is less than four and one-half feet above grade. (Ord. 35-68. Passed 7-15-68.)

1101.12 COMMERCIAL PARKING LOT AND GARAGE.

"Commercial parking lot and garage" means a tract of land or building used for the storage of motor vehicles which is not accessory to any other use on the same or any other lot. (Ord. 35-68. Passed 7-15-68.)

1101.13 COMMISSION.

"Commission" means the Sylvania Municipal Planning Commission. (Ord. 35-68. Passed 7-15-68.)

1101.14 CURB GRADE.

"Curb grade" means the elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the Service Director shall establish such curb grade for the purpose of this Zoning Ordinance. (Ord. 35-68. Passed 7-15-68.)

1101.15 DWELLING.

"Dwelling" means any building or portion thereof which is designed for or used exclusively for residential purposes containing one or more dwelling units. (Ord. 35-68. Passed 7-15-68.)

1101.16 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a detached residence designed for or occupied by one family only. (Ord. 35-68. Passed 7-15-68.)

1101.17 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
(Ord. 35-68. Passed 7-15-68.)

1101.18 DWELLING, MULTIPLE.

"Multiple dwelling" means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
(Ord. 35-68. Passed 7-15-68.)

1101.19 DWELLING UNIT.

"Dwelling unit" means a room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.
(Ord. 35-68. Passed 7-15-68.)

1101.20 FAMILY.

"Family" means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless a majority of the members are related by blood or marriage, no such family shall contain over five persons.
(Ord. 35-68. Passed 7-15-68.)

1101.21 FLOOR AREA.

"Floor area" means the total usable floor area in a building, measured from the outside of the exterior walls or from the centerline of party walls, and including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but excluding cellars, garages and unheated porches and breezeways.
(Ord. 35-68. Passed 7-15-68.)

1101.22 FRONTAGE.

"Frontage" means all the property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
(Ord. 35-68. Passed 7-15-68.)

1101.23 GROUND FLOOR AREA.

"Ground floor area" means the total area on the ground floor, measured from the outside of the exterior walls, including enclosed porches and breezeways, and garages which have living area above them.
(Ord. 35-68. Passed 7-15-68.)

1101.24 HOME OCCUPATION.

"Home occupation" means an occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building, and meeting the following restrictions:

- (a) No person shall be employed other than residents of such dwelling;
- (b) No commodity shall be sold on the premises other than that produced on the premises;
- (c) The occupation shall be conducted wholly within the dwelling or an accessory building;

- (d) Floor area devoted to the occupation shall not exceed twenty-five percent of the total ground area occupied by buildings on the lot;
- (e) The occupation shall not be objectionable to adjacent residences due to noise, hours of operation, traffic, electrical interference, etc;
- (f) There shall be no signs other than those allowed by this Zoning Ordinance in residential districts; and
- (g) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.
(Ord. 35-68. Passed 7-15-68.)

1101.25 INSTITUTION.

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
(Ord. 35-68. Passed 7-15-68.)

1101.26 JUNK YARD.

"Junk yard" means any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open, in a fenced area or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including an open area where waste, scrap metal, used building materials, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, but excluding such uses taking place entirely within a completely enclosed building.
(Ord. 35-68. Passed 7-15-68.)

1101.27 KENNEL.

"Kennel" means any lot or premises on which four or more dogs more than four months of age are kept, owned or harbored.
(Ord. 84-2007. Passed 9-17-07.)

1101.28 LODGING HOUSE.

"Lodging house" means a building where lodging only for three or more persons is provided. A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy by automobile transients shall not be deemed a lodging house. (Ord. 100-84. Passed 11-5-84.)

1101.29 LOT.

For zoning purposes, as covered by this Zoning Ordinance, "lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- (a) A single lot of record.
- (b) A portion of a lot of record.
- (c) A combination of complete lots of record, or complete lots of record and portions of lots of record or of portions of lots of record.
- (d) A parcel of land described by metes and bounds.

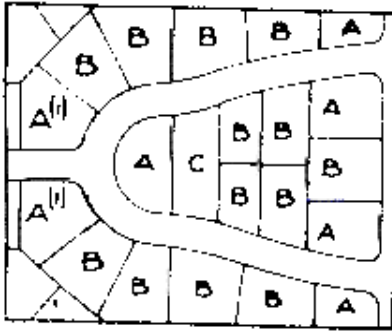
In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Zoning Ordinance.
(Ord. 35-68. Passed 7-15-68.)

1101.30 LOT OF RECORD.

"Lot of record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder.
(Ord. 35-68. Passed 7-15-68.)

1101.31 LOT TYPES.

The diagram which follows illustrates terminology used in this Zoning Ordinance with reference to corner lots, interior lots and through lots.



In the diagram at the left, A - corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

B - interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

C - through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be

referred to as double-frontage lots.

(Ord. 35-68. Passed 7-15-68.)

1101.32 LOT WIDTH.

"Lot width" means the width of the lot at the building line.
(Ord. 35-68. Passed 7-15-68.)

1101.33 MANUFACTURING.

"Manufacturing" means the making of anything by any agency or process.
(Ord. 35-68. Passed 7-15-68.)

1101.34 MOBILE HOME.

"Mobile home" means a vehicle or residence on wheels, skids or rollers designed to be used for human habitation, also termed a house trailer.
(Ord. 35-68. Passed 7-15-68.)

1101.35 MOBILE HOME PARK.

"Mobile home park" means a parcel of land under single ownership or control which has been planned and improved for the placement of two or more mobile homes.
(Ord. 35-68. Passed 7-15-68.)

1101.36 NURSING HOME.

"Nursing home" means a home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with food or shelter and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
(Ord. 35-68. Passed 7-15-68.)

1101.37 SCREEN.

"Screen" means a neat, orderly and healthy screen of evergreen or other plant material suitable for the purpose intended, not less than three feet high with an expected normal growth to five feet in height, and, where necessary, protected by a galvanized wire link fence at least five feet high. A decorative wooden or masonry fence or other decorative material or landscaping may be substituted for the vegetation. Bumper guards or wheel stops shall be provided as necessary to prevent damage to a required screen or fence by automobiles.
(Ord. 35-68. Passed 7-15-68.)

1101.38 SIGN.

"Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. However, the following shall not be included in the application of the regulations herein:

- (a) Flags and insignias of any government except when displayed in connection with commercial promotion;
- (b) Legal notices, identification, information or directional signs erected or required by governmental bodies;
- (c) Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights; and
- (d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(Ord. 35-68. Passed 7-15-68.)

1101.39 SIGNS, NUMBER AND SURFACE AREA.

(a) For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

(b) The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
(Ord. 35-68. Passed 7-15-68.)

1101.40 STORY.

"Story" means a portion of a building between a floor and the floor next above it, or the ceiling above it, and which is four and one-half feet or more above the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.
(Ord. 35-68. Passed 7-15-68.)

1101.41 STORY, HALF.

"Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.
(Ord. 35-68. Passed 7-15-68.)

1101.42 STREET LINE.

"Street line" means the-right-of-way line of a street.
(Ord. 35-68. Passed 7-15-68.)

1101.43 STRUCTURE.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, walls, fences, billboards and poster panels.
(Ord. 35-68. Passed 7-15-68.)

1101.44 STRUCTURAL ALTERATIONS.

"Structural alterations" means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders, or any substantial change in the roof or any exterior walls, excepting such repair or replacement as may be required for the safety of the building.
(Ord. 35-68. Passed 7-15-68.)

1101.45 YARD.

"Yard" means a required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward. However, fences and walls may be permitted in any yard subject to height limitations as indicated herein.
(Ord. 35-68. Passed 7-15-68.)

1101.46 YARD, FRONT.

"Front yard" means a yard extending between side lot lines across the front of a lot. On a corner lot, the owner may elect either street frontage as the front yard.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
(Ord. 35-68. Passed 7-15-68.)

1101.47 YARD, SIDE.

"Side yard" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard.

In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots there shall be only one side yard, adjacent to an interior lot.

Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.
(Ord. 35-68. Passed 7-15-68.)

1101.48 YARD, REAR.

"Rear yard" means a yard extending across the rear of the lot between the side lot lines. In the case of through lots there shall be no rear yard. On all other lots the rear yard shall be at opposite ends of the lot from the front yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. When a lot is adjacent to an alley the required rear yard may be measured from the center of the alley, and one-half of the alley width may be considered a portion of the required rear yard.
(Ord. 35-68. Passed 7-15-68.)

1101.49 ZONING ORDINANCE.

“Zoning Ordinance” or “Ordinance” as used in Titles One to Five of this Part Eleven - Planning and Zoning Code means Ordinance 35-68, passed July 15, 1968, as amended. (Ord. 35-68. Passed 7-15-68.)

1101.50 RECREATIONAL EQUIPMENT.

“Recreational equipment” includes the following words and phrases:

- (a) “Travel trailer” means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and is permanently identified as a “travel trailer” by the manufacturer.
- (b) “Pick-up camper” means a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (c) “Motor home” means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) “Folding tent trailer” means a folding canvas structure mounted on wheels and designed for travel and vacation uses.
- (e) “Trailer” means a cart or wagon designed to be pulled by an automobile, van, truck or tractor for hauling boats, floats, rafts, canoes, snowmobiles, motorcycles and other recreational equipment and devices, as well as those carts or wagons used for utility purposes, i.e., hauling landscaping materials, furniture and household goods, plus the normal equipment to transport the same on the highway.
- (f) “Boats” and “boat trailers” include boats, floats, rafts and snowmobiles plus the normal equipment to transport the same on the highway. (Ord. 40-2000. Passed 6-5-00.)

1101.51 BUSINESS TRAILER.

“Business trailer” means a trailer used for the hauling or transporting of any machinery, device, materials or equipment in connection with a commercial enterprise whether or not such trailer is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise. (Ord. 40-2000. Passed 6-5-00.)

1101.52 BED AND BREAKFAST.

For the purposes of the Zoning Code, a “bed and breakfast inn” means an owner-occupied residential single-family structure wherein lodging and breakfast only are provided to transient guests for compensation. (Ord. 89-2004. Passed 11-15-04.)

1101.53 TEA HOUSE.

For the purposes of the Zoning Code, a “tea house” means an owner-occupied residential single-family structure wherein teas and other non-alcoholic beverages and light refreshments and appetizers are served. (Ord. 90-2004. Passed 11-15-04.)

1101.54 PORTABLE STORAGE CONTAINERS.

A moving and storage service whereby the company delivers and leaves a storage container on-site for the customer to pack. The storage container is then picked up and moved to a company warehouse or the customer’s destination for unpacking and subsequent removal. (Ord. 69-2006. Passed 7-17-06.)

CHAPTER 1103 Administration, Enforcement and Penalty

1103.01	Administration and enforcement.	1103.05	Zoning certificates required for nonconforming uses.
1103.02	Zoning certificate required.	1103.06	Construction and use to be provided in permits and zoning certificates.
1103.021	Compliance with subdivision rules and regulations required.	1103.061	Removal of materials from building site; denial of permits.
1103.022	Zoning certificates for demolition of structures constructed more than fifty years prior to the request for zoning certificate for demolition.	1103.07	Schedule of fees.
1103.03	Application for zoning certificate.	1103.08	Complaints regarding violations.
1103.031	Issuance of building permit; time requirement.	1103.09	Violation may be enjoined.
1103.04	Zoning certificates for existing conforming uses.	1103.10	Illegal uses under original zoning ordinance or in annexed areas.
		1103.11	Appeal procedure.
		1103.12	Minimum requirements.
		1103.99	Penalty.

CROSS REFERENCES

Board of Appeals - see P. & Z. Ch. 1105
 Amendments - see P. & Z. Ch. 1107
 Application of district regulations - see P. & Z. Ch. 1115
 Subdivision regulations: general provisions and penalty - see P. & Z. Ch. 1171
 Responsibility for administration and enforcement of zoning permits and the Zoning Ordinance - see ADM. 125.08

1103.01 ADMINISTRATION AND ENFORCEMENT.

A Zoning Administrator designated by the Mayor shall administer and enforce this Zoning Ordinance. If the Zoning Administrator finds that any of the provisions of this Zoning Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Ordinance to insure compliance with or to prevent violation of its provisions.
 (Ord. 35-68. Passed 7-15-68.)

1103.02 ZONING CERTIFICATE REQUIRED.

No person shall use or occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning certificate has been issued therefor by the Zoning Administrator stating that the proposed building and its use or the proposed open use of land conforms to the requirements of this Zoning Ordinance. No zoning certificate shall be issued, nor a building permit approved, except in conformity with the provisions of this Zoning Ordinance, except after written order from the Board of Appeals.
 (Ord. 35-68. Passed 7-15-68.)

1103.021 COMPLIANCE WITH SUBDIVISION RULES AND REGULATIONS REQUIRED.

No zoning certificate shall be issued, nor a building permit approved, for any parcel of land created in violation of the subdivision rules and regulations of the City. (Ord. 65-81. Passed 7-20-81.)

1103.022 ZONING CERTIFICATES FOR DEMOLITION OF STRUCTURES CONSTRUCTED MORE THAN FIFTY YEARS PRIOR TO THE REQUEST FOR ZONING CERTIFICATE FOR DEMOLITION.

No zoning certificate for demolition of any structure in Sylvania constructed more than fifty years prior to the requests for zoning certificate for demolition shall be issued without the owner first posting on the exterior of the structure a sign, the size and specifications of which shall be designated by the Zoning Administrator, stating the intent to demolish the premises thirty days prior to the commencement of demolition. The 30-day period shall commence as of the later of the time of posting or thirty days from the date of application. During the 30-day period, the owner shall permit the Sylvania Historical Society, or a similar historic preservation organization, access to the structure to map, photograph, measure or otherwise preserve the history of said structure.

This section shall not apply if immediate demolition is required for the preservation of public health, safety and welfare or if the Mayor should determine that the property is of no historical significance. (Ord. 6-2002. Passed 1-7-02.)

1103.03 APPLICATION FOR ZONING CERTIFICATE.

(a) Applications for zoning certificates shall be made to the Zoning Administrator, and shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon or used; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration or use of land, and the detailed location and size of all required off-street parking and loading areas. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and/or land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Zoning Ordinance.

(b) Where any required information, such as a site plan, is placed on a building permit application, such information may be omitted from the application for a zoning certificate, and the zoning certificate shall make reference to the date and number of the building permit application. A zoning certificate may be issued at the same time the Zoning Administrator approves the zoning aspects of a building permit application.

(c) One copy of the zoning certificate shall be returned to the applicant by the Zoning Administrator after he has marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall maintain a record of all zoning certificates, and copies shall be furnished upon request to any person.

(d) Failure to obtain a zoning certificate shall be a violation of this Zoning Ordinance and punishable under Section 1103.99. (Ord. 35-68. Passed 7-15-68.)

1103.031 ISSUANCE OF BUILDING PERMIT; TIME REQUIREMENT.

No building permit shall be issued for any parcel of land unless the application for such permit is made within eighteen months from the date of the issuance of the required zoning certificate. (Ord. 90-84. Passed 10-1-84.)

1103.04 ZONING CERTIFICATES FOR EXISTING CONFORMING USES.

Uses of buildings or land existing at the time of passage of this Zoning Ordinance or amendments thereto, which conform to the requirements of this Zoning Ordinance, do not need a zoning certificate. However, if the owners or occupants desire a zoning certificate, the Zoning Administrator shall issue same at the standard fee after ascertaining that the use of the building and/or land conforms to the Zoning Ordinance. (Ord. 35-68. Passed 7-15-68.)

1103.05 ZONING CERTIFICATES REQUIRED FOR NONCONFORMING USES.

No nonconforming structure or use shall be maintained, renewed, changed or extended until a zoning certificate has been issued by the Zoning Administrator. The zoning certificate shall state specifically wherein the nonconforming use differs from the provisions of this Zoning Ordinance. After enactment or amendment of this Zoning Ordinance, or after annexation of any area to the City, the Zoning Administrator shall notify in writing the owners of nonconforming uses about this requirement for a zoning certificate. Such owners shall have three months after receipt of notice to apply for a zoning certificate. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Zoning Ordinance. (Ord. 35-68. Passed 7-15-68.)

1103.06 CONSTRUCTION AND USE TO BE AS PROVIDED IN PERMITS AND ZONING CERTIFICATES.

Building permits and zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and specifications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance, and punishable as provided by Section 1103.99. (Ord. 35-68. Passed 7-15-68.)

1103.061 REMOVAL OF MATERIALS FROM BUILDING SITE; DENIAL OF PERMITS.

(a) No person who has been issued a building permit shall fail to remove excess scrap or unused building materials from the building site for which the permit was issued. The materials shall be removed within five days of completion of the work at such site.

(b) No person who is performing building work pursuant to a building permit issued to another shall fail to remove excess scrap or unused building materials from the building site for which the permit was issued. The materials shall be removed within five days of completion of the work at such site.

(c) No building permit shall be issued to any person who has failed to remove excess scrap or unused building materials from a previous building site as required by subsections (a) and (b) hereof.

(d) As used in this section, "building work" means constructing, altering, repairing, adding to, subtracting from, improving, moving, wrecking or demolishing a building. (Ord. 103-88. Passed 10-3-88.)

1103.07 SCHEDULE OF FEES.

(a) Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, appeals and applications to the Board of Appeals, and applications for special uses and rezoning of land. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by Council.

(b) No permit, certificate, special use, variance or exception shall be issued or allowed unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full. The petition provided for in Section 1107.02 shall be accompanied by a cash payment of one hundred fifty dollars (\$150.00), which cash payment is applicable to all petitions for zoning ordinance amendments, planned developments, amendments to planned developments, special uses and amendments to special uses. Any appeal to, or application for a variance or exception to, the Board of Appeals shall be accompanied by a cash payment of fifty dollars (\$50.00). Any provision for fees contrary to cash payments required by this subsection (b) hereof are hereby repealed. (Ord. 102-90. Passed 10-1-90.)

1103.08 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may submit a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Zoning Ordinance. (Ord. 35-68. Passed 7-15-68.)

1103.09 VIOLATION MAY BE ENJOINED.

No person shall erect, construct, alter, repair or maintain any building or structure or use any land in violation of this Zoning Ordinance. In the event of any such violation, or imminent threat thereof, the municipal corporation or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. (Ord. 35-68. Passed 7-15-68.)

1103.10 ILLEGAL USES UNDER ORIGINAL ZONING ORDINANCE OR IN ANNEXED AREAS.

A use in violation of the provisions of the Zoning Ordinance adopted June 3, 1946, which this Zoning Ordinance amends, or in violation of the provisions of a Township zoning resolution in an area subsequently annexed to the City, shall not be validated by the adoption of this Zoning Ordinance, and shall be subject to the penalties and sanctions of this Zoning Ordinance. (Ord. 35-68. Passed 7-15-68.)

1103.11 APPEAL PROCEDURE.

It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

It is further the intent of this Zoning Ordinance that the duties of Council in connection with this Zoning Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Ordinance. Under this Zoning Ordinance Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Zoning Ordinance, as provided by law, and of establishing a schedule of fees as stated in Section 1103.07. (Ord. 35-68. Passed 7-15-68.)

1103.12 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 35-68. Passed 7-15-68.)

1103.99 PENALTY.

Whoever violates any provision of this Zoning Ordinance or fails to comply with any of its requirements shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 79-2003. Passed 12-15-03.)

CHAPTER 1105 Board of Appeals

- 1105.01 Establishment.
- 1105.02 Proceedings.
- 1105.03 Public hearing; notice.
- 1105.04 Required vote for action.
- 1105.05 Authority to impose conditions.
- 1105.06 Administrative review.
- 1105.07 Variances.
- 1105.08 Exceptions.
- 1105.09 Industrial uses.

CROSS REFERENCES

- Open meetings - see Ohio R.C. 121.22
- Notice of public meetings - see ADM. Ch. 105
- Zoning Ordinance administration, enforcement and penalty - see
P. & Z. Ch. 1103
- Authority to interpret district boundaries - see P. & Z. 1113.06
- Special uses - see P. & Z. Ch. 1153
- Off-street parking and loading - see P. & Z. Ch. 1157, 1159
- Nonconforming uses and structures - see P. & Z. Ch. 1163

1105.01 ESTABLISHMENT.

A Board of Appeals is hereby established which shall consist of five members to be appointed by Council. Initially, two members shall be appointed for not more than one year, two for not more than two years and one for not more than three years. Every succeeding term shall run for three years, and all terms shall be arranged to expire on December 31. Vacancies shall be filled by resolution of Council for the unexpired term of the member affected.
(Ord. 35-68. Passed 7-15-68.)

1105.02 PROCEEDINGS.

(a) The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Zoning Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Board. Every decision of the Board shall be based upon

a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records.
(Ord. 35-68. Passed 7-15-68.)

1105.03 PUBLIC HEARING; NOTICE.

The Board shall hold a public hearing on all proposed actions including administrative appeals, proposals for variances, exceptions and industrial uses. Notice shall be given at least fifteen days in advance of the public hearing in a newspaper of general circulation in the City. Any party may appear in person at the public hearing, or by agent or attorney. The owners of property within, contiguous to and directly across the street from the parcel or parcels which are the subject matter of any proposed action, and also the persons proposing or requesting such action, shall be notified of such public hearing in writing by ordinary first class mail sent not less than twelve days prior to such hearing. The secretary of the Board shall, prior to the public hearing, certify by writing filed with the Board that such notice has been timely given. (Ord. 10-86. Passed 1-20-86.)

1105.04 REQUIRED VOTE FOR ACTION.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, interpretation or decision of the Zoning Administrator, or to decide in favor of an applicant on any matter upon which the Board is required to pass under this Zoning Ordinance, including requests for variances, exceptions and industrial uses.
(Ord. 35-68. Passed 7-15-68.)

1105.05 AUTHORITY TO IMPOSE CONDITIONS.

(a) In granting a permit under any of the powers conferred upon the Board, the Board may stipulate the manner in which an approved variance, exception, industrial use, administrative ruling, etc. shall be carried out, or may require other improvements, safeguards and conditions for the protection of the health, safety and welfare of owners and occupants of surrounding lots or the public. Specifically, the Board in such cases may attach conditions dealing with the following:

- (1) Paving, shrubbery, screening, fences or walls.
- (2) Control or elimination of smoke, dust, vibration, gas, noise or odor.
- (3) Hours of operation.
- (4) Location of exits.
- (5) Cleaning and painting.
- (6) Elimination of nonconforming uses of land or nonconforming signs.
- (7) Direction and intensity of outdoor illumination.
- (8) Off-street parking and loading.
- (9) The duration of approval of a variance or exception, after which such approval shall expire.

(b) Violations of conditions imposed by the Board in conjunction with approval of an administrative appeal, variance, exception or industrial use shall be deemed a violation of this Zoning Ordinance and punishable under Section 1103.99.
(Ord. 35-68. Passed 7-15-68.)

1105.06 ADMINISTRATIVE REVIEW.

(a) Appeals. The Board shall hear and decide appeals where it is alleged there is error in any administrative order, requirement, interpretation or decision made by the Zoning Administrator in the administration and enforcement of this Zoning Ordinance. Appeals to the Board may be taken by any person aggrieved or by an officer or bureau of the governing body of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed sixty days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(b) Decision. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Zoning Ordinance, and after the required public hearing is held, reverse or affirm, wholly or partly, or may modify the administrative order, requirement, interpretation or decision appealed from and may make such administrative order, requirement, interpretation or decision as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

(c) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board, or by a court of record on application, on notice to the administrative official from whom the appeal is taken, and on due cause shown.

(Ord. 35-68. Passed 7-15-68.)

1105.07 VARIANCES.

(a) The Board may authorize, upon appeal or written application, such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. For the purposes of this Zoning Ordinance a "variance" shall be defined as a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary and undue hardship. As used in this Zoning Ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning districts.

(b) A variance from the terms of this Zoning Ordinance shall not be granted by the Board unless the required public hearing is held, and unless and until all of the following findings are made by the Board:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (2) Literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this Zoning Ordinance.
- (3) The special conditions and circumstances do not result from the actions of the applicant.
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to the owners of other lands, structures or buildings in the same district.
- (5) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, will not be injurious to the neighborhood, will not impair the adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets, will not unreasonably diminish property values within the surrounding area or otherwise be detrimental to the public interest.
(Ord. 35-68. Passed 7-15-68.)

1105.08 EXCEPTIONS.

The Board may hear and approve exceptions as specifically authorized herein, which are in harmony with the purposes and intent of this Zoning Ordinance, and which will not adversely affect the public interest. The following exceptions may be granted by the Board, after written application is submitted therefor, and after the required public hearing is held:

- (a) The location of a temporary building for commerce or industry in a residence district which is incidental to the residential development, such permit to be issued for a period of not more than one year.
- (b) The location of a temporary sign pertaining to the development of the land upon which the sign is located, provided it is not located in a required front yard, such permit to be issued for a period of not more than one year.
- (c) The enlargement, erection and use of a building or the use of premises in any location for a railroad or other public utility purposes not otherwise allowed by this Zoning Ordinance, which the Board deems reasonably necessary for the public convenience or welfare.

- (d) A reduction of the parking and loading requirements of this Zoning Ordinance whenever it has been clearly demonstrated that the provision of the full parking or loading facilities is unnecessary, or where such a requirement would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (e) The placement of required parking spaces on a parcel separated from the parcel upon which the building or use served by such parking spaces is located, provided that the parking spaces are sufficiently close enough that they will serve the intended purpose and provided a written agreement assuring the retention of the parking spaces is properly executed and filed with the application for a zoning certificate.
- (f) The waiver of yards or setbacks and screening required for a parking area adjacent to a residential district, whenever a wall of approved height, design and material is erected.
- (g) Within any district, the placing of more than one main building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot, provided that adequate light and air will reach all habitable rooms. Height, bulk and lot area per family shall apply as in the case of one main building located on a lot. An application for the placing of more than one main building on a lot shall be accompanied by a site plan. Proposals for placing more than one residential main building on a lot shall be referred to the Planning Commission for review of the site plan, and Planning Commission approval of the site plan shall be prerequisite to final approval by the Board.
- (h) The waiver of screening required in front of parking areas across a street from a residentially zoned parcel.
(Ord. 43-70. Passed 8-3-70.)

1105.09 INDUSTRIAL USES.

The Board shall hear and approve or disapprove proposals for location of industrial uses in the M-1 Light Industrial District when there is a question concerning the expected performance of the use, according to Section 1145.06(s) and also proposals for location of certain industrial uses in the M-2 Heavy Industrial District which, because of their performance, need special consideration according to Section 1147.07. Written application shall be made to the Board or referral shall be made by the Zoning Administrator, the public hearing shall be held, and the applicant or his agent shall appear before the Board with drawings of the proposed use and with other evidence, such as expert engineering testimony, to indicate the expected performance of the proposed use. In addition, the Board may accept written or oral testimony from other experts and from the staff of the Board of Health, the Service Director or other governmental or private agencies. In considering the proposed use, the Board shall evaluate the effect on adjacent neighborhoods, other businesses and industries from the possible emission of vibrations, noise, light, smoke, fumes, odor or dust.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1107 Amendments

- 1107.01 Authority.
- 1107.02 Initiation of amendments.
- 1107.03 Limitation on applications.
- 1107.04 Referral to the Planning Commission; action.
- 1107.05 Hearing; notice by Council.
- 1107.06 Action by Council.
- 1107.07 Zoning upon annexation

CROSS REFERENCES

Authority of Planning Commission in zoning matters - see
Chtr. Art. IX, §3.0
Clerk-Auditor to have charge of all City records - see Chtr.
Art. V, §7.0
Zoning Ordinance administration, enforcement and penalty -
see P. & Z. Ch. 1103
Zoning Map amendments - see P. & Z. 1113.04

1107.01 AUTHORITY.

Council may amend, supplement or change the regulations, restrictions and boundaries in this Zoning Ordinance after the public hearing and other procedures are followed as set forth in this chapter.
(Ord. 35-68. Passed 7-15-68.)

1107.02 INITIATION OF AMENDMENTS.

Amendments to this Zoning Ordinance may be proposed by Council, or duly signed petitions may be presented to the Clerk of Council requesting an amendment by the following:

- (a) The Municipal Planning Commission.
- (b) One or more of the owners, lessees or occupants within the area proposed to be changed by the amendment.
(Ord. 163-93. Passed 12-6-93.)

1107.03 LIMITATION ON APPLICATIONS.

A party shall not initiate action for a zoning amendment affecting the same land more often than once every twelve months.
(Ord. 35-68. Passed 7-15-68.)

1107.04 REFERRAL TO THE PLANNING COMMISSION; ACTION.

(a) Any proposal for the amendment of this Zoning Ordinance not originating from petition of the Planning Commission shall be referred to the Commission for consideration and report before any final action is taken by Council.

(b) The Commission shall study a proposed amendment in relation to public necessity, convenience, general welfare and good zoning practice, and within forty-five days after Council referral, shall recommend the approval or denial of the proposed amendment or approval of some modification thereof, and submit such recommendation to Council. Failure of the Planning Commission to report within the required forty-five days shall be construed as approval of the proposed amendment or change.
(Ord. 35-68. Passed 7-15-68.)

1107.05 HEARING; NOTICE BY COUNCIL.

After receiving the Planning Commission's report or petition for a proposed zoning amendment, Council shall hold a public hearing on the proposal and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the City. If the ordinance, measure or regulation intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council of the legislative authority by first class mail, at least twenty days before the date of the public hearing to the owners of property within, contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by the legislative authority. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. During such thirty days the text or copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, Board or officer 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. (Ord. 163-93. Passed 12-6-93.)

1107.06 ACTION BY COUNCIL.

Council shall, within reasonable time after the public hearing, approve or deny the proposed zoning amendment. For a proposed amendment involving a change in the Zoning Map, Council may modify the original proposal to a more restricted zoning district or a smaller area than advertised for the public hearing, but may not approve a change to a zoning district allowing uses not permitted in the proposed district originally listed in the notice for public hearing, and also may not approve rezoning of any land not listed in the notice for public hearing. No such ordinance, measure or regulation which violates, differs from or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than five members of Council.
(Ord. 35-68. Passed 7-15-68.)

1107.07 ZONING UPON ANNEXATION.

City: The following procedures shall apply for establishing zoning in areas annexed to the

- (a) Interim Zoning. Upon annexation and until permanent zoning is adopted as provided in subsection (b) hereof, each parcel of annexed land shall be automatically zoned to the district in this Zoning Ordinance which most closely conforms to the previous township zoning district. Any land not subject to zoning at the time of annexation shall be automatically zoned R-1 Single family Residential until the permanent zoning is adopted.
- (b) Permanent Zoning. Within a reasonable time after annexation, permanent zoning shall be established for all annexed areas according to the procedures set forth in this chapter concerning Planning Commission review and recommendation, and hearing and final action by Council.
(Ord. 35-68. Passed 7-15-68.)

TITLE THREE - Zoning Districts and Requirements

- Chap. 1113. Zoning Maps Adopted.
- Chap. 1115. Application of District Regulations.
- Chap. 1117. R-1 Single-Family Residential Large Lot District.
- Chap. 1119. R-1-A Two-Family Residential Large Lot District.
- Chap. 1121. R-2 Single-Family Residential Small Lot District.
- Chap. 1123. R-2-A Two-Family Residential Small Lot District.
- Chap. 1125. R-3 Multiple Dwelling Medium Density District.
- Chap. 1127. R-4 Multiple Dwelling Medium High Density District.
- Chap. 1131. B-1 Limited Business and Office District.
- Chap. 1133. Professional, Research and Office District.
- Chap. 1135. B-1-B Modified Business and Office District.
- Chap. 1137. B-2 General Business District.
- Chap. 1139. B-3 Central Business District.
- Chap. 1141. B-4 Shopping Center District.
- Chap. 1145. M-1 Light Industrial District.
- Chap. 1147. M-2 Heavy Industrial District.
- Chap. 1149. Flood Plain Districts.
- Chap. 1151. Overlay Districts.

CHAPTER 1113 Zoning Maps Adopted

- 1113.01 Official Zoning Maps.
- 1113.02 Original Official Zoning Maps.
- 1113.03 Current Official Zoning Maps.
- 1113.04 Amendments.
- 1113.05 Replacement of Official Zoning Maps.
- 1113.06 Rules for interpretation of district boundaries.

CROSS REFERENCES

- Zoning Ordinance administration, enforcement and penalty - see P. & Z. Ch. 1103
- Board of Appeals - see P. & Z. Ch. 1105
- Amendments - see P. & Z. Ch. 1107
- Zoning upon annexation - see P. & Z. 1107.07

1113.01 OFFICIAL ZONING MAPS.

The City is hereby divided into zones, or districts, as shown on the Official Zoning Maps which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Zoning Ordinance.
(Ord. 35-68. Passed 7-15-68.)

1113.02 ORIGINAL OFFICIAL ZONING MAPS.

The initial zoning maps adopted with this Zoning Ordinance shall be entitled the Original Official Zoning Maps, and each Map shall be identified by the signature of the Mayor attested by the Clerk-Auditor, and bearing the seal of the City under the following words:

"This is to certify that this is a part of the Original Official Zoning Maps referred to in Chapter 1113 of the Codified Ordinances of the City of Sylvania, Ohio," together with the date of the adoption of this Zoning Ordinance. The Original Official Zoning Maps shall be filed in the Clerk-Auditor's office, shall remain without change as originally adopted by Council and shall be used only for reference purposes when there is a need to determine the original zoning. (Ord. 35-68. Passed 7-15-68.)

1113.03 CURRENT OFFICIAL ZONING MAPS.

One or more sets of Zoning Maps entitled Current Official Zoning Maps shall be available for public reference in the Clerk-Auditor's office or other location convenient to the public. Each map shall be identified by the signature of the Mayor attested by the Clerk-Auditor, and shall bear the seal of the City under the following words: "This is to certify that this is a part of the Current Official Zoning Maps referred to in Chapter 1113 of the Codified Ordinances of the City of Sylvania, Ohio."
(Ord. 35-68. Passed 7-15-68.)

1113.04 AMENDMENTS.

If, in accordance with the provisions of this Zoning Ordinance and Ohio R.C. Chapter 713, changes are made in district boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be made on the Current Official Zoning Maps promptly after the amendment has been approved by Council.

No changes of any nature shall be made on the Current Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Zoning Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Zoning Ordinance and punishable as provided under Section 1103.99. The Original Official Zoning Maps, plus amendments to the Maps after adoption of this Zoning Ordinance as entered on the Current Official Zoning Maps, shall be the final authority on the current zoning status of land and water areas, buildings and other structures in the City.
(Ord. 35-68. Passed 7-15-68.)

1113.05 REPLACEMENT OF OFFICIAL ZONING MAPS.

In the event that either the Original or Current Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the number of changes or age, Council may by resolution or ordinance adopt new Original or Current Official Zoning Maps, which shall supersede the prior Official Zoning Maps. The new Official

Zoning Maps may correct drafting or other errors or omissions in the prior Maps, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Maps shall be identified by the signature of the Mayor attested by the Clerk-Auditor, bearing the seal of the City under the following words: "This is to certify that this (Original or Current) Official Zoning Map supersedes and replaces the Official Zoning Map adopted July 15, 1968 as part of Ordinance Number 35-68 of the City of Sylvania. " (Ord. 35-68. Passed 7-15-68.)

1113.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - (c) Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - (e) Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) hereof shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the Map.
 - (g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections (a) through (f) hereof, the Board of Appeals shall interpret the district boundaries.
- (Ord. 35-68. Passed 7-15-68.)

CHAPTER 1115 Application of District Regulations

1115.01 Application of regulations. 1115.02 Conformity.

CROSS REFERENCES

Zoning Ordinance administration, enforcement and penalty - see
P. & Z. Ch. 1103
Amendments - see P. & Z. Ch. 1107
Zoning Maps adopted; amendments - see P. & Z. Ch. 1113
Rules for interpretation of district boundaries - see P. & Z. 1113.06
Yards and height exceptions - see P. & Z. Ch. 1161
Nonconforming uses and structures - see P. & Z. Ch. 1163

1115.01 APPLICATION OF REGULATIONS.

The regulations provided by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. (Ord. 35-68. Passed 7-15-68.)

1115.02 CONFORMITY.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- (a) As set forth herein, no building or other structure shall hereafter be erected or altered:
 - (1) In excess of the required height;
 - (2) With lot area, ground floor area or total floor area less than the minimum required;
 - (3) To accommodate or house a number of families in excess of the number required;
 - (4) To occupy a percentage of lot area in excess of the minimum required;
 - (5) To provide for rear, side or front yards, or other open spaces with less than the minimum dimensions or proportion required;
 - (6) With total floor area in excess of the maximum required; or
 - (7) In any other manner contrary to the provisions of this Zoning Ordinance.
- (b) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

- (c) No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.
- (d) No building shall be erected or structurally altered except as specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- (e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided in Chapters 1141, 1155 and Section 1105.08(g).
(Ord. 35-68. Passed 7-15-68; Ord. 17-74. Passed 4-15-74.)

CHAPTER 1117
R-1 Single-Family Residential Large Lot District

- 1117.01 Purpose.
- 1117.02 Minimum requirements.
- 1117.03 Lot of record; exception.
- 1117.04 Maximum height.
- 1117.05 Off-street parking and loading.
- 1117.06 Permitted uses.
- 1117.07 Accessory buildings and uses;
portable storage containers;
outdoor storage and parking of
recreational equipment.
- 1117.08 Fences and hedges.
- 1117.09 Signs.
- 1117.99 Penalty.

CROSS REFERENCES

Single-family dwelling defined - see P. & Z. 1101.16
 Lot of record defined - see P. & Z. 1101.30
 Rules for interpretation of district boundaries - see P. & Z. 1113.06
 Conformance with district regulations - see P. & Z. 1115.02
 Special uses - see P. & Z. Ch. 1153
 Yards, projections and height exceptions - see P. & Z. Ch. 1161

1117.01 PURPOSE.

The purpose of this chapter is to provide locations for and maintain values in large lot residential developments. (Ord. 35-68. Passed 7-15-68.)

1117.02 MINIMUM REQUIREMENTS.

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	10,000 square feet (See Section 1117.03 hereof)
Lot width	70 feet (see Section 1117.03 hereof)
Front yard*	25 feet
Side yards*	7 feet
Rear yard*	30 feet
Ground floor area	960 square feet
Total floor area	1,200 square feet

*See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 35-68. Passed 7-15-68.)

1117.03 LOT OF RECORD; EXCEPTION.

(a) A lot of record at the time of adoption of this Zoning Ordinance which does not meet the minimum lot area and width requirements may be occupied by a permitted use, provided that yard and other requirements of this Zoning Ordinance are met, and provided that the owner does not own any adjoining land at the time of passage or amendment of this Zoning Ordinance.

(b) The lot area requirement of Section 1117.02 shall not apply to lots contained in subdivisions which are the subject of an agreement by the owner or developer wherein the owner or developer has conveyed or agrees to convey acreage contained in or contiguous to such subdivision to the City for public purposes, thereby reducing the area available for private uses and development. Where such agreements exist, the area so conveyed to the City may be added pro rata to each lot in the residential subdivision for purposes of computing the minimum lot area requirements of Section 1117.02 hereof. However, in no event shall any single-family residential lot in any R-1 Residential District be smaller than 9,000 square feet.
(Ord. 35-68. Passed 7-15-68.)

1117.04 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed two and one-half stories or thirty-five feet in height. (See Chapter 1161 for height exceptions.)
(Ord. 35-68. Passed 7-15-68.)

1117.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.
(Ord. 35-68. Passed 7-15-68.)

1117.06 PERMITTED USES.

Permitted uses in R-1 Residential Districts shall be as follows:

- (a) Single-family dwellings.
- (b) Public elementary and high schools, and private elementary and high schools with similar curriculum.
- (c) Parks, playgrounds and community buildings owned or operated by public agencies.
- (d) Farming and truck gardening, provided that livestock shall not be maintained within two hundred feet of a nonfarm dwelling.
- (e) Utility facilities necessary for local service to the adjacent residential area.
- (f) Special uses, as indicated in Chapter 1153.
(Ord. 35-68. Passed 7-15-68.)

1117.07 ACCESSORY BUILDINGS AND USES; PORTABLE STORAGE
CONTAINERS; OUTDOOR STORAGE AND
PARKING OF RECREATIONAL EQUIPMENT.

Accessory buildings and uses, as defined in Chapter 1101, are permitted, including but not limited to the following and meeting the specified restrictions:

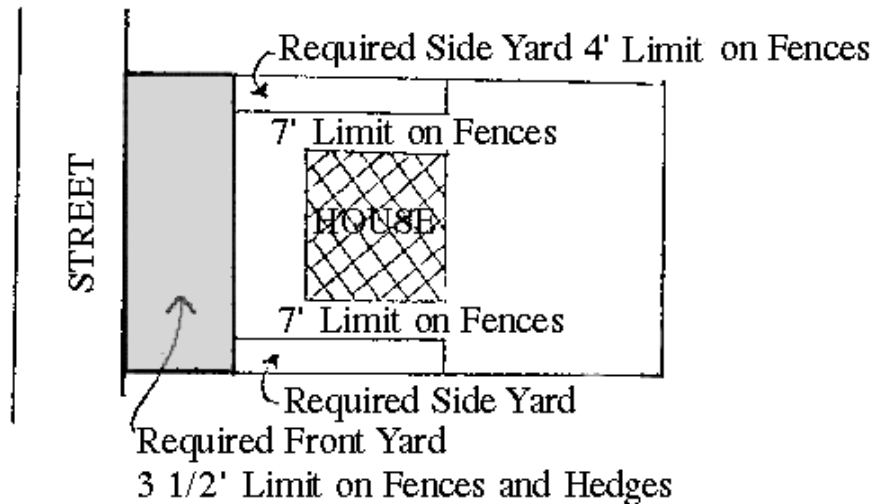
- (a) Home occupations as defined in Chapter 1101.
- (b) Roadside stands for sale of agricultural products raised on the premises only.
- (c) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (d) Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than ten feet.
(Ord. 35-68. Passed 7-15-68.)
- (e) Outdoor Parking and Storage on Private Property and Exceptions. No person shall park or store, or permit to be parked or stored, recreational equipment upon any lot or land designated within the boundaries of the residential R-1 district except as hereinafter provided. Any owner of recreational equipment may park or store such equipment not in excess of nineteen feet overall length, only on property where he is living in accordance with the following conditions.
 - (1) All recreational equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) Recreational equipment, provided that only one travel trailer not exceeding nineteen feet in length, or one pleasure boat not exceeding nineteen feet in length, may be stored only in the rear yard, and no living quarters shall be maintained and no business or other activity shall be carried on in such travel trailer or boat, and that such trailer or boat shall not be closer than ten feet to any lot line nor shall such trailer or boat exceed nineteen feet in length.
 - (3) No recreational vehicle shall be parked or stored unless it is titled to, leased or used exclusively by one of the permanent occupants of the residence where the recreational vehicle is located.
- (f) Temporary Parking of Recreational Vehicles. Temporary outside parking of such recreational equipment shall be permitted in the front yard and/or side yard for a period not to exceed a total of forty-eight hours in any consecutive seven-day period.

- (g) Temporary Parking of Business Trailer. No person shall park or store a business trailer in a residential area of the City, except in a completely enclosed garage or building, excepting therefrom the temporary outside parking of such business trailer shall be permitted in the front yard and/or side yard for a period not to exceed a total of twenty-four hours in any consecutive ten-day period. (Ord. 40-2000. Passed 6-5-00.)
- (h) Location of Accessory Buildings. An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building. (Ord. 35-68. Passed 7-15-68.)
- (i) Portable Storage Containers. Residential use properties are permitted one portable storage container for an aggregate of fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory residential use zoning certificate is required before the container is placed on-site. Nonresidential use properties are permitted one portable storage container for fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary commercial use zoning certificate is required before the container is placed on-site. (Ord. 69-2006. Passed 7-17-06.)

1117.08 FENCES AND HEDGES.

The following shall apply in all residential districts:

- (a) Fences or hedges may not exceed three and one-half feet in height in the required front yard.
- (b) Fences may not exceed four feet in height in the required side yard adjacent to the main building and projected to the required front yard.
- (c) Fences may not exceed seven feet in height in any other location on a lot. (See Diagram A for illustration.)
- (d) In any residential district, no fence, structure or planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within eighty feet in each direction from the intersection of the street centerlines.

Diagram A - Height Limits on Fences & Hedges

(Ord. 35-68. Passed 7-15-68.)

1117.09 SIGNS.

The following signs are permitted in all residential districts, provided the zoning district regulations under this Zoning Ordinance for any zoning district other than the R-1 Residential District do not permit or prohibit signs therein, in which event such other zoning district regulations shall control.

- (a) One temporary sign, not exceeding eight square feet in area, pertaining to the sale, rent or development of the property on which the sign is located.
 - (b) One sign not exceeding one and one-half square feet in area, indicating the name and address of the occupant, or the name of a permitted home occupation, but not to be located in a required front yard.
 - (c) For multiple-family dwellings and nonresidential buildings including legal nonconforming business and industrial uses, one identification sign not exceeding twelve square feet in area, indicating only the name and address of the building. Such sign shall not be located in a required front yard.
 - (d) Directional signs for parking areas and driveways.
- (Ord. 17-74. Passed 4-15-74.)

1117.99 PENALTY.

(a) Whoever violates the provisions of Section 1117.07(e) or Section 1117.07(f) shall be guilty of a minor misdemeanor.

(b) Whoever violates the provisions of Section 1117.07(g) shall pay a two hundred fifty dollar (\$250.00) fine.

(Ord. 40-2000. Passed 6-5-00.)

CHAPTER 1119
R-1-A Two-Family Residential Large Lot District

- 1119.01 Purpose.
- 1119.02 Minimum requirements.
- 1119.03 Lot of record; exception.
- 1119.04 Maximum height.
- 1119.05 Off-street parking and loading.
- 1119.06 Permitted uses.
- 1119.07 Accessory buildings and uses.
- 1119.08 Fences and hedges.
- 1119.09 Signs.

CROSS REFERENCES

- Two-family dwelling defined - see P. & Z. 1101.17
- Lot of record defined - see P. & Z. 1101.30
- Rules for interpretation of district boundaries - see P. & Z. 1113.06
- Conformance with district regulations - see P. & Z. 1115.02
- Special uses - see P. & Z. Ch. 1153
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1119.01 PURPOSE.

The purpose of this chapter is to provide certain locations for two-family dwellings and maintain residential values. (Ord. 2-70. Passed 1-5-70.)

1119.02 MINIMUM REQUIREMENTS.

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	10,000 square feet (See Section 1119.03 hereof)
Lot width	70 feet (see Section 1119.03 hereof)
Front yard*	25 feet
Side yards*	6 feet
Rear yard*	30 feet
Ground floor area	960 square feet per unit
Total floor area	1,200 square feet per unit
Lot area per family	5,000 square feet

* See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 2-70. Passed 1-5-70.)

1119.03 LOT OF RECORD; EXCEPTION

Same as R-1 Residential District.

(Ord. 2-70. Passed 1-5-70.)

1119.04 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed two and one-half stories or thirty-five feet in height. (See Chapter 1161 for height exceptions.)

(Ord. 2-70. Passed 1-5-70.)

1119.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.

(Ord. 2-70. Passed 1-5-70.)

1119.06 PERMITTED USES.

Single-family and two-family dwellings shall be permitted.

(Ord. 2-70. Passed 1-5-70.)

1119.07 ACCESSORY BUILDINGS AND USES.

Accessory buildings and uses, as defined in Chapter 1101 are permitted including, but not limited to the following and meeting the specified restrictions:

- (a) Private automobile garages, provided that garages accessory to a single family dwelling shall be limited in width to three parking stalls, and garages accessory to two-family dwellings shall be limited in width to four parking stalls.
- (b) Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard and are no closer to any lot line than ten feet.
- (c) Travel trailers and pleasure boats, provided that only one travel trailer not exceeding nineteen feet in length, or one pleasure boat may be stored only in the rear yard, and no living quarters shall be maintained and no business or other activity shall be carried on in such travel trailer or boat, and that such trailer or boat shall not be closer than ten feet to any lot line.
- (d) An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line, nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.

(Ord. 2-70. Passed 1-5-70.)

1119.08 FENCES AND HEDGES.

Same as R-1 Residential District.

(Ord. 2-70. Passed 1-5-70.)

1119.09 SIGNS.

Same as R-1 Residential District.

(Ord. 2-70. Passed 1-5-70.)

CHAPTER 1121
R-2 Single-Family Residential Small Lot District.

- 1121.01 Purpose.
- 1121.02 Minimum requirements.
- 1121.03 Lot of record; exception.
- 1121.04 Maximum height.
- 1121.05 Off-street parking and loading.
- 1121.06 Permitted uses.
- 1121.07 Accessory buildings and
uses.
- 1121.08 Fences and hedges.
- 1121.09 Signs.

CROSS REFERENCES

Single-family dwelling defined - see P. & Z. 1101.16
 Lot of record defined - see P. & Z. 1101.30
 Rules for interpretation of district boundaries - see P. & Z. 1113.06
 Conformance with district regulations - see P. & Z. 1115.02
 Yards, projections and height exceptions - see P. & Z. Ch. 1161

1121.01 PURPOSE.

The purpose of this chapter is to provide a location for medium sized lots and homes and maintain residential values.
 (Ord. 35-68. Passed 7-15-68.)

1121.02 MINIMUM REQUIREMENTS.

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	7,200 square feet (see Section 1121.03 below)
Lot width	60 feet (see Section 1121.03 below)
Front yard*	25 feet
Side yards*	6 feet
Rear yard*	25 feet
Ground floor area	624 square feet
Total floor area	864 square feet

* See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 35-68. Passed 7-15-68.)

1121.03 LOT OF RECORD; EXCEPTION.

Same as R-1 Residential District.
 (Ord. 35-68. Passed 7-15-68.)

1121.04 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed two and one-half stories or thirty-five feet in height. (See Chapter 1161 for height exceptions.)
(Ord. 35-68. Passed 7-15-68.)

1121.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159. (Ord. 35-68. Passed 7-15-68.)

1121.06 PERMITTED USES.

Same as R-1 Residential District.
(Ord. 35-68. Passed 7-15-68.)

1121.07 ACCESSORY BUILDINGS AND USES.

Same as R-1 Residential District.
(Ord. 35-68. Passed 7-15-68.)

1121.08 FENCES AND HEDGES.

Same as R-1 Residential District.
(Ord. 35-68. Passed 7-15-68.)

1121.09 SIGNS.

Same as R-1 Residential District.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1123
R-2-A Two-Family Residential Small Lot District

- 1123.01 Purpose.
- 1123.02 Minimum requirements.
- 1123.03 Lot of record; exceptions.
- 1123.04 Maximum height.
- 1123.05 Off-street parking and loading.
- 1123.06 Permitted uses.
- 1123.07 Accessory buildings and
uses.
- 1123.08 Fences and hedges.
- 1123.09 Signs.

CROSS REFERENCES

Two-family dwelling defined - see P. & Z. 1101.17

Lot of record defined - see P. & Z. 1101.30

Rules for interpretation of district boundaries - see P. & Z.
1113.06

Conformance with district regulations - see P. & Z. 1115.02

Yards, projections and height exceptions - see P. & Z. Ch. 1161

1123.01 PURPOSE.

The purpose of this chapter is to provide certain locations for two-family dwellings and maintain residential values.
(Ord. 3-70. Passed 1-5-70.)

1123.02 MINIMUM REQUIREMENTS.

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	10,000 square feet (see Section 1123.03 below)
Lot width	60 feet (see Section 1123.03 below)
Front yard*	25 feet
Side yards*	6 feet
Rear yard*	25 feet
Ground floor area	624 square feet per unit
Total floor area	864 square feet per unit
Lot area per family	5,000 square feet per unit.

* See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 3-70. Passed 1-5-70.)

1123.03 LOT OF RECORD; EXCEPTIONS.

Same as R-1 Residential District.
(Ord. 3-70. Passed 1-5-70.)

1123.04 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed two and one-half stories or thirty-five feet in height. (See Chapter 1161 for height exceptions.)
(Ord. 3-70. Passed 1-5-70.)

1123.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.
(Ord. 3-70. Passed 1-5-70.)

1123.06 PERMITTED USE S.

Single-family and two-family dwellings shall be permitted.
(Ord. 3-70. Passed 1-5-70.)

1123.07 ACCESSORY BUILDINGS AND USES.

Accessory buildings and uses, as defined in Chapter 1101, are permitted, including but not limited to the following and meeting the specified restrictions:

- (a) Private automobile garages, provided that garages accessory to a single-family dwelling shall be limited in width to three parking stalls, and garages accessory to two-family dwellings shall be limited in width to four parking stalls.
- (b) Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard and are no closer to any lot line than ten feet.
- (c) Travel trailers and pleasure boats, provided that only one travel trailer not exceeding nineteen feet in length, or one pleasure boat, may be stored only in the rear yard, and no living quarters shall be maintained and no business or other activity shall be carried on in such travel trailer or boat, and that such trailer or boat shall not be closer than ten feet to any lot line.
- (d) An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line, nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.

(Ord. 3-70. Passed 1-5-70.)

1123.08 FENCES AND HEDGES.

Same as R-1 Residential District.
(Ord. 3-70. Passed 1-5-70.)

1123.09 SIGNS.

Same as R-1 Residential District.
(Ord. 3-70. Passed 1-5-70.)

CHAPTER 1125

R-3 Multiple Dwelling Medium Density District

- 1125.01 Purpose.
- 1125.02 Location.
- 1125.03 Minimum requirements.
- 1125.04 Maximum density.
- 1125.05 Floor area.
- 1125.06 Open space.
- 1125.07 Livability space.
- 1125.08 Maximum height.
- 1125.09 Off-street parking.
- 1125.10 Lots of record; exceptions.
- 1125.11 Permitted uses.
- 1125.12 Accessory buildings and uses.
- 1125.13 Fences and hedges.
- 1125.14 Screening.
- 1125.15 Signs.
- 1125.16 Row or motel-type dwelling units.

CROSS REFERENCES

- Multiple dwelling defined - see P. & Z. 1101.18
- Lot of record defined - see P. & Z. 1101.30
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street parking - see P. & Z. Ch. 1157
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1125.01 PURPOSE.

The purpose of this chapter is to provide a location for residential dwellings having two or more separate dwelling units per individual structure including two-family dwellings, townhouses, apartments, garden apartments and motel apartments. The R-3 District is medium density in terms of dwelling units per acre. Open space requirements provide substantial play and recreation areas.

(Ord. 17-74. Passed 4-15-74.)

1125.02 LOCATION.

The R-3 District should generally be located in relation to the following urban facilities and services:

- (a) Collector or arterial streets;
- (b) Public transportation;
- (c) Shopping facilities;
- (d) Schools;
- (e) Parks and recreation areas;
- (f) Public sewer and water facilities; and
- (g) Police and fire protection.

The moderate population density of this R-3 District and the limited elevation of structures therein tend to make such District reasonably compatible with single-family and lesser density two-family residential areas, and such District can be located in close proximity thereto under good design principles. The R-3 District is also especially suited as a transition between lesser density residential areas such as single-family and two-family residential areas and those areas having medium high density multiple-family dwellings or commercial activities. (Ord. 17-74. Passed 4-15-74.)

1125.03 MINIMUM REQUIREMENTS.

Lot area	9,600 square feet
Lot width	80 feet
Front yard*	25 feet
Side yards*	10 feet
Rear yard*	25 feet

* See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 17-74. Passed 4-15-74.)

1125.04 MAXIMUM DENSITY.

The total floor area shall not exceed .30 square feet for each square foot of lot area and the number of dwelling units shall not exceed fifteen per lot acre. Lot acreage, for this computation, may include one-half of one public street on which the lot acreage abuts.

Lot area x .30 = allowable floor area (square feet)

Lot acreage x 15 = allowable number of dwelling units.

(Ord. 17-74. Passed 4-15-74.)

1125.05 FLOOR AREA

No dwelling unit in the R-3 District shall have less than 624 square feet of floor area. (Ord. 17-74. Passed 4-15-74.)

1125.06 OPEN SPACE.

In the R-3 District, open space is the total land area of the lot minus the total area of such lot used for buildings. There shall be not less than 2.3 square feet of open space for each square foot of floor area.

Floor area x 2.3 = minimum open space (square feet)

(Ord. 17-74. Passed 4-15-74.)

1125.07 LIVABILITY SPACE.

Livability space is that part of the open space as hereinabove defined remaining after excluding therefrom the nonenclosed space for vehicular parking and vehicular movement. There shall be not less than 1.3 square feet of livability space for each square foot of floor area.

Floor area x 1.3 = minimum livability space (square feet)

(Ord. 17-74. Passed 4-15-74.)

1125.08 MAXIMUM HEIGHT.

No building structure shall be erected or enlarged to exceed three stories or thirty-five feet in height. (See Chapter 1161 for height exceptions.)

(Ord. 17-74. Passed 4-15-74.)

1125.09 OFF-STREET PARKING.

Off-street parking shall be provided as required in Chapter 1157. The parking areas in the R-3 District required by Chapter 1157 to be screened shall, in addition to the requirements for a screen as defined in Section 1101.37, be screened in accordance with screening as defined in Section 1125.14 and should Section 1125.14 conflict with Sections 1157.14 or 1101.37 in any respect, the more restrictive provision or provisions of such conflicting sections shall control. (Ord. 17-74. Passed 4-15-74.)

1125.10 LOTS OF RECORD; EXCEPTIONS.

(a) Any lot of record in the R-3 District at the time of the adoption hereof having a total area of less than 8,400 square feet, or a width of less than seventy feet, shall not have constructed thereon a building containing a floor area exceeding .20 square feet for each square foot of lot area.

Lot area x .20 = allowable floor area (square feet)

(b) Any lot of record in the R-3 District at the time of the adoption hereof exceeding both the area and width requirements under subsection (a) hereof, but having a total area of less than 9,600 square feet, or a width of less than eighty feet, shall not have constructed thereon a building containing a floor area exceeding .25 square feet for each square foot of lot area.

Lot area x .25 = allowable floor area (square feet)

(c) On any lot of record in the R-3 District at the time of the adoption hereof having less than 5,000 square feet of land area, one dwelling unit shall be permitted thereon provided that yard and other requirements of this Zoning Ordinance are met. (Ord. 17-74. Passed 4-15-74.)

1125.11 PERMITTED USES.

Uses permitted in the R-3 District shall be as follows:

- (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multiple dwellings.
 - (d) Lodging houses.
 - (e) Public elementary and high schools, and private elementary and high schools with similar curriculum.
 - (f) Parks, playgrounds and community buildings owned or operated by public agencies.
 - (g) Utility facilities necessary for local service to the adjacent residential area.
 - (h) Special uses, as indicated in Chapter 1153.
- (Ord. 17-74. Passed 4-15-74.)

1125.12 ACCESSORY BUILDINGS AND USES.

Accessory buildings and uses, as defined in Chapter 1101 and meeting the specified restrictions, are permitted in the R-3 District including, but not limited to the following:

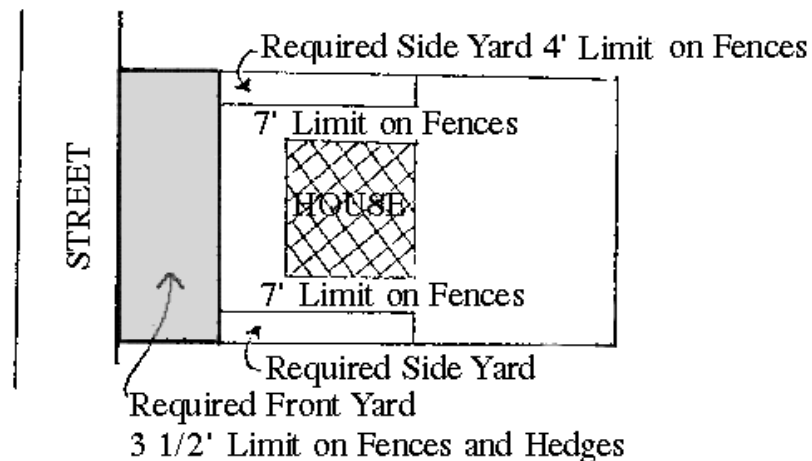
- (a) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (b) Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than ten feet. (Also see Chapter 1325 for other requirements.)
- (c) Travel trailers, mobile homes, camping trailers, utility trailers and watercraft of any type may be parked or maintained in an R-3 District for a period of time not exceeding seventy-two hours, unless housed within a garage.
- (d) An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot in the R-3 District. No unattached garage or other accessory building shall be closer than twenty-five feet to the main building, closer than sixty feet to the front lot line, nor closer than three feet to any other lot line. (Ord. 17-74. Passed 4-15-74.)

1125.13 FENCES AND HEDGES.

- (a) Fences or hedges may not exceed three and one-half feet in height in the required front yard.
- (b) Fences may not exceed four feet in height in the required side yard adjacent to the main building and projected to the required front yard.
- (c) Fences may not exceed seven feet in height in any other location on a lot. (See Diagram A for illustration.)
- (d) In any residential district no fence, structure or planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within eighty feet in each direction from the intersection of the street centerlines.

DIAGRAM A

Height Limits on Fences & Hedges



(Ord. 17-74. Passed 4-15-74.)

1125.14 SCREENING.

Screening shall be effective and suitable for the purpose intended. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening purposes are plantings of spruce, pine, fir or hemlock in sizes sufficient to provide effective screening at the time of planting. Arborvitae (thuja) is not acceptable for permanent screen planting. Plantings shall be so arranged as to provide both effective screening immediately, and yet provide adequate space for development at maturity. Where plant material is used, a growing strip at least six feet in width, measured perpendicular to the lot line, shall be provided. The surface of the growing strip may not be paved or covered over with any material impervious to the free passage of either air or water. Also acceptable for screening purposes are walls or fences constructed of wood products, brick, stone or precast concrete shapes other than blocks.
(Ord. 17-74. Passed 4-15-74.)

1125.15 SIGNS.

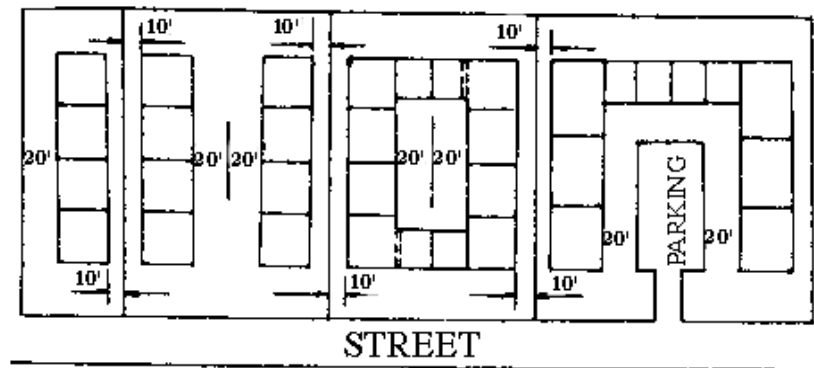
No sign shall be permitted in the R-3 District, either attached to the structure, or detached therefrom, unless it is included among the following:

- (a) One temporary sign, not exceeding eight square feet in area, pertaining to the sale, rent or development of the property on which the sign is located.
- (b) One sign, not exceeding one and one-half square feet in area, indicating the name and address of the occupant, but not to be located in a required front yard.
- (c) Legal nonconforming business or industrial uses may have one identification sign not exceeding twelve square feet in area, indicating only the name and address of the building. Such sign shall not be located in a required front yard.
- (d) Directional signs for parking areas and driveways.
(Ord. 17-74. Passed 4-15-74.)

1125.16 ROW OR MOTEL-TYPE DWELLING UNITS.

In two-family and multiple-dwelling buildings with attached dwelling units, which are of a row house nature with party walls between dwelling units and private or semiprivate entrances, each dwelling unit shall have provided adjacent to one exterior face an open space extending twenty feet horizontally outward at right angles the full width of the building face. For each dwelling unit which has two exterior faces parallel to each other, there shall be provided adjacent to the second exterior face an open space extending ten feet horizontally outward at right angles the full width of the building face. (See Diagram B for illustration of open space requirements.)

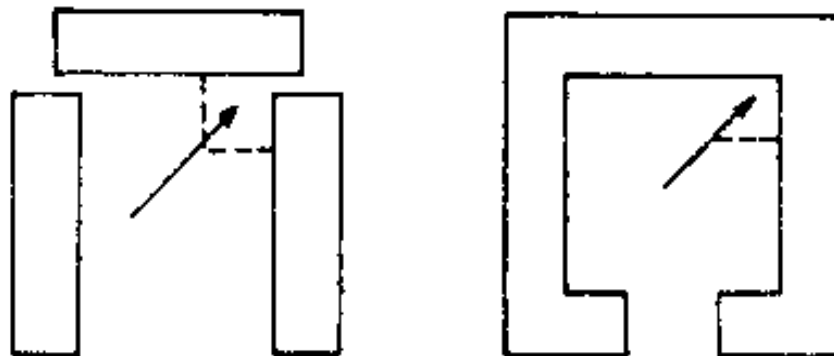
DIAGRAM B
Open Space Requirements



In addition, the following conditions shall apply:

- (a) Vehicular parking areas and driveways shall be prohibited from both required open spaces.
- (b) An open space which fulfills one of the above requirements for one dwelling unit shall not be used to satisfy the requirement for another dwelling unit, except for adjacent dwelling units on the inside corner of a building or adjacent buildings whose exterior walls are at right angles to each other, in which case the required yards may overlap. (See Diagram C for illustration of interior corners where open space requirements may be shared.)

DIAGRAM C
Corners Where Open Spaces May Be Shared



(Ord. 17-74.
Passed 4-15-74.)

CHAPTER 1127
R-4 Multiple Dwelling Medium High Density District

- 1127.01 Purpose.
- 1127.02 Location.
- 1127.03 Minimum requirements.
- 1127.04 Maximum density.
- 1127.05 Floor area.
- 1127.06 Open space.
- 1127.07 Livability space.
- 1127.08 Maximum height.
- 1127.09 Off-street parking.
- 1127.10 Lots of record; exceptions.
- 1127.11 Permitted uses.
- 1127.12 Accessory buildings and uses.
- 1127.13 Fences and hedges.
- 1127.14 Screening.
- 1127.15 Signs.
- 1127.16 Row or motel-type dwelling units.

CROSS REFERENCES

- Multiple dwelling defined - see P. & Z. 1101.18
- Lot of record defined - see P. & Z. 1101.30
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street parking - see P. & Z. Ch. 1157
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1127.01 PURPOSE.

The purpose of this chapter is to provide a location for multiple-family apartment structures having a greater dwelling unit density than is permitted in the R-3 District including duplexes, townhouses, apartments, garden apartments, motel apartments and other residential multi-story construction. The R-4 District is medium high density in terms of dwelling units per acre. Open space requirements provide limited play and recreation areas.
(Ord. 17-74. Passed 4-15-74.)

1127.02 LOCATION.

The R-4 District should generally be located in relation to the following urban facilities and services:

- (a) Collector or arterial streets;
- (b) Public transportation;
- (c) Shopping facilities;
- (d) Schools;
- (e) Parks and recreation areas;
- (f) Public sewer and water facilities; and
- (g) Police and fire protection.

Due to the substantially greater intensity of land use, and also to the greater permitted heights of the building structures, the R-4 District is generally noncompatible with Single family and two-family residential areas. The R-4 District is compatible with R-3 Multiple Dwelling Districts and the several commercial districts.
(Ord. 17-74. Passed 4-15-74.)

1127.03 MINIMUM REQUIREMENTS.

Lot area	12,000 square feet
Lot width	100 feet
Front yard*	25 feet**
Side yard*	10 feet***
Rear yard*	25 feet**

* See Chapter 1161 for special requirements.

** Front and rear yards shall be twenty-five feet, or one-half the total height of the highest structure thereon, whichever is greater.

*** The side yards for buildings exceeding thirty-five feet in height shall be increased over the minimum requirement by one additional foot for each two feet of building height over twenty-five feet.

(Ord. 17-74. Passed 4-15-74.)

1127.04 MAXIMUM DENSITY.

The total floor area shall not exceed .45 square feet for each square foot of lot area and the number of dwelling units shall not exceed fifteen per lot acre. Lot acreage, for this computation, may include one-half of one public street on which the lot acreage abuts.

Lot area x .45 = allowable floor area (square feet)

Lot acreage x 15 = allowable number of dwelling units.

(Ord. 17-74. Passed 4-15-74.)

1127.05 FLOOR AREA.

No dwelling unit within the R-4 District shall have less than 624 square feet of floor area.
(Ord. 17-74. Passed 4-15-74.)

1127.06 OPEN SPACE.

In the R-4 District open space is the total land area of the lot, minus the total area of such lot used for buildings. There shall be not less than 1.6 square feet of open space for each square foot of floor area.

Floor area x 1.6 = minimum open space (square feet)

(Ord. 17-74. Passed 4-15-74.)

1127.07 LIVABILITY SPACE .

Livability space is that part of the open space as hereinabove defined remaining after excluding therefrom the nonenclosed space for vehicular parking and vehicular movement. There shall be not less than .75 square feet of livability space for each square foot of floor area.

Floor area x .75 = minimum livability space (square feet)

(Ord. 17-74. Passed 4-15-74.)

1127.08 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed three stories or thirty-five feet in height. (Ord. 17-74. Passed 4-15-74.)

1127.09 OFF-STREET PARKING.

Off-street parking shall be provided as required in Chapter 1157. The parking areas in the R-4 District required by Chapter 1157 to be screened shall, in addition to the requirements for a screen as defined in Section 1101.37, be screened in accordance with screening as defined in Section 1127.14 and should Section 1127.14 conflict with Sections 1157.14 or 1101.37 in any respect, the more restrictive provision or provisions of such conflicting sections shall control. (Ord. 17-74. Passed 4-15-74.)

1127.10 LOTS OF RECORD; EXCEPTION.

(a) Any lot of record in the R-4 District at the time of the adoption hereof having a total area of less than 8,400 square feet, or a width of less than seventy feet, shall not have constructed thereon a building containing a floor area exceeding .20 square feet for each square foot of lot area.

Lot area x .20 = allowable floor area (square feet)

(b) Any lot of record in the R-4 District at the time of the adoption hereof exceeding both the area and width requirements under subsection (a) hereof, but having a total area of less than 9,600 square feet, or a width of less than eighty feet, shall not have constructed thereon a building containing a floor area exceeding .25 square feet for each square foot of lot area.

Lot area x .25 = allowable floor area (square feet)

(c) Any lot of record in the R-4 District exceeding both the area and width requirements under subsection (b) hereof, but having a total area of less than 10,800 square feet, or a width of less than ninety feet, shall not exceed .30 square feet of floor area for each square foot of lot area.

Lot area x .30 = allowable floor area (square feet)

(d) Any lot of record in the R-4 District exceeding both the area and width requirements under subsection (c) hereof, but having a total area of less than 12,000 square feet or a width of less than 100 feet, shall not exceed .40 square feet of floor area for each square foot of lot area.

Lot area x .40 = allowable floor area (square feet)

(e) On any lot of record in the R-4 District at the time of the adoption of this Zoning Ordinance having less than 5,000 square feet of land area, one dwelling unit shall be permitted thereon provided that yard and other requirements of this Zoning Ordinance are met. (Ord. 17-74. Passed 4-15-74.)

1127.11 PERMITTED USES.

Uses permitted in the R-4 District shall be as follows:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Multiple dwellings.
- (d) Lodging houses.
- (e) Public elementary and high schools, and private elementary and high schools with similar curriculum.
- (f) Parks, playgrounds and community buildings owned or operated by public agencies.
- (g) Utility facilities necessary for local service to the adjacent residential area.
- (h) Special uses, as indicated in Chapter 1153.
(Ord. 17-74. Passed 4-15-74.)

1127.12 ACCESSORY BUILDINGS AND USES.

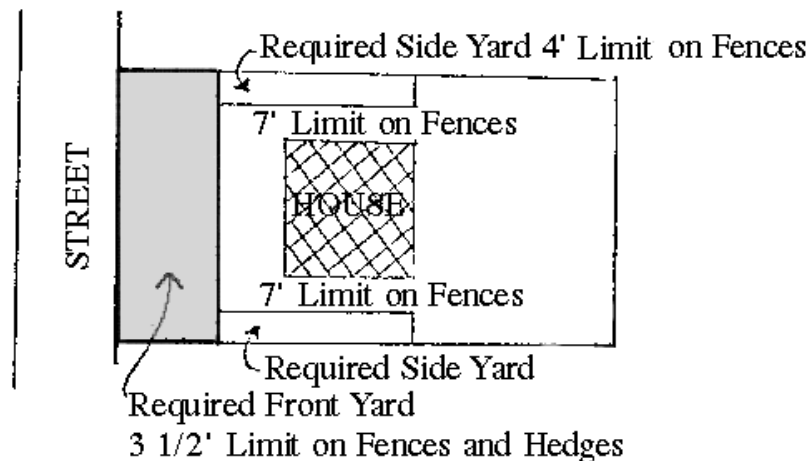
Accessory buildings and uses, as defined in Chapter 1101 and meeting the specified restrictions, are permitted in the R-4 District including, but not limited to the following:

- (a) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (b) Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than ten feet. (Also see Chapter 1325 for other requirements.)
- (c) Travel trailers, mobile homes, camping trailers, utility trailers and watercraft of any type may be parked or maintained in an R-4 District for a period of time not exceeding seventy-two hours, unless housed within a garage.
- (d) An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot in the R-4 District. No unattached garage or other accessory building shall be closer than twenty-five feet to the main building, closer than sixty feet to the front lot line, nor closer than three feet to any other lot line. (Ord. 17-74. Passed 4-15-74.)

1127.13 FENCES AND HEDGES.

- (a) Fences or hedges may not exceed three and one-half feet in height in the required front yard.
- (b) Fences may not exceed four feet in height in the required side yard adjacent to the main building and projected to the required front yard.
- (c) Fences may not exceed seven feet in height in any other location on a lot. (See Diagram A for illustration.)
- (d) In any residential district no fence, structure or planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within eighty feet in each direction from the intersection of the street centerlines.

DIAGRAM A
Height Limits on Fences and Hedges



(Ord. 17-74. Passed 4-15-74.)

1127.14 SCREENING.

Screening shall be effective and suitable for the purpose intended. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening purposes are plantings of spruce, pine, fir or hemlock in sizes sufficient to provide effective screening at the time of planting. Arborvitae (thuja) is not acceptable for permanent screen planting. Plantings shall be so arranged as to provide both effective screening immediately, and yet provide adequate space for development at maturity. Where plant material is used, a growing strip at least six feet in width, measured perpendicular to the lot line, shall be provided. The surface of the growing strip may not be paved or covered over with any material impervious to the free passage of either air or water. Also acceptable for screening purposes are walls or fences constructed of wood products, brick, stone or precast concrete shapes other than blocks.

(Ord. 17-74. Passed 4-15-74.)

1127.15 SIGNS.

No sign shall be permitted in the R-4 District, either attached to the structure or detached therefrom unless it is included among the following:

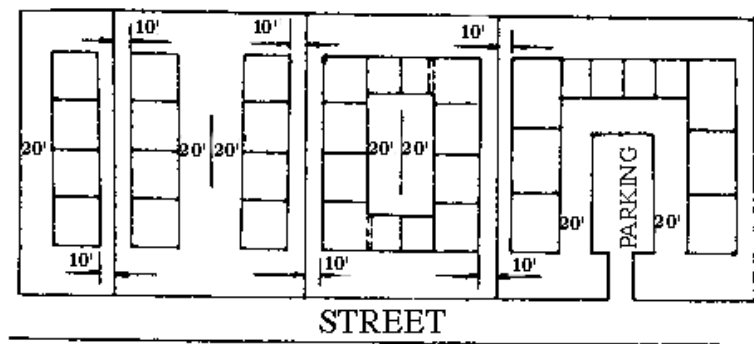
- (a) One temporary sign not exceeding eight square feet in area, pertaining to the sale, rent or development of the property on which the sign is located.
- (b) One sign not exceeding one and one-half square feet in area, indicating the name and address of the occupant, but not to be located in a required front yard.
- (c) Legal nonconforming business or industrial uses may have one identification sign not exceeding twelve square feet in area, indicating only the name and address of the building. Such sign shall not be located in a required front yard.
- (d) Directional signs for parking areas and driveways.

(Ord. 17-74. Passed 4-15-74.)

1127.16 ROW OR MOTEL-TYPE DWELLING UNITS.

In two-family and multiple-dwelling buildings with attached dwelling units, which are of a row house nature with party walls between dwelling units and private or semiprivate entrances, each dwelling unit shall have provided adjacent to one exterior face an open space extending twenty feet horizontally outward at right angles the full width of the building face. For each dwelling unit which has two exterior faces parallel to each other, there shall be provided adjacent to the second exterior face an open space extending ten feet horizontally outward at right angles the full width of the building face. (See Diagram B for illustration of open space requirements.)

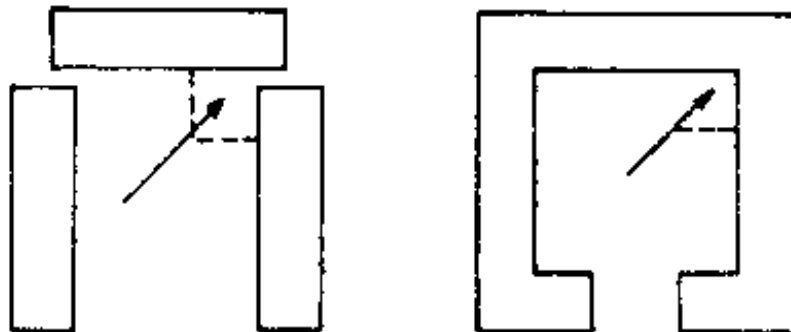
DIAGRAM B
Open Space Requirements



In addition, the following conditions shall apply:

- (a) Vehicular parking areas and driveways shall be prohibited from both required open spaces.
- (b) An open space which fulfills one of the above requirements for one dwelling unit shall not be used to satisfy the requirement for another dwelling unit, except for adjacent dwelling units on the inside corner of a building or adjacent buildings whose exterior walls are at right angles to each other, in which case the required yards may overlap. (See Diagram C for illustration of interior corners where open space requirements may be shared.)

DIAGRAM C
Corners Where Open Spaces May Be Shared



(Ord. 17-74. Passed 4-15-74.)

CHAPTER 1131 B-1 Limited Business and Office District

- 1131.01 Purpose.
- 1131.02 Location.
- 1131.03 Performance standards.
- 1131.04 Yard requirements.
- 1131.05 Maximum height.
- 1131.06 Off-street parking and loading.
- 1131.07 Permitted uses.
- 1131.08 Residential uses.
- 1131.09 Screening.
- 1131.10 Signs.

CROSS REFERENCES

- Business defined - see P. & Z. 1101.10
- Lot of record defined - see P. & Z. 1101.30
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street parking - see P. & Z. Ch. 1157
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1131.01 PURPOSE.

The purpose of this chapter is to establish a retail, service and office district which is restricted in nature and relatively compatible with residential areas, for the purpose of providing necessary commercial services at convenient locations to the resident population. (Ord. 70-74. Passed 10-21-74.)

1131.02 LOCATION.

The B-1 District will apply to commercial service locations close to residential areas. The districts should be located in reference to major streets, accessibility and service to residential areas. (Ord. 70-74. Passed 10-21-74.)

1131.03 PERFORMANCE STANDARDS.

The following rules shall apply to all uses in this District, except that legal nonconforming uses may continue at the same performance level at which they operated before they became nonconforming in relation to this Zoning Ordinance:

- (a) All uses and activities shall be inside buildings, with no outside storage or activity allowed.
- (b) There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.
- (c) No business shall remain open later than 11:00 p.m. local time.
(Ord. 70-74. Passed 10-21-74.)

1131.04 YARD REQUIREMENTS.

(See Section 1131.08 for residential building requirements.)

- (a) Front yard - Twenty feet. (See Chapter 1161 for special requirements for required front yards and building projections.)
- (b) Side yards - No side yard is required, except that a ten foot side yard is required adjacent to a residential zoning district.
- (c) Rear yard - No rear yard is required, except that a thirty foot rear yard is required adjacent to a residential zoning district.
(Ord. 70-74. Passed 10-21-74.)

1131.05 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed thirty-five feet in height. (See Chapter 1161 for general height exceptions.
(Ord. 70-74. Passed-10-21-74.)

1131.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159. (Ord. 70-74. Passed 10-21-74.)

1131.07 PERMITTED USES.

Uses permitted in the B-1 District shall be as follows:

- (a) All uses permitted in the R-3 District in Section 1125.11 except single-family detached dwellings. All buildings with dwelling units within them shall meet the requirements of Section 1131.08.
- (b) Retail stores meeting the performance standards set forth in Section 1131.03.
- (c) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses meeting the purpose and performance characteristics of this district.
- (d) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (e) Retail bakeries.
- (f) Sales rooms.
- (g) Lodges and fraternal organizations.
- (h) Funeral homes.
- (i) Commercial parking lots and garages.
- (j) Other uses similar to the above businesses which meet the purposes and performance standards set forth in Sections 1131.01 and 1131.03.
- (k) Special uses, as indicated in Chapter 1153.
- (l) Accessory buildings and uses provided that no accessory buildings shall be located in any required yard.
- (m) Restaurants, except that drive-in restaurants in which food service is provided to persons within cars are prohibited.
(Ord. 70-74. Passed 10-21-74.)

1131.08 RESIDENTIAL USES.

(a) Every building hereafter built or located in this District which contains a dwelling unit or units, including duplexes, multiple dwellings and store buildings containing dwellings, shall meet the side yard and rear yard requirements of Section 1125.03, and conform to the requirements set forth in Sections 1125.04 through 1125.07 and 1125.09.

(b) Two-family and multiple dwelling buildings with attached dwelling units, which are of a row house nature with party walls between dwelling units and private or semiprivate entrances, shall meet the requirements of Section 1125.16.
(Ord. 70-74. Passed 10-21-74.)

1131.09 SCREENING.

All side and rear yards in this District abutting residentially zoned land shall be screened therefrom and shall be required to have effective screening suitable for the purpose intended and as required in this section. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening purposes are plantings of spruce, pine, fir or hemlock in sizes sufficient to provide effective screening at the time of planting. Arborvitae (thuja) is not acceptable for permanent screen planting. Plantings shall be so arranged as to provide both effective screening immediately, and yet provide adequate space for development at maturity. Where plant material is used, a growing strip at least six feet in width, measured perpendicular to the lot line, shall be provided. The surface of the growing strip may not be paved or covered over with any material impervious to the free passage of either air or water. Also acceptable for screening purposes are walls or fences constructed of wood products, brick, stone or precast concrete shapes other than blocks.

The above requirements for screening shall be in addition to any applicable requirements of Chapters 1157 and 1159, pursuant to Section 1131.06 for screening, and should any screening be required by two or more provisions of this Zoning Ordinance, the most restrictive requirement shall control.

(Ord. 70-74. Passed 10-21-74.)

1131.10 SIGNS.

(a) Signs shall pertain only to goods, products or services sold or offered on the premises.

(b) Signs shall be attached to a vertical surface or a horizontal canopy of the building, and shall not extend more than one foot therefrom.

(c) Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall.

(d) Signs shall not exceed in the aggregate forty square feet of surface area for any lot having forty feet or less of street frontage. On lots having frontage greater than forty feet, signs shall not exceed in the aggregate one square foot in area for each linear foot of principal street frontage, but in no case shall the aggregate of such signs exceed sixty square feet.

(Ord. 70-74. Passed 10-21-74.)

CHAPTER 1133

Professional, Research and Office District

- 1133.01 Purpose.
- 1133.02 Location.
- 1133.03 Performance standards.
- 1133.04 Lot requirements.
- 1133.05 Lot of record.
- 1133.06 Yard requirements.
- 1133.07 Maximum height.
- 1133.08 Off-street parking and loading.
- 1133.09 Permitted uses.
- 1133.10 Screening.
- 1133.11 Fences and hedges.
- 1133.12 Signs.

CROSS REFERENCES

- Lot of record defined - see P. & Z. 1101.30
- Rules for interpretation of district boundaries - see P. & Z. 1113.06
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street parking and loading - see P. & Z. Ch. 1157, 1159
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1133.01 PURPOSE.

The purpose of this chapter is to provide a location for structures which will be limited solely to office and/or laboratory type functions. The design of the structures, setbacks and screening, together with the restricted nature of permitted activities, will generally tend to make the P-R-O District compatible with R-3 and R-4 Districts and all B Districts.
(Ord. 6-77. Passed 2-7-77.)

1133.02 LOCATION.

The P-R-O District shall be located on, and served by, at least one arterial street or road. No lot on the interior of a residential subdivision may carry this zoning.
(Ord. 6-77. Passed 2-7-77.)

1133.03 PERFORMANCE STANDARDS.

The following rules shall apply to all uses in this District:

- (a) All uses and activities shall be inside the structure, with no outside storage or activity permitted.
- (b) No office or facility shall remain open to the public later than 10:00 p.m. local time.
- (c) There shall be no noise carrying beyond a lot upon which the structure is located, except for normal automobile and pedestrian activity.
- (d) No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

- (e) Drainage or other waters from roof areas, driveways, parking lots and other sectors of the lot or project may not be permitted to flow onto or accumulate on any adjoining lot or property.
- (f) All distribution wires and cables, including electrical distribution and telephone and cablevision wires and cables, and cables used for exterior lighting and signs, shall be installed underground.
- (g) All waste storage and disposal facilities shall be maintained in an orderly and sanitary manner at all times, and shall be screened from general view.
(Ord. 6-77. Passed 2-7-77.)

1133.04 LOT REQUIREMENTS.

Lot size	24,000 square feet
Lot width	120 feet

(Ord. 6-77. Passed 2-7-77.)

1133.05 LOT OF RECORD.

A lot of record at the time of adoption of this Zoning Ordinance which does not meet the minimum lot area and/or width requirements may be occupied by a permitted use, provided that yard and other requirements of this Zoning Ordinance are met, and provided that the owner does not own any adjoining land at the time of passage of this Zoning Ordinance.
(Ord. 6-77. Passed 2-7-77.)

1133.06 YARD REQUIREMENTS.

Front yard	30 feet*
Side yard	10 feet**
Rear yard	20 feet***

* See Chapter 1161 for special requirements for required front yards and building projections.

** A side yard abutting a residential lot shall be not less than twenty-five feet in width. *** When the rear

(Ord. 6-77. Passed 2-7-77.)

1133.07 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed thirty-five feet in height. (See Chapter 1161 for general height exceptions.)
(Ord. 6-77. Passed 2-7-77.)

1133.08 OFF-STREET PARKING AND LOADING.

All off-street parking areas in this District shall be either on the sides or to the rear of the main building. Otherwise, off-street parking and loading shall be provided as required in Chapters 1157 and 1159 respectively. The off-street parking areas in this District required by Chapter 1157 to be screened, and the off-street loading berths in this District required by Chapter 1159 to be screened shall, in addition to the requirements for a screen as defined in Section 1101.37, be screened in accordance with screening as defined in Section 1133.10 and should Section 1133.10 conflict with Sections 1157.14, 1159.03 or 1101.37 in any respect, the more restrictive provision or provisions of such conflicting sections shall control.
(Ord. 6-77. Passed 2-7-77.)

1133.09 PERMITTED USES.

Uses permitted in the Professional-Research-Office District are restricted to the following:

- (a) Professional activities including medical, dental, optical, accounting, law, architectural and engineering (office only).
- (b) Commercial offices, including administrative and sales offices. However, tangible merchandise may not be offered for sale on the premises.
- (c) Banking facilities.
- (d) Laboratories and research facilities not involved with mechanical testing, or requiring animals other than mice, guinea pigs or rabbits.
- (e) Electronic computing facilities.
- (f) Medical pharmacy limited to medical type merchandise only.
- (g) Coffee shop primarily serving building tenants and their clients.
(Ord. 6-77. Passed 2-7-77.)

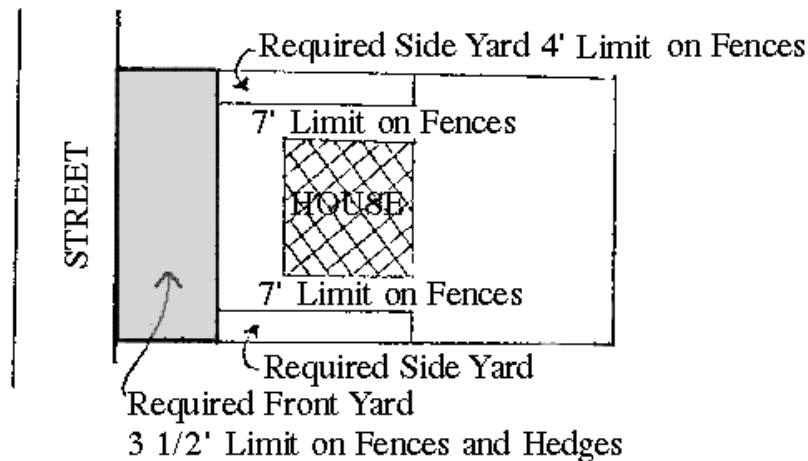
1133.10 SCREENING.

All side and rear yards in this District abutting residentially zoned land shall be screened therefrom and shall be required to have effective screening suitable for the purpose intended and as required in this section. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening purposes are plantings of spruce, pine, fir or hemlock in sizes sufficient to provide effective screening at the time of planting. Arborvitae (thuja) is not acceptable for permanent screen planting. Plantings shall be so arranged as to provide both effective screening immediately, and yet provide adequate space for development at maturity. Where plant material is used, a growing strip at least six feet in width, measured perpendicular to the lot line, shall be provided. The surface of the growing strip may not be paved or covered over with any material impervious to the free passage of either air or water. Also acceptable for screening purposes are walls or fences constructed of wood products, brick, stone or precast concrete shapes other than blocks.
(Ord. 6-77. Passed 2-7-77.)

1133.11 FENCES AND HEDGES.

- (a) Fences or hedges may not exceed three and one-half feet in height in the required front yard.
- (b) Fences may not exceed four feet in height in the required side yard adjacent to the main building and projected to the required front yard.
- (c) Fences may not exceed seven feet in height in any other location on a lot. (See Diagram A for illustration.)
- (d) In any Professional-Research-Office District no fence, structure or planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within eighty feet in each direction from the intersection of the street centerlines.

DIAGRAM A
Height Limits on Fences and Hedges



(Ord. 6-77. Passed 2-7-77.)

1133.12 SIGNS.

No sign may be erected and/or displayed in a P-R-O District unless it conforms to the following criteria:

- (a) One permanent identification sign may be erected for each building. The sign may be attached to a vertical surface of the building, to a horizontal canopy or may be free-standing.
- (b) A wall sign shall not project outwardly more than two feet, measured from the main wall of the building. A wall sign shall not project above the principal roof of the building.
- (c) Free-standing signs shall not exceed thirty feet in height.
- (d) Free-standing signs shall be located not less than twenty-five feet from any street right-of-way line.
- (e) Free-standing signs shall be located not closer than fifty feet to an adjoining lot line. If the adjoining lot is included in any "R" District, the sign may not be located nearer than sixty feet to such lot line.
- (f) The maximum area of any face of the identification sign shall not exceed forty square feet.
- (g) All signs may be illuminated internally or by reflected light provided that the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises. The illumination shall be so placed as not to cause confusion or hazard to traffic, or conflict with traffic control signs or lights.
- (h) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement shall be permitted.
- (i) The use of flashing lights or on-off type illumination is prohibited.
- (j) One temporary sign not exceeding thirty-two square feet in area for each face, and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted pursuant to the same restrictions set forth for permanent signs.
- (k) Traffic control signs are permitted as needed.

(Ord. 6-77. Passed 2-7-77.)

CHAPTER 1135
B-1-B Modified Business and Office District

- 1135.01 Purpose.
- 1135.02 Location.
- 1135.03 Performance standards.
- 1135.04 Yard requirements.
- 1135.05 Maximum height.
- 1135.06 Off-street parking and loading.
- 1135.07 Permitted uses.
- 1135.08 Residential uses.
- 1135.09 Screening.
- 1135.10 Signs.

CROSS REFERENCES

Business defined - see P. & Z. 1101.10
 Rules for interpretation of district boundaries - see P. & Z. 1113.06
 Conformance with district regulations - see P. & Z. 1115.02
 Off-street parking and loading - see P. & Z. Ch. 1157, 1159
 Yards, projections and height exceptions - see P. & Z. Ch. 1161

1135.01 PURPOSE.

The purpose of this chapter is to establish a retail, service and office district which is restricted in nature and relatively compatible with residential areas for the purpose of providing necessary commercial services at convenient locations to the resident population.
 (Ord. 72-74. Passed 12-9-74.)

1135.02 LOCATION.

This District will apply to commercial service locations close to residential areas. The districts should be located in reference to major streets, accessibility and service to residential areas. (Ord. 72-74. Passed 12-9-74.)

1135.03 PERFORMANCE STANDARDS.

The following rules shall apply to all uses in this District, except that legal nonconforming uses may continue at the same performance level at which they operated before they became nonconforming in relation to this Zoning Ordinance:

- (a) All uses and activities shall be inside buildings, with no outside storage or activity allowed.
- (b) There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.
- (c) No business shall remain open later than 1:00 a. m. local time.
 (Ord. 6-83. Passed 2-7-83.)

1135.04 YARD REQUIREMENTS.

(See Section 1135.08 hereof for residential building requirements.)

- (a) Front yard - Twenty feet. (See Chapter 1161 for special requirements for required front yards and building projections.)
- (b) Side yard - No side yard is required, except that a ten foot side yard is required adjacent to a residential zoning district.
- (c) Rear yard - No rear yard is required, except that a thirty foot rear yard is required adjacent to a residential zoning district.
(Ord. 72-74. Passed 12-9-74.)

1135.05 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed thirty-five feet in height. (See Chapter 1161 for general height exceptions.
(Ord. 72-74. Passed 12-9-74.)

1135.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159. (Ord. 72-74. Passed 12-9-74.)

1135.07 PERMITTED USES.

Uses permitted in the B-1-B District shall be as follows:

- (a) All uses permitted in the R-3 District in Section 1125.11 except single-family detached dwellings. All buildings with dwelling units within them shall meet the requirements of Section 1135.08.
- (b) Retail stores meeting the performance standards set forth in Section 1135.03.
- (c) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses meeting the purpose and performance characteristics of this District.
- (d) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (e) Retail bakeries.
- (f) Sales rooms.
- (g) Lodges and fraternal organizations.
- (h) Funeral homes.
- (i) Commercial parking lots and garages.
- (j) Other uses similar to the above businesses which meet the purposes and performance standards set forth in Sections 1135.01 and 1135.03.
- (k) Special uses, as indicated in Chapter 1153.
- (l) Accessory buildings and uses, provided that no accessory buildings shall be located in any required yard.
- (m) Restaurants, except that drive-in restaurants in which food service is provided to persons within cars are prohibited.
(Ord. 72-74. Passed 12-9-74.)

1135.08 RESIDENTIAL USES.

(a) Every building hereafter built or located in this District which contains a dwelling unit or units including duplexes, multiple dwellings and store buildings containing dwellings, shall meet the side yard and rear yard requirements of Section 1125.03 and conform to the requirements set forth in Sections 1125.04 through 1125.07 and 1125.09.

(b) Two-family and multiple-dwelling buildings with attached dwelling units, which are of a row house nature with party walls between dwelling units and private or semiprivate entrances, shall meet the requirements of Section 1125.16.
(Ord. 72-74. Pass ed 12-9-74.)

1135.09 SCREENING.

All side and rear yards in this District abutting residentially zoned land shall be screened therefrom and shall be required to have effective screening suitable for the purpose intended and as required in this section. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening purposes are plantings of spruce, pine, fir or hemlock in sizes sufficient to provide effective screening at the time of planting. Arborvitae (thuja) is not acceptable for permanent screen planting. Plantings shall be so arranged as to provide both effective screening immediately, and yet provide adequate space for development at maturity. Where plant material is used, a growing strip at least six feet in width, measured perpendicular to the lot line, shall be provided. The surface of the growing strip may not be paved or covered over with any material impervious to the free passage of either air or water. Also acceptable for screening purposes are walls or fences constructed of wood products, brick, stone or precast concrete shapes other than blocks.

The above requirements for screening shall be in addition to any applicable requirements of Chapters 1157 and 1159, pursuant to Section 1135.06 for screening, and should any screening be required by two or more provisions of this Zoning Ordinance, the most restrictive requirement therefor shall control.

(Ord. 72-74. Passed 12-9-74.)

1135.10 SIGNS.

(a) Signs shall pertain only to goods, products or services sold or offered on the premises.

(b) Signs shall be attached to a vertical surface or a horizontal canopy of the building, and shall not extend more than one foot therefrom.

(c) Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall.

(d) Signs shall not exceed in the aggregate forty square feet of surface area for any lot having forty feet or less of street frontage. On lots having frontage greater than forty feet, signs shall not exceed in the aggregate one square foot in area for each linear foot of principal street frontage, but in no case shall the aggregate of such signs exceed sixty square feet.

(Ord. 72-74. Passed 12-9-74.)

CHAPTER 1137
B-2 General Business District

1137.01	Purpose.	1137.06	Off-street parking and loading.
1137.02	Location.	1137.07	Permitted uses.
1137.03	Performance standards.	1137.08	Residential uses.
1137.04	Yard requirements.	1137.09	Signs.
1137.05	Maximum height.		

CROSS REFERENCES

Business defined - see P. & Z. 1101.10
Rules for interpretation of district boundaries - see P. & Z. 1113.06
Conformance with district regulations - see P. & Z. 1115.02
Off-street parking and loading - see P. & Z. Ch. 1157, 1159
Yards, projections and height exceptions - see P. & Z. Ch. 1161

1137.01 PURPOSE.

The purpose of this chapter is to provide a district for general commercial activities. (Ord. 35-68. Passed 7-15-68.)

1137.02 LOCATION.

This District should generally have direct access from a major street and, where possible, because of the performance characteristics, should not be in direct contact with residential districts.

(Ord. 35-68. Passed 7-15-68.)

1137.03 PERFORMANCE STANDARDS.

All commercial activities shall be permitted in this District, including drive-in businesses, outdoor activities and businesses with late hours. Activities which are essentially manufacturing, or have performance characteristics beyond those of normal business activities, shall not be permitted in this District.

(Ord. 35-68. Passed 7-15-68.)

1137.04 YARD REQUIREMENTS.

(See Section 1135.08 for residential building requirements.)

Front, side and rear yards: Same as B-1-B District, Section 1135.04.
(Ord. 35-68. Passed 7-15-68.)

1137.05 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed forty-five feet in height. (See Chapter 1161 for height exceptions.)
(Ord. 35-68. Passed 7-15-68.)

1137.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.
(Ord. 35-68. Passed 7-15-68.)

1137.07 PERMITTED USES.

Uses permitted in the B-2 District shall be as follows:

- (a) All uses permitted in the B-1-B District.
- (b) Commercial recreation businesses including bowling alleys, dance halls, miniature golf courses, etc.
- (c) Bars, cocktail lounges or any business serving alcoholic beverages.
- (d) Automobile sales and service businesses including used car lots and repair garages but excluding repair garages which engage primarily in car painting, body repair or truck repair.
- (e) Laundromats.
- (f) Mobile home and travel trailer sales and service.
- (g) Motels and hotels.
- (h) Drive-in restaurants.
- (i) Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.
- (j) Printing shops.
- (k) Repair services and businesses.
- (l) Monument works having retail outlet on premises.
- (m) Animal hospitals and veterinary offices where there are no outside runs or kennels.
- (n) Building material sales and contractors' offices if conducted wholly within an enclosed building.
- (o) Carpenter or cabinet shop if conducted wholly within an enclosed building.
- (p) Laundry or dry cleaning businesses.
- (q) Trade or commercial schools.
- (r) Special uses as indicated in Chapter 1153.
- (s) Accessory buildings and uses, provided that no accessory buildings shall be located in any required yard.
(Ord. 131-95. Passed 11-6-95.)

1137.08 RESIDENTIAL USES.

Same as B-1-B District, Section 1135.08.

(Ord. 35-68. Passed 7-15-68.)

1137.09 SIGNS.

In the buildable portions of a lot in areas other than required yards, there shall be no limitation on the size or number of signs but such signs shall pertain only to goods, products, or services sold or offered on the premises. In addition, the following signs with the following restrictions shall be permitted in or over required yards and street rights of way:

- (a) Signs attached to buildings may extend not more than six feet into a required yard or a street right of way.
- (b) One single pole identification sign per street frontage may be located in a required front yard, provided it does not exceed sixty square feet in surface area on each side; the bottom is at least ten feet above grade; it does not overhang a street right of way; and it is not within fifty feet of a residentially zoned district.
- (c) Advertising material on signs in or over required yards and street rights of way shall be limited to the name and type of the business located on the premises.

(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1139 B-3 Central Business District

- 1139.01 Purpose.
- 1139.02 Location.
- 1139.03 Performance standards.
- 1139.04 Yard requirements.
- 1139.05 Maximum height.
- 1139.06 Off-street loading.
- 1139.07 Permitted uses.
- 1139.08 Residential uses.
- 1139.09 Signs.

CROSS REFERENCES

- Business defined - see P. & Z. 1101.10
- Rules for interpretation of district boundaries - see P. & Z. 1113.06
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street loading - see P. & Z. Ch. 1159
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1139.01 PURPOSE.

This District comprises the downtown section of the City which is called the B-3 Central Business District. Here are concentrated activities which have primarily a City-wide function; namely large stores offering comparison shoppers' goods, specialty stores, business services, banks, offices, theaters, hotels and government buildings. The use of land is intensive, which is one of the main determinants of the vitality of the B-3 Central Business District. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the B-3 Central Business District. (Ord. 35-68. Passed 7-15-68.)

1139.02 LOCATION.

The B-3 Central Business District shall apply only to the specific district described below in this section, and shall not be used at any other location in the City. The defined Central Business District may be expanded by the amendment procedures listed in Chapter 1107, but only into contiguous land. The Central Business District shall be defined as follows: The area bounded on the south.
(Ord. 35-68. Passed 7-15-68.)

1139.03 PERFORMANCE STANDARDS.

The following rules shall apply to all uses in this District, except that legal nonconforming uses may continue at the same performance level at which they operated before they became nonconforming in relation to this Zoning Ordinance:

- (a) All uses and activities shall be inside buildings, with no outside storage or activity allowed.
- (b) There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.
(Ord. 35-68. Passed 7-15-68.)

1139.04 YARD REQUIREMENTS.

(See Section 1135.08 for residential building requirements.)

No yards are required.

(Ord. 35-68. Passed 7-15-68.)

1139.05 MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed seventy feet in height. (See Chapter 1161 for height exceptions.) (Ord. 35-68. Passed 7-15-68.)

1139.06 OFF -STREET LOADING.

Off-street loading facilities shall be as provided in Chapters 1157 and 1159.

(Ord. 35-68. Passed 7-15-68.)

1139.07 PERMITTED USES.

Uses permitted in the B-3 District shall be as follows:

- (a) All uses permitted in the B-1-B District.
- (b) Bowling alleys.
- (c) Bars, cocktail lounges or any business serving alcoholic beverages.
- (d) Hotels or motels.
- (e) Printing shops.
- (f) Special uses as indicated in Chapter 1153.
- (g) Accessory buildings and uses, provided that no accessory buildings shall be located in any required yard.
(Ord. 35-68. Passed 7-15-68.)

1139.08 RESIDENTIAL USES.

Same as B-1-B District, Section 1135.08.

(Ord. 35-68. Passed 7-15-68.)

1139.09 SIGNS.

In the buildable portions of a lot in areas other than required yards, there shall be no limitation on the size or number of signs but such signs shall pertain only to goods, products, or services sold or offered on the premises. In addition, the following signs with the following restrictions shall be permitted in or over required yards and street rights of way:

- (a) Signs attached to buildings may extend not more than six feet into a required yard or a street right of way.
- (b) One single pole identification sign per street frontage may be located in a required front yard, provided it does not exceed sixty square feet in surface area on each side; the bottom is at least ten feet above grade; it does not overhang a street right of way; and it is not within fifty feet of a residentially zoned district.
- (c) Advertising material on signs in or over required yards and street rights of way shall be limited to the name and type of business located on the premises.
(Ord. 131-95. Passed 11-6-95.)

CHAPTER 1141 B-4 Shopping Center District

- 1141.01 Purpose.
- 1141.02 Location.
- 1141.03 Procedure.
- 1141.04 Waiver of report requirements.
- 1141.05 Yard and height requirements.
- 1141.06 Off-street parking and loading.
- 1141.07 Permitted uses.
- 1141.08 Signs.
- 1141.09 Delay in construction.
- 1141.10 Development.

CROSS REFERENCES

- Zoning certificate issuance - see P. & Z. Ch. 1103
- Zoning Ordinance amendments - see P. & Z. Ch. 1107
- Conformance with district regulations - see P. & Z. 1115.02
- Off-street parking and loading - see P. & Z. Ch. 1157, 1159
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1141.01 PURPOSE.

The basic purpose of this District is to encourage the development in appropriate locations of modern retail shopping centers to serve the City's residential neighborhoods. Such shopping centers should have convenient and integrated design, satisfactory ingress and egress, good interior circulation and parking and should be conveniently accessible from the residential service areas. A second purpose of this District and the procedures listed herein is to see that the granting of commercial zoning to privately owned land for shopping facilities is followed within reasonable time by the provision of these services to surrounding residential areas.

This District is different from most districts in that the B-4 zoning is not granted outright, but only after submittal and review of a site plan and supporting materials, and determination from same that the proposal is in the interests of the community. The B-4 District also differs in that development has to follow the submitted and approved site plan, and if construction is not begun within two years, the zoning reverts to the original classification, which in most cases would be residential.

(Ord. 35-68. Passed 7-15-68.)

1141.02 LOCATION.

It shall not be the purpose of this District to regulate the number or detailed location of shopping centers, except to see that a proposed shopping center will provide satisfactory and convenient service for the residential area it is intended to serve, and to assure that the adverse effect of a proposed center on adjacent residential areas is minimal.

(Ord. 35-68. Passed 7-15-68.)

1141.03 PROCEDURE.

The owner or owners of a tract of land comprising two acres or more shall submit to the Clerk-Auditor along with a rezoning application for B-4 zoning, the following items:

- (a) A site plan of the proposed shopping center showing building areas, parking areas, pedestrian and vehicular circulation, points of ingress and egress, loading spaces, the location, size and number of signs and any other data requested by the Planning Commission or Council.
- (b) A market report on the area to be served, the types and amount of service needed by this area and general economic justification for the proposed shopping center.
- (c) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets, and also indicating the anticipated points of origin and direction and the amount of traffic flow to and from the shopping center.
- (d) A statement of financial responsibility to assure construction of the planned shopping center, including landscaping and parking areas, in accordance with the site plan and the requirements of this section.

The referral to the Planning Commission of the proposal, consideration and action by the Commission, and hearing, notice and action by Council, shall be the same as for an amendment to the Zoning Ordinance as set forth in Chapter 1107.

Due consideration shall be given by the Planning Commission and Council to the submitted site plan and supporting documents, and the proposed shopping center shall be considered in relation to the safety and general welfare of the people of the City, general traffic circulation and the effect on surrounding property and residents.

(Ord. 35-68. Passed 7-15-68.)

1141.04 WAIVER OF REPORT REQUIREMENTS.

For small shopping center proposals, generally those under ten acres, the Planning Commission may recommend waiver, and Council may waive requirements for submittal of the market report and traffic survey report where they are deemed inappropriate.

(Ord. 35-68. Passed 7-15-68.)

1141.05 YARD AND HEIGHT REQUIREMENTS.

The minimum yard and maximum height requirements of the B-2 General Business District shall serve as general guidelines when considering the submitted site plan for a proposed shopping center. The Planning Commission and Council may vary these requirements to a greater or lesser requirement depending on the specific site plan and circumstances, and effect on adjacent property.

(Ord. 35-68. Passed 7-15-68.)

1141.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159. (Ord. 35-68. Passed 7-15-68.)

1141.07 PERMITTED USES.

The uses permitted in this District shall generally be limited to retail businesses providing goods and services directly to customers. Other uses may be allowed if the applicant can show that they are in harmony with the primary retail service function of the shopping center and with the stated purposes of the B-4 District, and will provide a desirable service to the residents of the service area.

(Ord. 35-68. Passed 7-15-68.)

1141.08 SIGNS.

The location, size and number of signs shall be shown on the site plan for a proposed shopping center, and shall generally be limited to the following, although these requirements may be varied by the Planning Commission and Council according to the specific circumstances:

- (a) Signs on individual buildings shall be flat against a vertical surface, shall not extend more than one foot therefrom and shall pertain only to goods or services sold or offered on the premises and the name of the business.
- (b) One large free-standing sign per street frontage shall be permitted indicating the name of the shopping center and the stores within.

(Ord. 35-68. Passed 7-15-68.)

1141.09 DELAY IN CONSTRUCTION.

In the event that construction of the shopping center is not started within two years of the date of approval by Council, the zoning shall revert to the same zoning classification existing prior to approval of the B-4 District and the zoning regulations of such prior district shall thereupon be in full force and effect.

(Ord. 35-68. Passed 7-15-68.)

1141.10 DEVELOPMENT.

When a parcel of land is rezoned to the B-4 Shopping Center District, development of the parcel shall follow the site plan as approved by Council. No changes in the site plan shall be made without following the same procedures for the initial rezoning.

(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1145 M-1 Light Industrial District

- 1145.01 Purpose.
- 1145.02 Location and performance standards.
- 1145.03 Yard requirements.
- 1145.04 Maximum height.
- 1145.05 Off-street parking and loading.
- 1145.06 Permitted uses.
- 1145.07 Signs.

CROSS REFERENCES

Approval of industrial uses by Board of Appeals - see P. & Z. 1105.09

Rules for interpretation of district boundaries - see P. & Z. 1113.06

Conformance with district regulations - see P. & Z. 1115.02

Off-street parking and loading - see P. & Z. Ch. 1157, 1159

Yards, projections and height exceptions - see P. & Z. Ch. 1161

1145.01 PURPOSE.

The purpose of this chapter is to provide a restricted district for location of light industrial activities.

(Ord. 35-68. Passed 7-15-68.)

1145.02 LOCATION AND PERFORMANCE STANDARDS.

The M-1 Light Industrial District should generally be separated from residential districts, although when necessary, may be located close to residential areas because of the restrictions on uses and performance characteristics of the district.

All activities in the district shall be carried on in a manner not injurious or offensive to the occupants of adjacent premises, and the emission of odors, fumes or gases, dusts, smoke, noise or vibrations shall not be evident beyond the property lines of a lot upon which a use is located, except for normal pedestrian and automobile ingress and egress.

(Ord. 35-68. Passed 7-15-68.)

1145.03 YARD REQUIREMENTS.

Front yard* 25 feet

Side yards* 6 feet

Rear yard* No rear yard is required except that a twenty-five

*See Chapter 1161 for special requirements for required front yards and building projections. (Ord. 65-69. Passed 12-15-69.)

1145.04 MAXIMUM HEIGHT.

There shall be no limitation of height, except that a building shall be set back from a required yard line one foot for each foot of building height above thirty-five feet where such required yard is contiguous to or across the street from a residential zoning district. (See Chapter 1161 for height exceptions.)
(Ord. 35-68. Passed 7-15-68.)

1145.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.
(Ord. 35-68. Passed 7-15-68.)

1145.06 PERMITTED USES.

Uses permitted in the M-1 District shall be as follows:

- (a) After passage of this Zoning Ordinance no dwelling may be built, located, enlarged or structurally altered in this District.
- (b) Uses permitted in the B-2 District, and not otherwise described in this section, may be permitted within the M-1 District only on a lot located on a street whose frontage is at least forty percent occupied by lots containing uses permitted in the B-2 District, including dwellings and parking uses accessory to commercial uses.
- (c) Plant nurseries and greenhouses.
- (d) Contractors' establishments and construction equipment dealers, provided that material or equipment is not stored in required front yards.
- (e) Carting, express or hauling establishments.
- (f) Coal and building material storage and wholesaling, provided that materials are not stored in required front yards.
- (g) Bulk storage of petroleum products.
- (h) Printing plants.
- (i) Bottling works.
- (j) Radio and television broadcasting stations and towers.
- (k) Research laboratories.
- (l) Warehouses.
- (m) Repair services or businesses including automobile repair garages, provided that outdoor storage of materials or items being repaired are not within required front yards.
- (n) Utilities, including railroad terminal facilities.
- (o) Laundries and dry cleaning plants.
- (p) Kennels, animal hospitals and veterinary offices provided that outside runs and kennels are not within 400 feet of any residential zoning district.
- (q) Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.
- (r) Billboards.

- (s) Other activities and manufacturing plants having performance characteristics similar to those listed in this section. When the Zoning Administrator has difficulty determining whether or not a proposed use meets the performance characteristics required for this District, he shall have the applicant for the proposed use apply to the Board of Appeals to make the determination.
- (t) Special uses, as indicated in Chapter 1153.
- (u) Accessory buildings and uses, except that accessory buildings may not be located in a required front or side yard, but may occupy not more than thirty percent of a required rear yard, and may not be closer than three feet to any lot line. (Ord. 35-68. Passed 7-15-68.)

1145.07 SIGNS.

Same as B-2 District, Section 1137.09.

(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1147 M-2 Heavy Industrial District

- 1147.01 Purpose.
- 1147.02 Location and performance standards.
- 1147.03 Yard requirements.
- 1147.04 Maximum height.
- 1147.05 Off-street parking and loading.
- 1147.06 Permitted uses.
- 1147.07 Conditional uses.

CROSS REFERENCES

Junk yard defined - see P. & Z. 1101.26
 Approval of industrial uses by Board of Appeals - see P. & Z.
 1105.09
 Rules for interpretation of district boundaries - see P. & Z. 1113.06
 Conformance with district regulations - see P. & Z. 1115.02
 Yards, projections and height exceptions - see P. & Z. Ch. 1161

1147.01 PURPOSE.

The purpose of this chapter is to provide a location for heavy industrial uses.
 (Ord. 35-68. Passed 7-15-68.)

1147.02 LOCATION AND PERFORMANCE STANDARDS.

Uses permitted in this District generally cannot be operated economically without creating some conditions which may be objectionable to the occupants of adjoining properties. For this reason these uses shall be grouped in areas where similar industrial uses are now located, or in areas separate from residential and commercial activities.
 (Ord. 35-68. Passed 7-15-68.)

1147.03 YARD REQUIREMENTS.

Same as M-1 Light Industrial District, Section 1145.03.
 (Ord. 35-68. Passed 7-15-68.)

1147.04 MAXIMUM HEIGHT.

Same as M-1 Light Industrial District, Section 1145.04.
 (Ord. 35-68. Passed 7-15-68.)

1147.05 OFF-STREET PARKING AND LOADING.

Off-street parking and loading facilities shall be as provided in Chapters 1157 and 1159.
 (Ord. 35-68. Passed 7-15-68.)

1147.06 PERMITTED USES.

Uses permitted in the M-2 District shall be as follows:

- (a) All uses permitted in the M-1 District.
- (b) Asphalt mixing plant.
- (c) Boiler works.
- (d) Cement or cinder block manufacture.
- (e) Glass manufacture.
- (f) Glucose, dentine or starch manufacture.
- (g) Iron, steel, brass or copper foundry.
- (h) Metal stamping.
- (i) Paint, oil, shellac, varnish or turpentine manufacture.
- (j) Paper manufacture.
- (k) Sauerkraut or pickle, etc., manufacture.
- (l) Stone mill.
- (m) Fat rendering or lard refining.
- (n) Other manufacturing plants and uses having performance characteristics similar to those listed above.
- (o) Accessory buildings and uses, except that accessory buildings may not be located in a required front or side yard, but may occupy not more than thirty percent of a required rear yard, and may not be closer than three feet to any lot line.
(Ord. 35-68. Passed 7-15-68.)

1147.07 CONDITIONAL USES.

The following uses, and any other uses which may in the opinion of the Zoning Administrator be noxious and offensive to adjacent properties because of the emission of noise, odor, dust, etc., may be permitted if their location and development are first approved by the Board of Appeals according to the procedure outlined in Section 1105.09:

- (a) Acid manufacture.
- (b) Ammonia, bleaching powder or chlorine manufacture.
- (c) Asphalt manufacture or refining.
- (d) Automobile wrecking yard or junk yard.
- (e) Cement, lime, gypsum, plaster or plaster of paris manufacture.
- (f) Creosote treatment or manufacture.
- (g) Fertilizer manufacture from organic materials or bone distillation.
- (h) Gelatin or glue processing involving recovery from fish or animal products.
- (i) Incineration, reduction or dumping of offal, dead animals, garbage or refuse on a commercial basis, and including loading and transfer platforms.
- (j) Stockyards.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1149
Flood Plain Districts

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CROSS REFERENCES

Bonds, public capital improvement - see Ohio Const., Art. VIII,
Sec. 21; Ohio R.C. 129.70 et seq.
Reduction of assessed valuation for establishing reservoirs - see
Ohio R.C. 1521.09
Construction permits and prohibitions for dams, dikes or levees -
see Ohio R.C. 1521.06
Marking flood areas - see Ohio R.C. 1521.14
Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
Conservancy districts, purpose - see Ohio R.C. 6101.04
Flood plain defined - see P. & Z. 1173.01

1149.01 DEFINITIONS.

Unless specifically defined herein, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory use" or "accessory structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal use or structure.
- (b) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. (The 100 year frequency flood.)
(Ord. 39-87. Passed 6-1-87.)
- (c) "Base flood water surface elevation" (also referred to as "base flood elevation") means the maximum elevation to which the flood water surface will rise during base flood conditions in terms of feet above mean sea level. Base flood water surface elevations for selected points along the watercourse are published in the Flood Insurance Study for Lucas County, Ohio dated October 6, 2000.
(Ord. 85-2000. Passed 10-2-00.)
- (d) "Base zoning" means the zoning established pursuant to the Zoning Ordinance and as the same may be lawfully changed or modified from time to time.
- (e) "Base zoning district" means any one of the zoning districts established pursuant to the Zoning Ordinance and as shown on the Official Zone Map, and as the same may be lawfully changed or modified from time to time.
- (f) "Channel" means a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (g) "Construct" means erecting, enlarging, altering, repairing, moving, removing, converting, or demolishing any structure within an identified special flood hazard area. (Ord. 39-87. Passed 6-1-87.)
- (h) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
(Ord. 85-2000. Passed 10-2-00.)
- (i) "Dry floodproofing" means all external walls or portions thereof, together with all floors, and any openings in such walls or floors, sited at an elevation below the regulatory flood protection elevation, shall be made watertight and impermeable to passage of water, whether flood water or waste water backup, promoted by flood-related causes. Further, such walls and floors shall be designed and constructed with sufficient structural strength to resist the combined hydrostatic, hydrodynamic and buoyant stresses resulting from the base flood without suffering structural damage, either internally or externally.
- (j) Elevations. All elevations are expressed in terms of feet above mean sea level.
(Ord. 39-87. Passed 6-1-87.)
- (k) "Existing construction" means any structure, or substantial improvement thereto, either completed or in the process of active construction upon the date of the initial City of Sylvania Flood Insurance Rate Map (FIRM).
(Ord. 85-2000. Passed 10-2-00.)
- (l) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

- (m) “Flood discharge” means the total quantity of water flowing in a watercourse and adjoining overflow areas during the times of flood. It is measured by the amount of water passing a point along a watercourse within a specified period of time. It is usually measured in terms of cubic feet of water per second (CFS).
- (n) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry areas due to:
 - (1) The overflow of inland or tidal waters; or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (o) “Flood Hazard Boundary Map” or “FHBM” means an official map of a community issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A. (Ord. 39-87. Passed 6-1-87.)
- (p) “Flood Insurance Rate Map” (FIRM) means an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Ord. 85-2000. Passed 10-2-00.)
- (q) “Flood Insurance Study” means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevation of the base flood. (Ord. 13-2001. Passed 2-5-01.)
- (r) “Flood plain” means the area inundated by the base flood (100 year frequency flood). This is the flood plain area which shall be regulated by the standards and criteria of this chapter and it includes the floodway and floodway fringe.
- (s) “Floodproofing” means a combination of structural provisions, changes or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.
- (t) “Flood protection elevation” means that elevation determined by adding two feet to the base flood water surface elevation for the specific location of interest on the watercourse. It is the elevation to which uses regulated by this chapter must be elevated or dry floodproofed. (Ord. 39-87. Passed 6-1-87.)
- (u) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base water surface elevation more than 1.0 foot. (Ord. 85-2000. Passed 10-2-00.)
- (v) “Floodway fringe” means that portion of the flood plain outside of the floodway which may be completely obstructed without increasing the base flood water surface elevation by more than one foot at any point on the flood plain.
- (w) “Floodway Fringe District” (FF) means that District commencing at the extreme edge of the Floodway District and extending laterally across the flood plain, encompassing that portion of the flood plain that could be completely obstructed without increasing the base flood water surface elevation by more than one foot at any point in the flood plain.
- (x) “Floodway District” (FW) includes the channel of a stream, plus any adjacent flood plain areas that must be kept free of encroachment, in order that the 100 year flood (base flood) may be carried without substantially increasing the base flood water surface elevation at any point in the flood plain or contributing to hazardous flow velocities. (Ord. 39-87. Passed 6-1-87.)

- (y) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this section for enclosures below the lowest floor.
(Ord. 85-2000. Passed 10-2-00.)
- (z) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. “Manufactured home” does not include a “recreational vehicle”.
(Ord. 13-2001. Passed 2-5-01.)
- (aa) “Manufactured home park” or “subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule-making power.
(Ord. 39-87. Passed 6-1-87.)
- (bb) “New construction” means structures for which the “start of construction” commenced on or after the initial effective date of the City’s Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
(Ord. 85-2000. Passed 10-2-00.)
- (cc) “Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regional flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- (dd) “Person” means any natural person, firm, partnership, association or corporation, but this definition shall not include any governmental unit.
- (ee) “Reach” means longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach. (Ord. 39-87. Passed 6-1-87.)
- (ff) “Special flood hazard area” means any land identified by the Federal Emergency Management Agency as being flood-prone and indicated as such on the official Flood Insurance Rate Map by being identified as Zones AE, A1-30, and unnumbered A Zones.
(Ord. 85-2000. Passed 10-2-00.)

- (gg) “Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
(Ord. 13-2001. Passed 2-5-01.)
- (hh) “Structure” means a walled and roofed building, manufactured home or gas or liquid storage tank that is principally above ground.
(Ord. 39-87. Passed 6-1-87.)
- (ii) “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designated as a “historic structure”; or
 - (3) Any improvement to a structure which is considered new construction.
(Ord. 85-2000. Passed 10-2-00.)
- (jj) “Variance” means a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
(Ord. 39-87. Passed 6-1-87.)
- (kk) “Appeal” means a request for review of the Floodplain Administrator’s interpretation of any provision of this section or a request for a variance.
- (ll) “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
- (mm) “Historic structure” means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- (4) Individually listed on the inventory of historic places maintained by the Sylvania Historical Commission whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (nn) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis;
 - (2) 400 square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary quarters for recreational, camping, travel, or seasonal use.
- (oo) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (pp) "Violation" means the failure of a structure or other development to be fully compliant with this section.
(Ord. 85-2000. Passed 10-2-00.)
- (qq) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
(Ord. 13-2001. Passed 2-5-01.)

1149.02 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City as identified by the Federal Emergency Management Agency, including any additional areas of special flood hazard annexed by the City. The provisions contained within this chapter shall constitute the minimum standards and requirements applicable to the:

- (a) Subdivision or development of land; and
- (b) The design, construction and quality of materials of all structures in the City which are located in areas identified on the most current Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) as being special flood hazard areas. (Ord. 13-2001. Passed 2-5-01.)

1149.03 COMPLIANCE.

No person shall develop, initiate development or subdivide any land, or locate, extend, convert, or structurally alter beyond maintenance work necessary to keep it in a safe, sound and economically viable condition, any structure in any Floodway District, Floodway Fringe District or Limited Special Flood Hazard District within the City without full compliance with the terms of this chapter and other applicable regulations. The provisions of this chapter shall take precedence over any conflicting provisions contained in other ordinances or regulations, except where in this chapter specifically stated otherwise, and to the extent this chapter imposes greater restrictions than those imposed by other ordinances or contained in existing easements, covenants or deed restrictions, the provisions of this chapter shall apply.
(Ord. 39-77. Passed 12-19-77.)

1149.04 FLOOD INSURANCE STUDY.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Lucas County, Ohio and Incorporated Communities". This study, with accompanying Flood Insurance Rate Maps dated October 6, 2000, and any revisions thereto is hereby adopted by reference and declared to be a part of this section.
(Ord. 13-2001. Passed 2-5-01.)

1149.05 BASE FLOOD WATER SURFACE ELEVATIONS.

Pursuant to Sections 1917.3 and 1917.4 of Title 24, Code of Federal Regulations, the base flood water surface elevations for those streams and the tributaries thereof within the City, as published in the Federal Register at 41 FR 56951 on December 30, 1976, are adopted by reference and declared to be a part of this chapter.
(Ord. 39-77. Passed 12-19-77.)

1149.06 FLOOD PROTECTION ELEVATION.

The flood protection elevation shall be set at an elevation which is not less than two feet above the base flood water surface elevation. It is the minimum elevation to which uses regulated by this chapter are required to be elevated or floodproofed. The purpose of this flood protection elevation is to provide a reasonable margin of safety to allow for possible increases in the base flood water surface elevation, resulting from factors such as ice jams and urbanization.
(Ord. 39-77. Passed 12-19-77.)

1149.07 ESTABLISHMENT OF ZONING DISTRICTS.

The special flood hazard areas (flood plains) within the jurisdiction of this chapter are hereby divided into the three following zoning districts: a Floodway District (FW), a Floodway Fringe District (FF) and a Limited Special Flood Hazard District (LSD). The boundaries of these three districts shall be shown on the current Official Zoning Maps. Within these districts all uses not allowed as permitted uses shall be prohibited.
(Ord. 39-77. Passed 12-19-77.)

1149.08 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Floodway District, the Floodway Fringe District and the Limited Special Flood Hazard District or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 39-77. Passed 12-19-77.)

1149.09 LOCAL FLOOD PLAIN ADMINISTRATOR.

(a) The Mayor, with Council approval, shall designate a Flood Plain Administrator, hereafter referred to as the "Flood Plain Administrator" or the "Administrator" who shall administer and enforce the provisions of this chapter. Such Administrator shall be a person qualified to interpret and review construction plans for compliance with this chapter.

(b) Duties of the Flood Plain Administrator shall include, but not be limited to:

- (1) Reviewing all flood plain development permits to assure that the permit requirements of this chapter have been satisfied.

(Ord. 39-77. Passed 12-19-77.)

- (2) Reviewing all development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- (3) Notifying adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
- (4) Assuring that any proposed maintenance activities within the altered or relocated portion of the watercourse do not diminish its flood carrying capacity, and that engineering documentation, and necessary maintenance are required.
- (5) Obtaining and recording the actual elevation, in relation to mean sea level, of the lowest floor, including basement floor, of all new or substantially improved structures and record whether or not such structures contain an enclosure below the lowest floor.
(Ord. 13-2001. Passed 2-5-01.)
- (6) Obtaining and recording the actual elevation, in relation to mean sea level, to which a new or substantially improved structure has been floodproofed.
- (7) When floodproofing is utilized for a particular structure, the Flood Plain Administrator shall require certification by a registered professional engineer or architect that it fully complies with Sections 1149.06 and 1149.26 through 1149.29.
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Flood Plain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity, not less than thirty days from the date such interpretation was made, to appeal the interpretation to the Zoning Board of Appeals as provided for under base zoning and in the same manner.
(Ord. 39-77. Passed 12-19-77.)
- (9) When base flood water surface elevation and floodway data has not been provided in accordance with Section 1149.04, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this chapter.
- (10) Maintain for public inspection all records pertaining to the provisions of this section, including base flood elevation data, Flood Insurance Rate Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations. (Ord. 13-2001. Passed 2-5-01.)

1149.10 INSPECTIONS.

All development projects shall be inspected before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter. (Ord. 85-2000. Passed 10-2-00.)

1149.11 FLOODWAY DISTRICT (FW).

(a) Composition. The Floodway District shall include all those lands comprising the floodway, as delineated on the Flood Insurance Rate Map. By definition, the floodway includes the channel of a stream, plus any adjacent floodplain areas that must be kept free of encroachment, in order that the 100 year flood may be discharged without substantially increasing the base flood water surface elevation at any point in the floodplain or contributing to hazardous flow velocities. (Ord. 85-2000. Passed 10-2-00.)

(b) Use Standards.

- (1) Lands comprising the Floodway District shall not be developed nor encumbered in any manner which will cause or contribute to an increase in the base flood water surface elevation at any point within the flood plain. Further, no development shall be permitted which will induce a current flow velocity during the base flood exceeding that set forth in Table 2 of the Flood Insurance Study, City of Sylvania, for the nearest listed reference location.
(Ord. 39-77. Passed 12-19-77.)
- (2) The bed or floor of the stream channel of a floodway may not be encroached upon or altered in any fashion except by the City as part of improved flood control measures or other improvement consistent with the provisions of this chapter.
(Ord. 85-2000. Passed 10-2-00.)

(c) Permitted Uses. To the extent not otherwise prohibited by subdivision rules and regulations, the Building Code or other City regulations, the following uses having a low flood damage potential, and which do not adversely affect the efficiency, restrict the capacity or cause hazardous flow velocities in the channels or floodways of the streams, the tributaries thereof, drainage ditches or any other drainage facility or system permitted by base zoning in any portion of a base zoning district included within the Floodway District shall be permitted in that portion of the Floodway District which includes such base zoning district:

- (1) Agricultural uses including, but not limited to the following: general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (2) Commercial uses such as parking areas, loading areas, marinas and boat rentals.
- (3) Open space use such as arboretums, parks, wildlife and nature preserves, game farms, fish hatcheries and hunting and fishing areas.
- (4) Residential uses such as lawns, gardens, parking areas and play areas.
- (5) Recreational uses (public or private) such as golf courses, tennis courts, driving ranges, archery ranges, open-air ice skating facilities, picnic grounds, boat launching ramps, swimming areas and hiking and bike trails.
- (6) Transient activities such as carnivals and circuses.
- (7) Public utilities and services including underground culverts and pipes, streets, roads and railroads not requiring fill, and river crossing of bridges and transmission and telephone lines above the regulatory flood protection elevation.

(d) Fill. No fill of any type or quantity shall be deposited within any part of the Floodway District.

(e) Structures. No new structure of any type, whether temporary or permanent, shall be erected within the Floodway District.
(Ord. 39-77. Passed 12-19-77.)

(f) Manufactured Homes. No manufactured home, recreational vehicle, trailer of any type or other form of mobile or portable structures may be located, maintained or stored within the Floodway District. (Ord. 85-2000. Passed 10-2-00.)

(g) Storage. Storage of materials, equipment and/or substances of any nature shall be prohibited within this District. Excepted are self-mobile, nonbuoyant machinery such as automobiles, trucks, truck-tractors, tractors, bulldozers and similar equipment.
(Ord. 39-77. Passed 12-19-77.)

1149.12 FLOODWAY FRINGE DISTRICT (FF).

(a) Composition. The Floodway Fringe District shall include all those lands comprising the floodway fringe, as delineated on the Flood Insurance Rate Map. By definition, the Floodway Fringe District commences at the extreme edge of the Floodway District and extends laterally across the floodplain, encompassing the portion of the floodplain that could be completely obstructed without increasing the base flood water surface elevation by more than one foot at any point on the floodplain.
(Ord. 13-2001. Passed 2-5-01.)

(b) Use Standards.

- (1) The primary objective of regulations for land comprising the Floodway Fringe District is to protect both the structure and/or use from damage due to exposure to water wetting during periods of flood.
- (2) The proposed development, use or activity shall not, if permitted, endanger the welfare or safety of the community during periods of flood.

(c) Permitted Uses. To the extent not otherwise prohibited by subdivision rules and regulations, the Building Code or other City regulations, any use permitted under Section 1149.11(c) or by base zoning in any portion of a base zoning district included within the Floodway Fringe District shall be permitted in that portion of the Floodway Fringe District which includes such base zoning district.

(d) Fill. The deposit of acceptable fill materials shall be permitted within the Floodway Fringe District.

- (1) Acceptable fill materials: soils, sands, stone, brick, concrete and reclaimed rubble from demolition projects consisting exclusively of these same materials.
- (2) Unacceptable fill materials (organic): No organic materials such as tires, mattresses, garbage, offal, leaves, wood products, plastics, petroleum residues, etc., shall be deposited within this District.
- (3) Unacceptable fill materials (inorganic): No metals, glass, pottery or other inorganic materials other than those permitted in paragraph (1) hereof shall be deposited within this District.

(e) Structures.

- (1) Any new structure or substantial improvement erected within the Floodway Fringe District shall be so sited that the lowest floor, including basement floor, is at an elevation not less than the regulatory flood protection elevation.
- (2) When fill is used to increase the elevation of a site on which a structure or substantial improvement is to be erected, such site shall be filled and compacted to an elevation not less than one foot below the regulatory flood protection elevation, and shall extend at such elevation for not less than fifteen feet beyond the external limits of any structure or substantial improvement erected thereon.
- (3) Each habitable structure shall include at least one exit leading directly on to a walkway, driveway or roadway whose surface elevation is not less than the regulatory flood protection elevation, and such escape route shall lead directly out of the flood plain area.
(Ord. 39-87. Passed 6-1-87.)
- (4) All new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts or solid foundation perimeter wall with openings sufficient to allow unimpeded movement of flood waters shall be known as "enclosures below lowest floor". Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
 - A. Be certified by a registered professional engineer or architect; or
 - B. Must meet or exceed the following criteria:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) Manufactured Homes. A separate permit application shall be filed for each manufactured home or similar unit, regardless of proposed use, which is to be located in the Floodway Fringe District and is not subject to the manufactured home requirements of Ohio R.C. Chapter 3733. The permit application shall be reviewed by the Floodplain Administrator to assure compliance with the following provisions and criteria:
(Ord. 13-2001. Passed 2-5-01.)

- (1) A manufactured home may be located only on a site which has been filled and compacted to an elevation not less than the regulatory flood protection elevation.
- (2) The area of the filled site for each manufactured home shall be not less than 4,000 square feet.
- (3) The manufactured home shall not be located nearer than fifteen feet to any boundary of the site.

- (4) Each manufactured home site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the regulatory flood protection elevation and such escape route shall lead directly out of the floodplain area.
 - (5) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations for those units exceeding fifty feet in length. For units less than fifty feet in length, one additional tie shall be provided per side.
 - (6) Frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate points for those units exceeding fifty feet in length. For units less than fifty feet in length, four additional ties shall be provided per side.
(Ord. 85-2000. Passed 10-2-00.)
 - (7) All components of the anchoring system shall be capable of carrying a stress force of no less than 4,800 pounds.
(Ord. 39-87. Passed 6-1-87.)
 - (8) Any additions to the manufactured home shall be similarly anchored.
(Ord. 13-2001. Passed 2-5-01.)
 - (9) Provisions shall be made for adequate surface drainage.
(Ord. 39-87. Passed 6-1-87.)
 - (10) Access shall be provided for a manufactured home hauler at an elevation not less than the regulatory flood protection elevation.
 - (11) Such standards shall also apply to all recreational vehicles that are either:
 - A. Located on sites for 180 days or more, or
 - B. Are not fully licensed and ready for highway use.
(Ord. 85-2000. Passed 10-2-00.)
- (g) Storage.
- (1) There shall be no storage or processing of materials and/or substances that are, in the time of flooding, buoyant or which are flammable, explosive or which could be injurious to humans, animals, plant life or aquatic life at an elevation less than the regulatory flood protection elevation.
 - (2) Storage of nonbuoyant materials and/or equipment which are not subject to major damage by floods is permitted at elevations less than the regulatory flood protection elevation.
(Ord. 39-87. Passed 6-1-87.)

1149.13 LIMITED SPECIAL FLOOD HAZARD DISTRICT (LSD).

(a) Composition. The Limited Special Flood Hazard District shall include all those lands identified as unnumbered A Zones on the Flood Insurance Rate Map except those areas identified as floodway and floodway fringe and delineated as such on the Flood Insurance Rate Map.

(b) Use Standards.

- (1) The provisions of this section shall apply to any designated flood hazard area not specifically included within either a Floodway District or a Floodway Fringe District and which has been assigned an unnumbered A Zone flood risk on the Flood Insurance Rate Map.
(Ord. 85-2000. Passed 10-2-00.)

- A. A-1 through A-30;
 - B. A; or
 - C. AO.
- (2) That floodway necessary to convey the base flood run-off for any small watercourse or drainage ditch in this District may be officially designated as LSD-floodway by the Flood Plain Administrator.
- (c) Special Criteria for Flood Plain Development Permit.
 - (1) The Administrator shall determine the flooding threat at the specific site of the proposed use.
 - (2) The Administrator shall determine the impact upon the base flood water surface level, and the effects therefrom, on both existing and probable future developments along the full extent of the ditch or watercourse.
 - (3) The Administrator may require that the applicant submit detailed calculations made by a qualified professional engineer, registered in the State of Ohio, to assist in the determinations required by paragraphs (1) and (2) hereof.
 - (4) The Administrator shall evaluate the effects of the proposed use upon the public health, safety and general welfare in light of the purposes of this chapter and the standards established herein.
- (d) Standards for LSD Floodway.
 - (1) The Administrator shall set the base flood water surface elevation for each reach or interval of 1,000 feet along the ditch or watercourse. Where base flood water surface elevations have already been determined and published by an official agency of the State or the United States government, the Administrator shall set the base flood water surface elevations as so determined and published.
 - (2) Unless already determined and published by an official agency of the State or the United States government, the Administrator shall set the base flood water surface elevations at such elevations as to offer minimum flooding risk to both existing or reasonably anticipated development.
 - (3) The Administrator shall compute the floodway cross-section required to convey the base flood without exceeding the designated base flood water surface elevation for each reach or interval.
 - (4) The computed floodway shall be transferred to an appropriate large scale map having a contour interval not exceeding two feet. Specific boundaries shall be set on either side of the ditch or watercourse based upon the profile of the existing channel and flood plains. That land lying between the two boundaries shall constitute an LSD floodway and shall be so designated on the Official Zoning Map.
 - (5) All provisions set forth in Section 1149.11, Floodway District, shall apply to any lands designated as LSD floodway.
- (e) Other Lands Within the Limited Special Flood Hazard District.
 - (1) Any lands lying within the Limited Special Flood Hazard District but not included in an LSD floodway as herein defined, shall be treated in the same manner as lands lying within a Floodway Fringe District, and the provisions of Section 1149.12 shall apply. The Administrator shall set a base flood water surface elevation where necessary.

- (2) On any land designated as AO on the Flood Insurance Rate Map (FIRM), all new construction or substantial improvements to either residential or nonresidential structures shall have the lowest floor, including basement floor, elevated above the crown of the nearest street to, or above, the depth number specified on the FIRM. Attendant utility and sanitary facilities shall be installed at or above the same minimum elevation, or completely floodproofed as required under other sections of this chapter. (Ord. 39-77. Passed 12-19-77.)

1149.14 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED; FEES.

No person, group of persons, organization or company shall construct any structure, alter an existing structure, change the land elevation at any point or site, initiate any development, subdivide any tract of land or make any other substantial improvement within a Floodway District, Floodway Fringe District or Limited Special Hazard District, or cause the same to be done, without first obtaining a flood plain development permit from the Flood Plain Administrator. The basic fee for a flood plain development permit shall be seventy-five dollars (\$75.00) except for an accessory use or structure to an existing use or structure when the proposed accessory use or structure will reasonably cost less than five thousand dollars (\$5,000) in which event the basic fee shall be fifteen dollars (\$15.00). An additional charge shall be charged to the applicant should the nature of the application require more than two hours of municipal employee time, including, but not limited to, the Administrator, engineering, inspection and clerical. The additional time shall be charged at the rate of twenty-five dollars (\$25.00) per hour for each additional hour, or fraction thereof. Should the Administrator require information beyond the capabilities available to the City, the services of qualified private consultants and/or technical firms may be enlisted by agreement and upon authorization signed by the applicant. Such consultant and/or technical firm shall report directly to the Administrator. However, the full cost of all such services shall be borne solely by the applicant. (Ord. 39-77. Passed 12-19-77.)

1149.15 APPLICATION FOR PERMIT.

Applications for a flood plain development shall be made in duplicate to the Flood Plain Administrator on forms furnished by him and shall include the following where applicable:

- (a) A site plot drawn to scale of the lands involved.
- (b) A reasonably detailed description of the proposed construction, development or activity to be covered by the permit.
- (c) Two sets of plans and specifications setting forth in detail the proposed construction, improvement or subdivision plat prepared in accordance with the provisions of this chapter and signed by a registered professional engineer, licensed as such in the State of Ohio.
- (d) The elevation in relation to mean sea level of the lowest floor, including basement floor, of all structures, present and proposed.
- (e) The elevation in relation to mean sea level to which any structure sited at an elevation less than the regulatory flood protection elevation has been floodproofed and certified thereto by a registered professional engineer.
- (f) A certificate from a registered professional engineer or architect that the design of the floodproofed structure meets the floodproofing criteria set forth in Section 1149.26.
- (g) A full description of any proposed alteration of the land elevation by either fill or movement of existing materials. The specific volume (compacted) of the fill to be introduced shall be specified in terms of cubic yards. This figure shall be certified by a registered professional engineer.

- (h) A full description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certified by a registered professional engineer.
- (i) Any additional information determined necessary by the Administrator.
(Ord. 39-77. Passed 12-19-77.)
- (j) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.
(Ord. 85-2000. Passed 10-2-00.)

1149.16 REVIEW OF APPLICATIONS.

Flood plain development permit applications shall be reviewed by the Administrator to assure compliance with the provisions and criteria of Sections 1149.17 through 1149.21.
(Ord. 39-77. Passed 12-19-77.)

1149.17 NEW CONSTRUCTION.

Permit applications for new construction or substantial improvements to existing structures located within an identified Floodway District, Floodway Fringe District or Limited Special Flood Hazard District shall assure that the proposed construction conforms to all pertinent sections of this chapter and:

- (a) Is protected against flood damage.
- (b) Is designed and anchored to prevent flotation, collapse, fragmentation of portions thereof or lateral movement of the structure.
- (c) Is constructed only of those materials of construction and utility equipment that are resistant to flood damage.
- (d) Includes only those uses, construction methods and practices that will minimize flood damage.
(Ord. 39-77. Passed 12-19-77.)

1149.18 SUBDIVISION AND OTHER NEW DEVELOPMENT PROPOSALS.

Applications for subdivision and other new development proposals shall be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.
- (b) All public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
(Ord. 39-77. Passed 12-19-77.)

1149.19 NO OFFICIAL BASE FLOOD ELEVATION.

In any development involving the lesser of either five or more acres or fifty or more building lots:

- (a) Where no official base flood level has been determined;
- (b) Which are a part of an unnumbered A zone on the Flood Insurance Rate Map; and
- (c) Where no other official existing study is available;

the developer, in such case, shall have the base flood water surface elevation calculated by a qualified professional engineer, registered by the State of Ohio, and such base flood water surface elevation shall be shown on the site plan and drawing.
(Ord. 39-77. Passed 12-19-77.)

1149.20 WATER LINES AND SERVICE SYSTEMS.

(a) Any new water system and the replacement, repair or changes to an existing water system shall have sufficient structural strength and be so assembled as to prevent any infiltration or siphoning of foreign waters into the system at external hydraulic pressures, equivalent to a vertical column of water extending from the lowest elevation point of the system to the regulatory flood protection elevation.

(b) Any installation, repair or change to any portion of the water system must be approved by the Lucas County Inspection Department.
(Ord. 39-77. Passed 12-19-77.)

1149.21 SANITARY SEWAGE FACILITIES.

(a) No person shall place or install a septic tank or similar device in any part of an identified Floodway District, Floodway Fringe District or Limited Special Flood Hazard District.

(b) An existing septic tank system may not be repaired, improved, replaced or extended in any manner, provided that access to a sanitary sewer is reasonably available.

(c) Any sewer line, serving a structure of any type, shall be emplaced at an elevation which is not more than one foot below the regulatory flood protection elevation.

(d) Any toilet shall be sited with the base thereof at an elevation which is not less than the regulatory flood protection elevation.

(e) Any operating toilet shall be equipped with an antisiphoning fill system.
(Ord. 39-77. Passed 12-19-77.)

1149.22 ISSUANCE OF PERMIT.

If the Flood Plain Administrator is satisfied that the work development and construction described in all parts of the application conform to the requirements of the provisions of this chapter, the Administrator shall mark the application approved and issue a flood plain development permit to the applicant, provided the basic fee and all additional charges as set forth in Section 1149.14 have been paid in full.
(Ord. 39-77. Passed 12-19-77.)

1149.23 REVOCATION OF PERMIT.

The Administrator may revoke a permit issued under this chapter in case of any false statement or misrepresentation of fact in the application or on the plans, or whenever the permit is issued in violation of any provision of this chapter or any other laws or ordinances, or if the applicant fails to carry out the conditions of his plans during the construction phase of the project. (Ord. 39-77. Passed 12-19-77.)

1149.24 POSTING OF PERMIT.

The flood plain development permit shall be posted at the site of construction operations in a conspicuous place open to public inspection until completion of the project.
(Ord. 39-77. Passed 12-19-77.)

1149.25 APPEALS.

Appeals of any decision of the Administrator may be taken by the affected person in all respects in the same manner as appeals are taken from decisions of the Zoning Administrator under base zoning. (Ord. 39-77. Passed 12-19-77.)

1149.26 STANDARDS FOR DRY FLOODPROOFING.

(a) The overall objective for dry floodproofing shall be to provide the same relative level of flood protection for the structure, and the safety of its inhabitants, as would be derived by siting the lowest floor, including basement floor, at an elevation not less than the regulatory flood protection elevation.

(b) The collective benefits arising from the proposed flood protection measures must ensure that the following conditions are fully satisfied under base flood situations:

- (1) The structure, its supporting foundations and all appurtenances thereto shall have both the structural strength and those flood protection measures necessary to fully resist the combined static and dynamic stresses engendered by the flood, and survive these stresses in an undamaged condition.
- (2) Flood waters and waste water backup shall be completely excluded from the interior of the structure.
(Ord. 39-77. Passed 12-19-77.)

1149.27 CRITICAL HYDRAULIC FACTORS.

Hydraulic factors of critical importance include, but are not limited to the following:

- (a) Flow rate velocities in the floodway.
- (b) Flow rate velocities near the structure.
- (c) Maximum rate of water rise.
- (d) Hydrostatic forces associated with the base flood at the level of the lowest floor, including basement floor.
- (e) Hydrodynamic forces associated with the base flood against any portion of the structure, as well as the structure as a whole.
- (f) Flotation stresses exerted on the structure, or portions thereof, based on the hydrostatic pressures at the level of the lowest floor, including basement floor.
(Ord. 39-77. Passed 12-19-77.)

1149.28 PLANS AND SPECIFICATIONS.

The applicant shall submit in duplicate plans and specifications which fully detail each flood control measure, and a certification by a registered professional engineer that the floodproofing measures meet the criteria set forth in Section 1149.26.
(Ord. 39-77. Passed 12-19-77.)

1149.29 FLOODPROOFING MEASURES.

(a) The following floodproofing measures may be required without limitation because of specific enumeration:

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of points, membranes or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Pumping facilities or comparable practices for subsurface drainage systems to relieve external foundation wall and basement flood pressures.

- (8) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (9) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
- (10) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure that they are not subject to contact with flood water and to provide protection from inundation by the base flood.
- (11) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the regulatory flood protection elevation, or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.
(Ord. 85-2000. Passed 10-2-00.)

(b) A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than two thousand five hundred dollars (\$2,500). Such structures must meet the provisions and the following additional standards:

(Ord. 13-2001. Passed 2-5-01.)

- (1) They shall not be used for human habitation.
- (2) They shall be constructed in accordance with this section;
- (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation.
(Ord. 85-2000. Passed 10-2-00.)

1149.30 EXISTING CONSTRUCTION; NONCONFORMANCE.

A structure, or the use of a structure, or a use which was lawful before the passage of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions and/or limitations:

- (a) No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
- (b) If such use is discontinued for twenty-four or more consecutive months, any future use of the building premise shall conform to this chapter.
- (c) Uses or adjuncts thereof which become nuisances shall not be entitled to continue as nonconforming uses.
(Ord. 39-77. Passed 12-19-77.)
- (d) Any alteration, addition or repair to any existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement, shall be protected by floodproofing measures to fully comply with the criteria and requirements set forth in Sections 1149.26 through 1149.29.

- (e) Any existing structure which has suffered damage from any cause to an extent equal to or greater than fifty percent (50%) of its market value based on its most recent real estate assessed tax evaluation, or has sustained flood related damage on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred, shall not be reconstructed except in full compliance with the provisions of this chapter.
(Ord. 85-2000. Passed 10-2-00.)

1149.31 APPEALS FOR VARIANCE.

(a) Zoning Board of Appeals. The Sylvania Zoning Board of Appeals is the duly constituted body authorized to receive, review and act upon requests for a variance in any zoning district within the City. Procedures therefor are set forth in Chapter 1105.
(Ord. 39-77. Passed 12-19-77.)

(b) Standards for Action. The Zoning Board of Appeals is the duly constituted body authorized to receive, review and act upon requests for a variance in any zoning district within the City. Procedures therefore are set forth in Chapter 1105. No variance shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area; increase the base flood water surface elevation in excess of one foot at any point within the identified floodplains; or permit standards lower than those required by Section 60.3 of Title 44, Code of Federal Regulations. (Ord. 85-2000. Passed 10-2-00.)

- (c) Relevant factors for consideration shall be as follows:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the Comprehensive Master Plan and Flood Plain Management Program for the area.
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) Such other factors which are relevant to the purposes of this chapter.
(Ord. 39-77. Passed 12-19-77.)

- (13) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges. (Ord. 85-2000. Passed 10-2-00.)
- (d)
 - (1) Variances may only be issued where due to physical characteristics of the property, compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship. (Ord. 13-2001. Passed 2-5-01.)
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (5) Variances shall only be issued upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 1149.31(c), or conflict with existing local laws or ordinances; and
 - D. A determination that the structure or other development is protected by methods to minimize flood damages.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (7) Modification of waste disposal and water supply facilities.
 - (8) Limitations on periods of use and operation.
 - (9) Imposition of operational controls, sureties and deed restrictions.
 - (10) Requirements for floodproofing measures.
(Ord. 85-2000. Passed 10-2-00.)

1149.32 SEVERABILITY.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 85-2000. Passed 10-2-00.)

1149.33 CHANGE IN WATERCOURSE.

Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks. (Ord. 85-2000. Passed 10-2-00.)

1149.34 ALTERATION OF COMMUNITY BOUNDARIES.

Upon occurrence, notify FEMA in writing whenever the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City's Flood Insurance Rate Map accurately represent the City of Sylvania's boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly delineating the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority. (Ord. 85-2000. Passed 10-2-00.)

1149.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined as provided in Section 501.99. Each day during which the violation continues shall constitute a separate offense.

CHAPTER 1151 Overlay Districts

- 1151.01 Purpose of overlay zoning districts, general.
- 1151.02 Application of overlay zoning districts, general.
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- 1151.09 Purpose of the North Main Street Historical Center Overlay District.
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- 1151.12 Purpose of the West Monroe Street Institutional Overlay District.
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- 1151.15 Purpose of the East Maplewood Avenue Overlay District.
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- 1151.17 Permitted uses of the East Maplewood Avenue Overlay District.

1151.01 PURPOSE OF OVERLAY ZONING DISTRICTS, GENERAL.

Overlay districts, generally are for the purpose of imposing special requirements in certain areas of the City which have special characteristics or special redevelopment opportunities. The overlay zoning districts herein established are each created to accomplish stated objectives in specific locations within or adjacent to the Downtown Central Business District, and to promote the general health, safety and welfare of the citizenry.
(Ord. 33-94. Passed 3-21-94.)

1151.02 APPLICATION OF OVERLAY ZONING DISTRICTS, GENERAL.

The requirements of a particular overlay district shall apply only to the specific location described for that particular overlay district and shall not apply at any other location in the City. All standards and regulations of the underlying zoning district shall apply within the overlay district for permitted uses listed in the overlay district except where specifically modified or supplemented by provision of the overlay district.
(Ord. 33-94. Passed 3-21-94.)

1151.03 PROCEDURE FOR OVERLAY ZONING DISTRICTS, GENERAL.

(a) Each applicant for a zoning certificate for an overlay district permitted use shall submit to the Zoning Administrator an application accompanied by a site plan indicating at a minimum, the lot dimensions; the general size, shape, dimensions and orientation of buildings, structures, parking areas and vehicular circulation on the lot; points of vehicular ingress and egress; and a detailed narrative of the proposed use of buildings, structures and other lot areas.

(b) Upon receipt of an application for a zoning certificate, which is accompanied by the material required by the provision hereof, the Zoning Administrator shall refer the application to the Planning Commission at its next regular meeting not more than thirty days from the date the application is filed and the chairperson of the Commission may call a special meeting to consider such application. The applicant shall be notified by mail of the date and time of the meeting, unless such notice is waived. The Commission shall consider and grant or deny the certificate within thirty days from the date of the filing of the application therefor or the certificate shall be deemed granted as applied for. The thirty-day limit within which such application must be considered and granted or denied may be extended by any amount of time consented to by the applicant, in writing.

(c) Due consideration shall be given by the Planning Commission to the submitted site plan and any supporting documents, and the proposed permitted use shall be carefully considered in relation to the purpose and objectives of the specific overlay district.

(d) The next business day after the Planning Commission has, by action or default, granted or denied the application the Planning Commission shall certify in writing to the Zoning Administrator that the application has been granted or denied and the Zoning Administrator shall thereupon grant or deny the application in accordance with the certification from the Planning Commission and the action on the application by the Zoning Administrator following the certification of the Planning Commission shall, for all purposes, be the same as action of the Zoning Administrator on the application.
(Ord. 33-94. Passed 3-21-94.)

1151.04 PURPOSE OF THE SOUTH MAIN STREET OVERLAY DISTRICT.

The South Main Street Overlay District is intended to encourage redevelopment and rehabilitation of an area located south of the Main Street Central Business District as a general business and activity center in a manner that provides integrated design, satisfactory ingress and egress, good interior circulation and parking, public activity areas, and that creates an attractive environment for downtown business expansion. In accordance with this basic purpose, the South Main Street Overlay District is established to achieve the following objectives:

- (a) To ensure redevelopment and rehabilitation that is consistent with the intent of the Downtown and Central Business District Master Plan (adopted February 7, 1994), and that is compatible with the basic scale and character of the adjacent B-3 Central Business District.
- (b) To ensure redevelopment and rehabilitation that protects and preserves Ten Mile Creek waterfront for public use, access, facilities and activities.
- (c) To ensure redevelopment and rehabilitation that provides for safe and efficient pedestrian and vehicular traffic flow at the intersection of Main Street and Monroe Street.
- (d) To ensure redevelopment and rehabilitation that provides needed public improvements including off-street parking facilities, public-ways and open space which are necessary to support the proposed redevelopment and which will enhance the adjacent Main Street Central Business District.
- (e) To ensure redevelopment and rehabilitation that stimulates downtown revitalization and business expansion and that increases the City's tax base and overall economic health.

(Ord. 33-94. Passed 3-21-94.)

1151.05 LOCATION OF THE SOUTH MAIN STREET OVERLAY DISTRICT.

The South Main Street Overlay District shall be defined as follows:

The area generally bounded by Main Street on the west, Monroe Street on the north, North Branch Ten Mile Creek on the east and Ten Mile Creek on the south, and also the area generally bounded by Ten Mile Creek on the north, Conrail tracks on the west, Harroun Park on the east, and the south line of the lot at 5448 S. Main Street on which is located the northerly most Main Street entrance to Harroun Park and such line extended. See reference map following Section 1151.08.

(Ord. 33-94. Passed 3-21-94.)

1151.06 YARD AND HEIGHT REQUIREMENTS OF THE SOUTH MAIN STREET OVERLAY DISTRICT.

The minimum yard and height requirements of the B-3 General Business District shall serve as general guidelines when considering the submitted site plan for a permitted use in the South Main Street Overlay District. The Planning Commission and Council may vary these requirements to a greater or lesser requirement, depending on the specific site plan and circumstances, and effect on adjacent property.
(Ord. 33-94. Passed 3-21-94.)

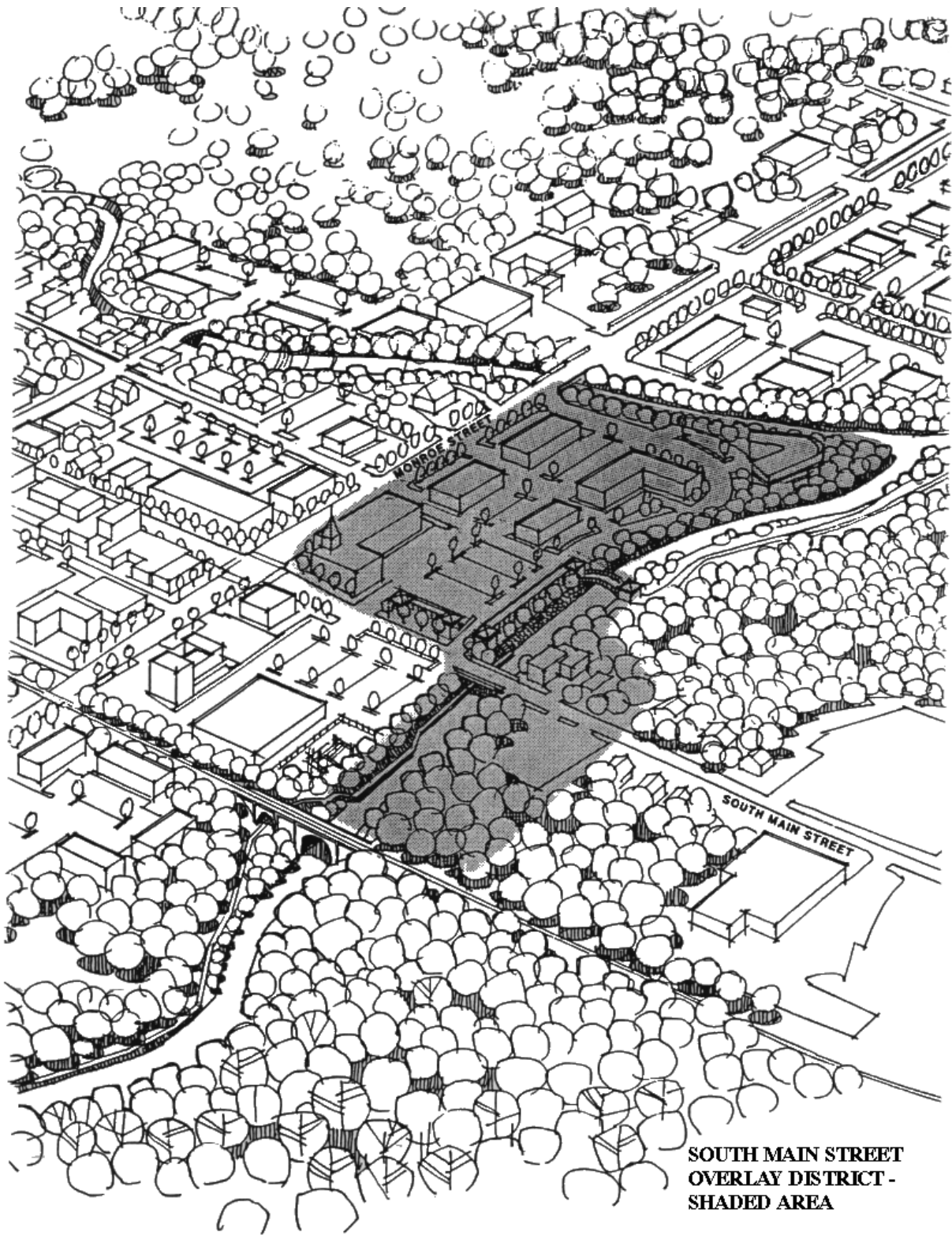
1151.07 OFF-STREET PARKING AND LOADING OF THE SOUTH MAIN STREET OVERLAY DISTRICT.

Off-street parking facilities shall be as provided in Chapter 1157.04. Off-street loading facilities shall be provided per Chapter 1159.
(Ord. 33-94. Passed 3-21-94.)

1151.08 PERMITTED USES OF THE SOUTH MAIN STREET OVERLAY DISTRICT.

The uses permitted in the South Main Street Overlay District shall generally be limited to those listed below. The Planning Commission and Council may vary these requirements if the applicant can demonstrate compatibility with the stated purpose of the overlay district. The following uses are permitted in the South Main Street Overlay District:

- (a) Offices and activities of an office nature including professional, institutional and business offices except those that require drive-through facilities.
 - (b) Restaurants, table service. Delivery, drive-thru and food service provided to persons within cars are not permitted.
 - (c) Retail stores meeting the performance standards of Section 1135.03.
 - (d) Bed and breakfast inns.
 - (e) Conference facilities.
 - (f) Accessory uses and structures incidental to the above.
- (Ord. 33-94. Passed 3-21-94.)



1151.09 PURPOSE OF THE NORTH MAIN STREET HISTORICAL CENTER OVERLAY DISTRICT.

The North Main Street Historical Center Overlay District is intended to encourage restoration, rehabilitation and redevelopment of an area located north of the Main Street Central Business District as a community activity center in a manner that fosters preservation and promotion of the history, arts, crafts and culture of Sylvania and northwest Ohio, and that creates an attractive environment for downtown business expansion. In accordance with this basic purpose, the North Main Street Historical Center Overlay District is established to achieve the following objectives:

- (a) To ensure restoration, rehabilitation and redevelopment that is consistent with the intent of the Downtown and Central Business District Master Plan (adopted February 7, 1994).
- (b) To ensure restoration, rehabilitation and redevelopment that preserves the character and enhances the stability of the North Main Street neighborhood.
- (c) To ensure restoration, rehabilitation and redevelopment that provides for safe and efficient pedestrian and vehicular traffic flow along North Main Street and Maplewood Avenue.
- (d) To ensure restoration, rehabilitation and redevelopment that provides needed public improvements including off-street parking, public ways and open spaces which are necessary to support redevelopment and which will enhance the adjacent Main Street Downtown Business District.
(Ord. 33-94. Passed 3-21-94.)

1151.10 LOCATION OF THE NORTH MAIN STREET HISTORICAL CENTER OVERLAY DISTRICT.

The North Main Street Historical Center Overlay District shall be defined as follows:

The area generally bounded by Main Street on the east, Maplewood Avenue on the south, Conrail tracks on the west and Erie Street on the north. See reference map following Section 1151.11.

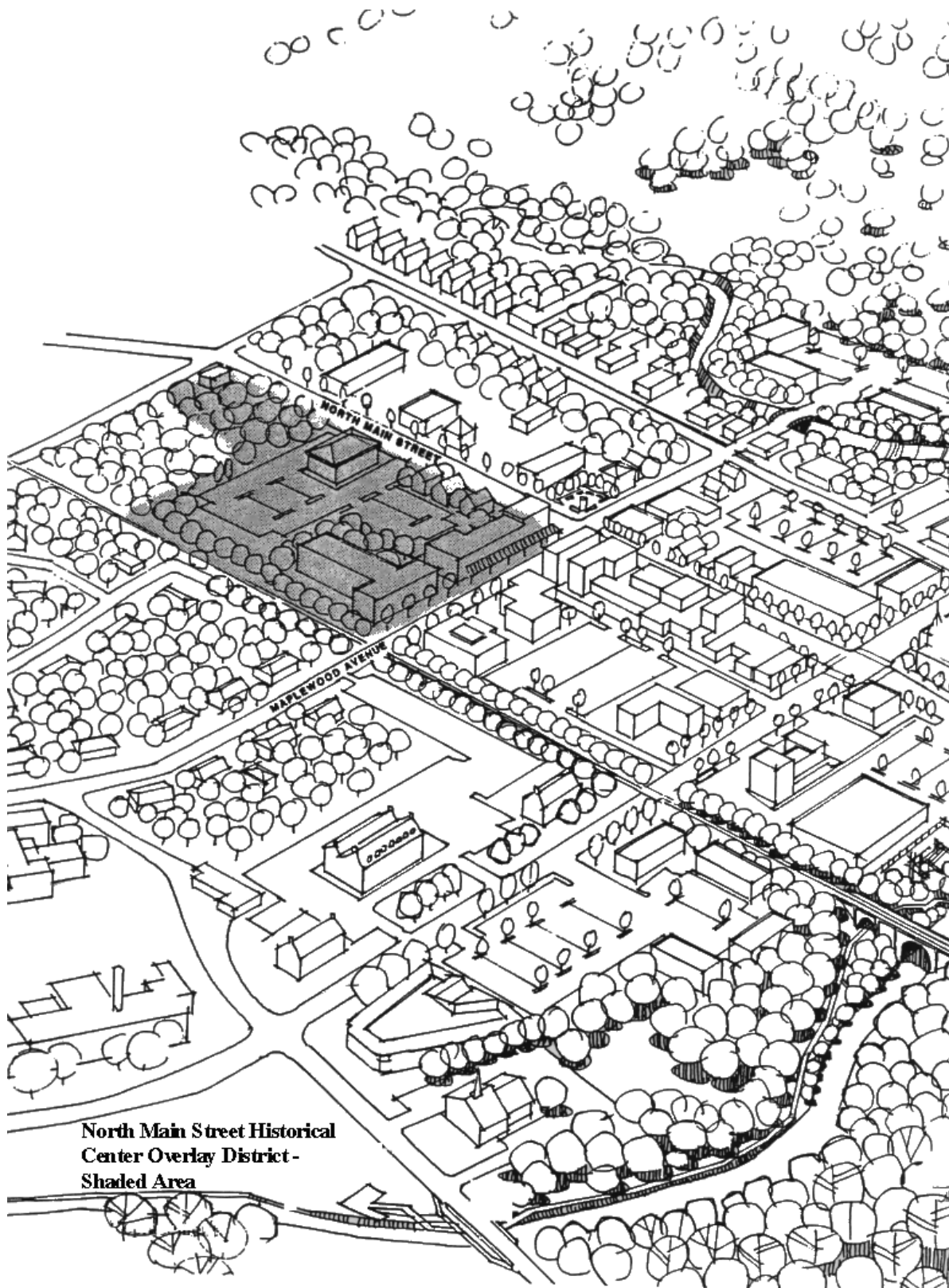
(Ord. 33-94. Passed 3-21-94.)

1151.11 PERMITTED USES OF THE NORTH MAIN STREET HISTORICAL
CENTER OVERLAY DISTRICT.

The uses permitted in the North Main Street Historical Center Overlay District shall generally be limited to those listed below. The Planning Commission and Council may vary these requirements and allow other uses if the applicant can demonstrate compatibility with the stated purpose of the overlay district.

The following uses are permitted in the North Main Street Historical Center Overlay District:

- (a) Museums, art galleries, arts and craft studios.
 - (b) Bed and breakfast inns.
 - (c) Retail stores meeting the performance standards of Chapter 1135, Section 1135.03.
 - (d) Professional, business, institutional and community services offices.
 - (e) Restaurants, table service. Delivery, drive-thru and food service provided to persons in cars are prohibited.
 - (f) Accessory uses and structures incidental to the above.
- (Ord. 33-94. Passed 3-21-94.)



**North Main Street Historical
Center Overlay District -
Shaded Area**

1151.12 PURPOSE OF THE WEST MONROE STREET INSTITUTIONAL OVERLAY DISTRICT.

The West Monroe Street Institutional Overlay District is intended to encourage development in an area located west of the Main Street Central Business District as an institutional and office activity center in a manner that provides integrated design, satisfactory ingress and egress, good interior circulation and parking, public activity areas and that creates an attractive environment for downtown institutional expansion and new office development. In accordance with this basic purpose, the West Monroe Street Institutional Overlay District is established to accomplish the following objectives:

- (a) To ensure institutional expansion and new office development that is consistent with the Downtown and Central Business District Master Plan (adopted February 7, 1994).
 - (b) To ensure institutional expansion and new office development that protects and preserves Ten Mile Creek waterfront for public use, access, facilities and activities.
 - (c) To ensure institutional expansion and new office development that provides for safe and efficient pedestrian and vehicular traffic flow along West Monroe Street.
 - (d) To ensure institutional expansion and new office development that provides needed public improvements, public-ways and open space areas which are necessary to support the proposed development and which will enhance the adjacent Main Street Central Business District.
- (Ord. 33-94. Passed 3-21-94.)

1151.13 LOCATION OF THE WEST MONROE STREET INSTITUTIONAL OVERLAY DISTRICT.

The West Main Street Institutional Overlay District shall be defined as follows:

The area generally bounded by Parkwood Boulevard on the west, Maplewood Avenue on the north, Conrail tracks on the east and Ten Mile Creek on the south, excepting therefrom all residential properties fronting on Parkwood Boulevard, Fairview Drive, Eleanor Court and Maplewood Avenue. See reference map following Section 1151.14.

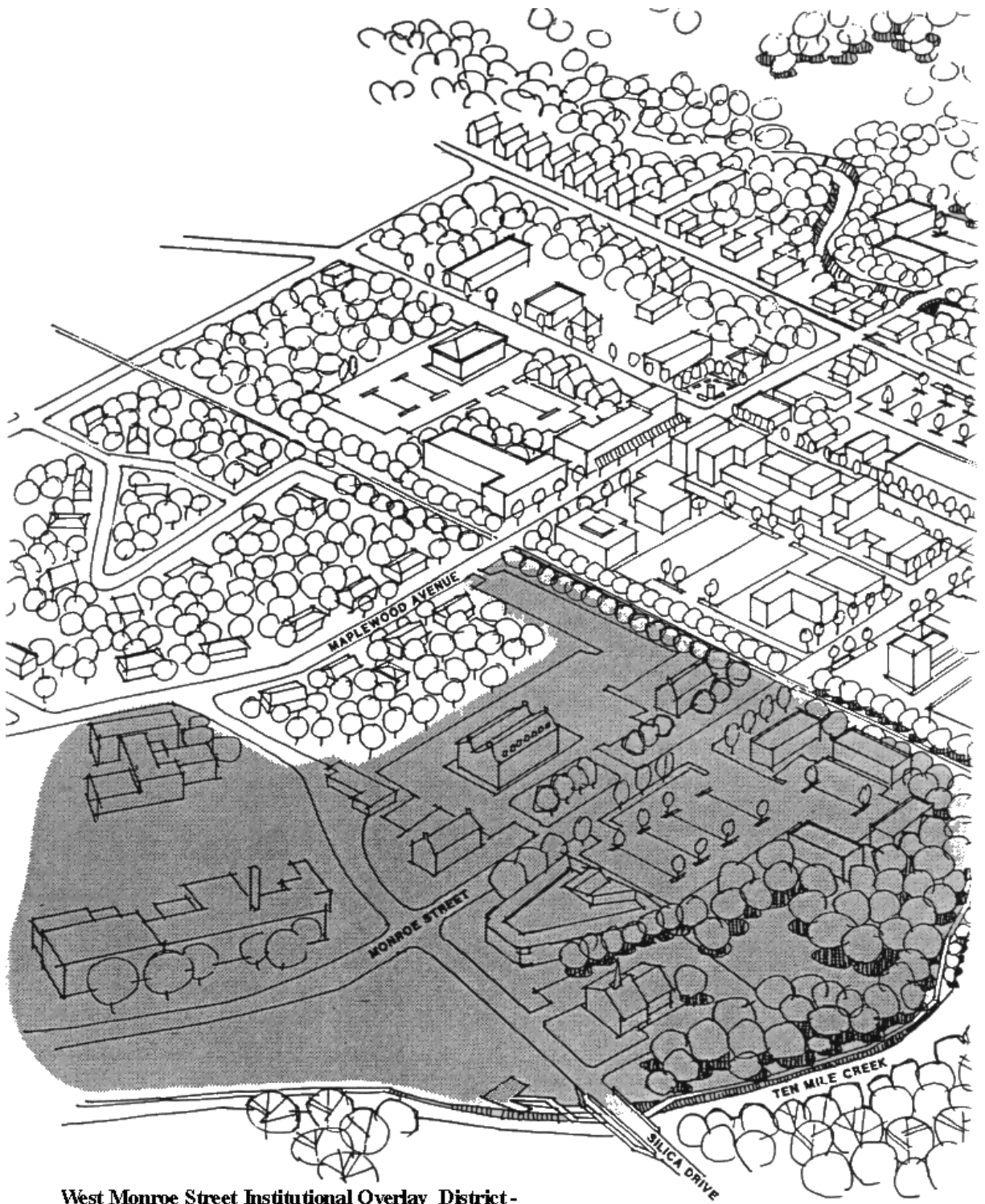
(Ord. 33-94. Passed 3-21-94.)

1151.14 PERMITTED USES OF THE WEST MONROE STREET INSTITUTIONAL OVERLAY DISTRICT.

The uses permitted in the West Monroe Street Institutional Overlay District shall generally be limited to those listed below. The Planning Commission and Council may vary these requirements and allow other uses if the applicant can demonstrate compatibility with the stated purpose of the overlay district.

The following uses are permitted in the West Monroe Street Institutional Overlay District:

- (a) Professional, institutional and business offices located south of Monroe Street between Silica Drive and Conrail tracks.
 - (b) Institutions meeting the requirement of Section 1153.02.
 - (c) Public and governmental buildings.
 - (d) Accessory uses and structures incidental to the above.
- (Ord. 33-94. Passed 3-21-94.)



**West Monroe Street Institutional Overlay District -
Shaded Area**

1151.15 PURPOSE OF THE EAST MAPLEWOOD AVENUE OVERLAY DISTRICT.

The East Maplewood Avenue Overlay District is intended to encourage the development of an area located east of North Branch Ten Mile Creek and adjacent to the Main Street Central Business District as a general business, office and activity center in a manner that provides integrated design, satisfactory ingress and egress, good interior circulation and parking, public activity areas and that creates attractive and new development. The East Maplewood Avenue Overlay District is established to achieve the following objectives:

- (a) To ensure development that is consistent with the Downtown and Central Business District Master Plan (adopted February 7, 1994).
 - (b) To ensure development that protects and preserves the North Branch Ten Mile Creek waterfront for public use, access, facilities and activities.
 - (c) To ensure development that provides for safe and efficient pedestrian and vehicular traffic flow along East Maplewood Avenue, Summit Street and along Monroe Street.
 - (d) To ensure development that provides needed public improvements including off-street parking facilities, public-ways and open space which are necessary to support the proposed development and which will enhance the adjacent Main Street Central Business District.
 - (e) To ensure redevelopment and rehabilitation that stimulates downtown revitalization and business expansion, and that increases the City's tax base and overall economic health.
- (Ord. 33-94. Passed 3-21-94.)

1151.16 LOCATION OF EAST MAPLEWOOD AVENUE OVERLAY DISTRICT.

The East Maplewood Avenue Overlay District shall be defined as follows:

The area generally bounded by North Branch Ten Mile Creek on the west, north and south; and Memorial Park Cemetery on the east; and being the current area of the maintenance facilities for Memorial Park Cemetery. See reference map following Section 1151.17.

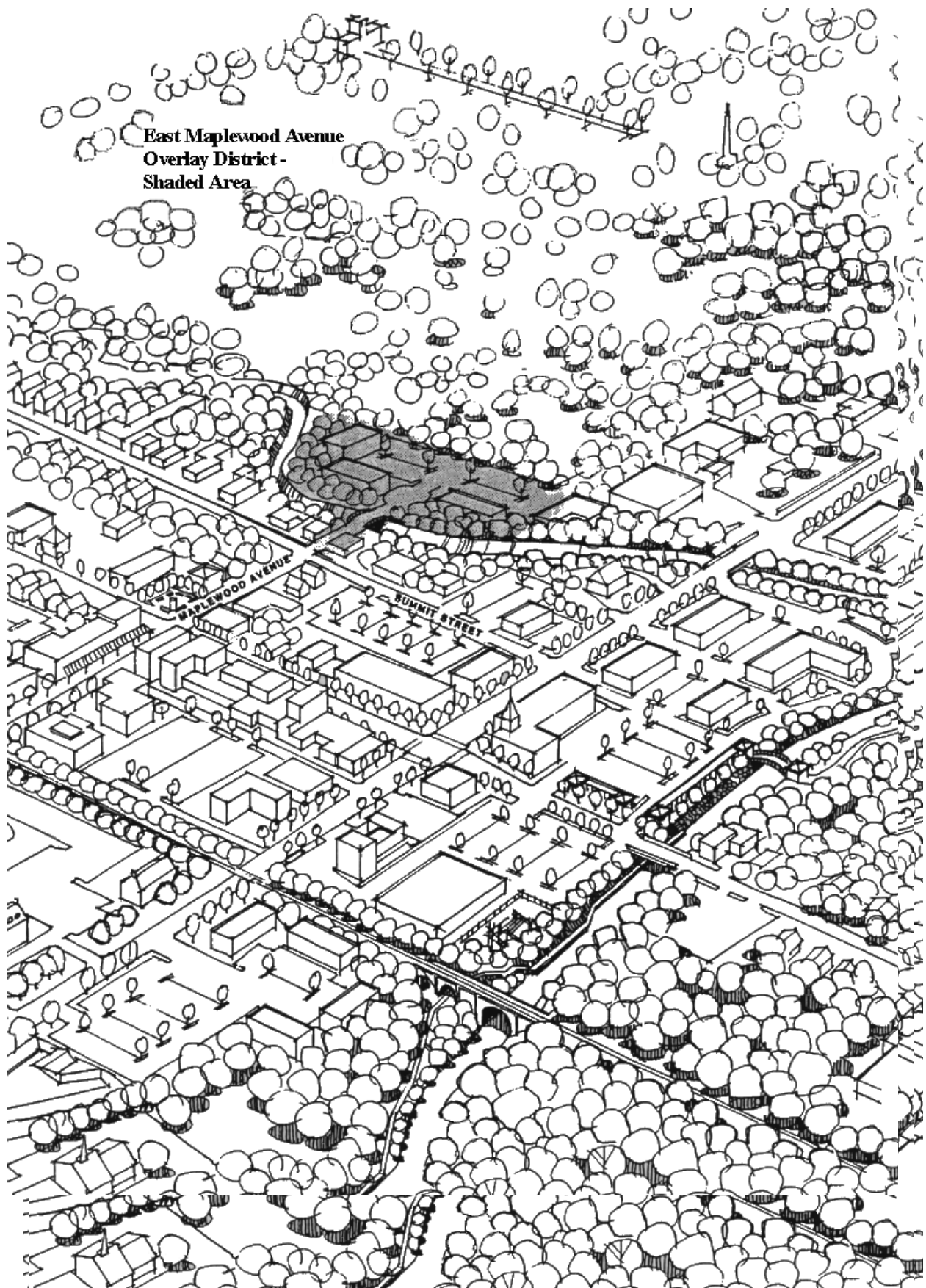
(Ord. 33-94. Passed 3-21-94.)

1151.17 PERMITTED USES OF THE EAST MAPLEWOOD AVENUE OVERLAY DISTRICT.

The uses permitted in the East Maplewood Avenue Overlay District shall be limited to those listed below. The Planning Commission and Council may vary these requirements if the applicant can demonstrate compatibility with the stated purpose of the overlay district.

The following uses are permitted in the East Maplewood Avenue Overlay District:

- (a) All uses permitted in and meeting the requirements of Chapter 1133, Professional, Research and Office Districts.
 - (b) Accessory uses and structures incidental to the above.
- (Ord. 33-94. Passed 3-21-94.)



TITLE FIVE - Supplemental Zoning Regulations

- Chap. 1153. Special Uses.
- Chap. 1155. Planned Developments.
- Chap. 1157. Off-Street Parking.
- Chap. 1159. Off-Street Loading.
- Chap. 1161. Yards, Projections and Height Exceptions.
- Chap. 1163. Nonconforming Uses and Structures.
- Chap. 1165. Satellite Dish Receiving Stations.
- Chap. 1166. Sign Regulations.

CHAPTER 1153 Special Uses

- 1153.01 Purpose.
- 1153.02 Special uses.
- 1153.03 Application for approval.
- 1153.04 Procedure.
- 1153.05 Criteria.
- 1153.06 Authority
- 1153.07 Existing special uses and enlargements.
- 1153.08 Development.
- 1153.09 Delay in construction.
- 1153.10 Mobile home parks.

CROSS REFERENCES

- Commercial parking lot and garage defined - see P. & Z. 1101.12
- Institution defined - see P. & Z. 1101.25
- Mobile home park defined - see P. & Z. 1101.35
- Nursing home defined - see P. & Z. 1101.36
- Zoning certificate issuance - see P. & Z. Ch. 1103
- Zoning Ordinance amendment procedure - see P. & Z. Ch. 1107

1153.01 PURPOSE.

Most types of land use covered by this Zoning Ordinance are grouped according to compatibility and function, and each group is permitted outright in one or more of the various districts established in this Ordinance. In addition to these permitted uses, there are other uses which it may be necessary or desirable to allow in certain districts, but because of their potential impact on adjacent land or public facilities, need particular and individual consideration prior to location in the community. Such uses are classified in this Zoning Ordinance as special uses and fall into two general categories:

- (a) Uses municipally operated or operated by publicly regulated utilities, and uses traditionally affected by public interest.
- (b) Uses entirely private in character which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district in which they cannot reasonably be allowed as a permitted use under the zoning regulations.
(Ord. 35-68. Passed 7-15-68.)

1153.02 SPECIAL USES.

Council shall have authority to permit, by ordinance, the following uses of land or structures in any district, except as herein qualified and subject to the conditions and procedures set forth herein: (Ord. 90-2004. Passed 11-15-04.)

- (a) Airport or landing field.
- (b) Amusement park.
- (c) Cemetery or mausoleum.
- (d) Churches.
- (e) Commercial, recreational or amusement development for temporary or seasonal periods only.
- (f) Development of natural resources, including the extraction of sand, gravel, fill dirt, topsoil and stone.
- (g) Drive-in theaters.
- (h) Fraternities or sororities.
- (i) Gun clubs, country clubs or private or semi-private golf courses, and similar recreational clubs and organizations.
- (j) Hospital or institution, provided that any hospital or institution authorized in any R District shall not occupy more than twenty percent of the total lot area, and shall be set back from all yard lines at least two feet for each foot of building height.
- (k) Nursing home in any R District.
- (l) Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
- (m) Public and government buildings.
- (n) Radio or television broadcasting tower or station in R Districts.
- (o) Sanitary landfill operations.
- (p) Plant nurseries and greenhouses in any R District.
- (q) Day nurseries for preschool children in any R District and any B-1-B District.
- (r) Commercial or industrial parking areas in R Districts adjacent to a business or industrial zoning district, according to the additional procedures and condition of Chapter 1157.
- (s) Planned developments; residential in R Districts, business in B Districts and industrial in M Districts, according to the definition and additional procedures and conditions of Chapter 1155.
- (t) Mobile home parks in R-3, R-4, B-1 and B-2 Districts, according to the additional procedures and conditions of Section 1153.10.

- (u) Automobile service stations in the B-1, B-2, B-3 and B-4 Districts. Gasoline pumps and pump islands which are more than fifty feet from the boundary of a residential zoning district may be located within a required yard, provided they are more than fifteen feet from any street line.
- (v) A charitable or public service organization chartered as a nonprofit corporation or organization by the State in any R District, any B-1 District or B-2 District. Any such facility located within any R District shall not encumber with structures more than twenty-five percent of the total area of the site and shall be setback from any required yard at least two such feet for each foot of height of that structure located nearest such line.
- (w) Commercial motor truck terminal, truck repair station and/or garage and commercial parking lots and/or parking garage for commercial trucks exceeding 7,000 pounds net weight.
- (x) Commercial bulk storage or handling facilities for:
 - (1) Petroleum derived substances;
 - (2) All other types of liquid organic substances;
 - (3) All types of liquefied gases;
 - (4) All noxious gases such as ammonia, chlorine, benzene, etc.;
 - (5) Any substance having a pH of 3.0 or lower;
 - (6) Any substance having a pH of 12.0 or higher;
 - (7) Any item or product containing any explosive type substance capable of being detonated by either heat, shock or electric arc.
- (y) Commercially operated transmission pipelines, located either above or below ground surface, and used for transferring such substances as:
 - (1) Petroleum derived substances;
 - (2) All other types of liquid organic substances;
 - (3) All types of liquefied gases;
 - (4) All noxious gases such as ammonia, chlorine, benzene, etc.;
 - (5) Coal slurries;
 - (6) Any substance having a pH of 3.0 or lower;
 - (7) Any substance having a pH of 12.0 or higher.Excluded are local service lines installed to distribute natural gas to residential or commercial customers located within the City or having extensions into Sylvania Township.

- (z) (1) Adult entertainment center or establishment, being a site or location where sexually oriented commercial activities are pursued including, but not limited to:
 - A. Bookstores specializing in sexually explicit publications;
 - B. XXX rated movies, both large and small screen operations;
 - C. Nude performances by either males and/or females.
- (2) Such an adult entertainment center or establishment shall not be permitted in any Zoning District other than the B-3 Central Business District, and then only under the following conditions:
 - A. Shall not be located nearer than 500 linear feet to the nearest property line of any church or school;
 - B. The property line of any such center or establishment shall not be located closer than 1,000 linear feet to the property line of any other such center or establishment;
 - C. Operations at any such center or establishment may be conducted only between the hours of 9:00 a.m. and 10:00 p.m. local time;
 - D. No personnel at any such center or establishment involved in nude entertainment activities shall be permitted to prepare, handle or serve any food or beverage;
 - E. Every such center and establishment must have a central fire alarm system incorporating both smoke detectors and heat sensors before commencing business. The proposed system must be approved by the Chief of the Fire Department before installation of same and after the installation the same must be approved by the Chief for proper performance, which proper performance must be maintained at all times thereafter;
 - F. The center or establishment shall be open for inspection during all scheduled business hours by the Sylvania Zoning Administrator and Fire, Police and Health Department Officers and/or inspectors;
 - G. External signs at any such center or establishment may not exceed eight square feet for one exposed surface, or twelve square feet for two exposed surfaces and no electric signs of any type may be displayed on the outside of the structure;

- H. The owner, operator, manager or proprietor of the center or establishment shall be responsible for immediately notifying the Sylvania City Police of any sexual, prostitution, homosexual, pandering or soliciting activity which may be in progress on or within the premises covered by such permit.
- (3) Violation of any of the foregoing conditions shall constitute a zoning violation and each day or part thereof during which any such violation shall continue or occur shall constitute a separate violation. In addition to any penalty that may be assessed for such zoning violation and not in limitation thereof, the Special Use Permit shall be revoked by the Zoning Administrator.
- (aa) Vehicle painting and vehicle body repair in a B-2 District.
(Ord. 113-93. Passed 9-20-93.)
- (bb) Bed and Breakfast facilities in any R District only under the following conditions:
 - (1) Bed and Breakfast facilities shall be located only on the thoroughfares of Main Street, Summit Street, Brint Road, McCord Road, Erie Street, Harroun Road, and Monroe Street west of US 23.
 - (2) Each facility shall have the following safety items:
 - A. Smoke alarms in each unit;
 - B. Two fire extinguishers, which shall be “abc” rating and one shall be located in the kitchen and one shall be located at main entrance/exit;
 - C. First-aid kit;
 - D. Emergency lighting and/or other safety devices as recommended by the Fire Chief.
 - (3) No more than one (1) meal shall be served to each paying guest of the bed and breakfast inn and that meal shall be breakfast.
 - (4) Food licensing shall be mandated by Ohio Revised Code.
 - (5) Home occupancy must meet state health and safety requirements.
 - (6) The same guest or group of registrants shall not stay at the facility for a period of more than seven consecutive days or more than fourteen total days within a given calendar year.
 - (7) Failure to comply with these conditions, the Ohio Revised Code, the State Health Department or other such agencies shall be cause for repeal of the conditional use permit.
(Ord. 89-2004. Passed 11-15-04.)

- (cc) Tea house facilities in any R District only under the following conditions:
- (1) Tea house facilities shall be located only on the thoroughfares of Main Street, Brint Road, McCord Road, Summit Street, Erie Street, Harroun Road and Monroe Street west of US 23.
 - (2) The hours of operation shall be 11:00 a.m. to 4:00 p.m.
 - (3) Food licensing shall be mandated by the Ohio Revised Code.
 - (4) Each facility shall have the following safety items:
 - A. Smoke alarms in each unit;
 - B. Two fire extinguishers, which shall be “abc” rating and one shall be located in the kitchen and one shall be located at main entrance/exit;
 - C. First-aid kit;
 - D. Emergency lighting and/or other safety devices as recommended by the Fire Chief.
 - (5) Failure to comply with these conditions, the Ohio Revised Code, the State Health Department or other such agencies shall be cause for repeal of the conditional use permit.
(Ord. 90-2004. Passed 11-15-04.)

1153.03 APPLICATION FOR APPROVAL.

Application to build or occupy any of the special uses listed in this chapter shall be filed with the Clerk-Auditor and shall be accompanied by plans showing the proposed development, including, but not limited to, locations of buildings, off-street parking areas, landscaping, screening, lighting, ingress and egress, signage and dumpster location.
(Ord. 91-2004. Passed 11-15-04.)

1153.04 PROCEDURE.

The procedure for processing special use applications shall be the same as for an amendment to the Zoning Ordinance, as set forth in Chapter 1107, including referral of the proposed special use to the Planning Commission, consideration and action by the Commission and hearing, notice and action by Council.

1153.05 CRITERIA.

The following criteria shall be used in considering a special use application by the Planning Commission and Council:

- (a) The special use is necessary or desirable for the public convenience at that location.
- (b) The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- (c) The special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (d) The special use conforms, with the exception of planned developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions and also conforms to the requirements for off-street parking and loading facilities as set forth in Chapters 1157 and 1159.
(Ord. 35-68. Passed 7-15-68.)

1153.06 AUTHORITY.

The Planning Commission may recommend and Council may provide conditions or restrictions upon the construction, location and operation of a special use including, but not limited to provision for off-street parking, as shall be deemed necessary to secure the specific purposes and requirements of this chapter, and the general objectives of this Zoning Ordinance.
(Ord. 35-68. Passed 7-15-68.)

1153.07 EXISTING SPECIAL USES AND ENLARGEMENTS.

Special uses existing at the time of adoption of this Zoning Ordinance or amendments thereto shall be considered as conforming to this Zoning Ordinance, and may be rebuilt to the original specifications if destroyed. Any additions or enlargements of existing special uses or new special uses approved after adoption of this Zoning Ordinance shall be subject to the entire application and hearing procedures required for new special uses.
(Ord. 35-68. Passed 7-15-68.)

1153.08 DEVELOPMENT.

An approved special use shall be constructed and maintained in accordance with the plans and conditions approved by Council, and a zoning certificate shall be issued accordingly.
(Ord. 35-68. Passed 7-15-68.)

1153.09 DELAY IN CONSTRUCTION.

In the event that construction of an approved special use is not started within two years after approval by Council, the zoning certificate shall expire and reapplication for approval of the special use shall be necessary.
(Ord. 35-68. Passed 7-15-68.)

1153.10 MOBILE HOME PARKS.

A mobile home park may be allowed as a special use in any R-3, R-4, B-1 or B-2 District. Application for such special use shall be made in accordance with the procedures and conditions set forth in this chapter, and if the following additional conditions are met:

- (a) The applicant presents plans and specifications for the proposed park in a form suitable for making the determinations required herein.
- (b) The proposed site contains not less than ten acres, has not less than fifty mobile home spaces available at first occupancy, and has no more than ten mobile home spaces per gross acre.
- (c) Access to the mobile home park is from a major street shown on the City's major thoroughfare plan, or from a street located in an R-3, R-4, Commercial or Industrial District.
- (d) The land occupied by the park is maintained in single ownership or control, and no individual lot is transferred to other ownership.
- (e) The park and all mobile homes within comply with appropriate general ordinances and health and sanitary regulations.
- (f) The park is suitably located for community facilities, including water supply, sewage disposal, schools, shopping facilities and services, and police and fire protection.
- (g) The site is suitable for the purpose intended so far as soil, ground water level, drainage and topography are concerned.
- (h) The location of the park will not be detrimental to the adjacent properties and fencing and screening are provided where required by the Planning Commission and Council. (Ord. 35-68. Passed 7-15-68.)

CHAPTER 1155 Planned Developments

- 1155.01 Purpose.
- 1155.02 Definition.
- 1155.03 Procedure.
- 1155.04 Exceptions.

CROSS REFERENCES

Lot defined - see P. & Z. 1101.29 et seq.
 Zoning certificate issuance - see P. & Z. Ch. 1103
 Special uses - see P. & Z. Ch. 1153
 Yards, projections and height exceptions - see P. & Z. Ch. 1161
 Improvements - see P. & Z. Ch. 1181
 Plan review fees - see ADM. 129.07

1155.01 PURPOSE.

The purpose of this chapter is to make this Zoning Ordinance flexible in relation to new development ideas and changing conditions by providing a means for considering and approving new and unusual developments which do not meet the exact requirements of this Zoning Ordinance, but which do meet the general purposes of the Ordinance and are not detrimental to the community.

(Ord. 35-68. Passed 7-15-68.)

1155.02 DEFINITION.

A planned development is a tract of land which is planned to be developed by the owner or owners thereof, and which comprises an area of one or more net acres.

(Ord. 87-83. Passed 11-21-83.)

1155.03 PROCEDURE.

Applications for planned developments and the procedures for consideration and approval shall be the same as for other special uses as in Chapter 1153, but the Planning Commission may recommend and Council may require platting of the tract conditions to be imposed on the same, a nonprofit corporation to be formed by the owner or owners, and the Planning Commission may recommend the waiver of, and Council may waive, any special use requirements. (Ord. 87-83. Passed 11-21-83.)

1155.04 EXCEPTIONS.

(a) Use Regulations. The Planning Commission may recommend and Council may authorize that there be in the area of a planned development and for the duration of the development specified uses not permitted in the zoning district in which the development is located, provided the following requirements are met:

- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the purpose of the development.
- (2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding land uses.

(b) Bulk Regulations. The Planning Commission may recommend and Council may authorize exceptions to the applicable bulk regulations concerning building height and required yards within the boundaries of such planned development, provided the Planning Commission and Council find:

- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as of neighboring properties than would be obtained under the bulk regulations of this Zoning Ordinance for buildings developed on separate zoning lots.
 - (2) The average lot area per family contained in the site, exclusive of street rights of way shall not be less than 2,000 square feet.
 - (3) In residential planned developments, all habitable rooms shall receive adequate light and air.
 - (4) That along the periphery of such planned development yards shall be provided as required by the regulations of the district in which the development is located.
- (Ord. 40-81. Passed 5-4-81)

CHAPTER 1157 Off-Street Parking

- 1157.01 Purpose.
- 1157.02 Off-street parking space.
- 1157.03 Parking areas on applications.
- 1157.04 Central business district.
- 1157.05 Requirements.
- 1157.06 Computing required spaces.
- 1157.07 Application to existing buildings; change of use.
- 1157.08 Enlargement of existing buildings.
- 1157.09 Existing parking spaces.
- 1157.10 Location.
- 1157.11 Truck parking.
- 1157.12 Front yard parking prohibited.
- 1157.13 Improvements.
- 1157.14 Parking areas adjacent to residentially zoned land.

CROSS REFERENCES

Zoning certificate issuance - see P. & Z. Ch. 1103
 Board of Appeals - see P. & Z. Ch. 1105
 Off-street loading - see P. & Z. Ch. 1159
 Improvements - see P. & Z. Ch. 1181
 See Chapters 1117 through 1149 for individual district requirements

1157.01 PURPOSE.

The purpose of requiring off-street parking and of this chapter is to alleviate or prevent congestion of the public streets and so promote the safety and convenience of the public by establishing minimum requirements for off-street parking in accordance with the use to which property is put. (Ord. 35-68. Passed 7-15-68.)

1157.02 OFF-STREET PARKING SPACE.

An off-street parking space shall be defined for the purpose of this Zoning Ordinance as an area of two hundred square feet or more, exclusive of driveways, permanently reserved and available for the storage of one automobile which is enclosed in a building or unenclosed, is not in a public right of way and which has satisfactory ingress and egress to a public street or alley. (Ord. 35-68. Passed 7-15-68.)

1157.03 PARKING AREAS ON APPLICATIONS.

For proposed new buildings, enlarged buildings, structures or uses, the location and size of required off-street parking spaces and their access to a public street or alley shall be shown in detail with dimensions on either the application for a zoning certificate or for a building permit. (Ord. 35-68. Passed 7-15-68.)

1157.04 CENTRAL BUSINESS DISTRICT.

Off-street parking spaces shall not be required for any uses in the central business district as defined in Section 1139.02, which is exempted from the off-street parking regulations because it is impractical for individual stores in this area to provide individual parking spaces. An objective for the central business district is to encourage and maintain a compact grouping of retail stores and public and semipublic service buildings for the convenience of pedestrians using these facilities. For this purpose it is necessary to have businesses close together and not separated or scattered by individual parking areas serving only one building. Parking facilities for the central business district can best be provided by public parking areas and garages located according to a comprehensive plan.
(Ord. 35-68. Passed 7-15-68.)

1157.05 REQUIREMENTS.

In all districts except the central business district as defined in Section 1139.02, off-street parking spaces shall be provided at the time any building is erected, relocated or rebuilt, according to the following schedule:

- (a) One and Two-Family Dwellings. Two parking spaces for each dwelling unit.
(Ord. 35-68. Passed 7-15-68.)
- (b) Multiple Dwellings. Two parking spaces for each dwelling unit.
(Ord. 17-74. Passed 4-15-74.)
- (c) Retail Store or Personal Service Establishment. Except as otherwise specified herein, one parking space for each two hundred square feet of floor area.
- (d) Furniture or Appliance Store, Hardware Store, Wholesale Establishment, Machinery or Equipment Sales and Service Business, Clothing Store, Shoe Repair or Service Shop. Two parking spaces plus one additional parking space for each three hundred square feet of floor area in excess of 1,000 square feet.
- (e) Business or Professional Office, Studio, Bank, Medical or Dental Clinic. One parking space for each three hundred square feet of floor area.
(Ord. 35-68. Passed 7-15-68.)
- (f) Restaurant, Nightclub, Bar, Cafe, Tea House or Similar Recreation or Amusement Establishment. One parking space for each one hundred square feet of floor area.
(Ord. 90-2004. Passed 11-15-04.)
- (g) Printing or Plumbing Shop or Similar Service Establishment. One parking space for each person employed therein.
- (h) Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse or Similar Establishment. One parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
(Ord. 35-68. Passed 7-15-68.)
- (i) Hotel, Motel, Tourist Home, Lodging House or Bed and Breakfast. One parking space for each sleeping room, guest room or suite.
(Ord. 89-2004. Passed 11-15-04.)
- (j) Church or Temple. One parking space for each six seats in main auditorium.
- (k) School, Except High School or College. One parking space for each ten seats in the auditorium or main assembly room or one space for each classroom, whichever is greater.
- (l) College or High School. One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.

- (m) Community Center, Library, Museum or Art Gallery. Ten parking spaces plus one additional space for each three hundred square feet of floor area in excess of 2,000 square feet.
- (n) Private Club, Lodge or Fraternity. One parking space for every five members.
- (o) Bowling Alley. Four parking spaces for each alley.
- (p) Mortuary or Funeral Home. Three parking spaces for each room used as a chapel, slumber room or parlor, or one parking space for each fifty square feet of floor area of assembly rooms used for service, whichever is greater.
- (q) Dance Hall, Roller Rink, Assembly or Exhibition Hall Without Fixed Seats. One parking space for each one hundred square feet of floor area used therefor.
- (r) Hospital. One parking space for each four beds.
- (s) Sanitarium, Convalescent Home, Nursing Home, Home for the Aged or Similar Institution. One parking space for each six beds.
- (t) Theater or Auditorium, Except School. One parking space for each five seats or bench seating spaces.
- (u) Amphitheater, Stadium or Similar Outdoor Place of Assembly. If normally used or intended for use more than twelve times each year, one parking space for each ten seats provided.
(Ord. 35-68. Passed 7-15-68.)

1157.06 COMPUTING REQUIRED SPACES.

- (a) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (b) Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
- (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
(Ord. 35-68. Passed 7-15-68.)
- (d) When an applicant for a building permit does not specify the exact use planned for the proposed building, the Zoning Administrator shall choose the use from Section 1157.05 in the general category of the proposed building which requires the greatest number of parking spaces. (Ord. 43-70. Passed 8-3-70.)

1157.07 APPLICATION TO EXISTING BUILDINGS; CHANGE OF USE.

Buildings existing at the time of adoption of this Zoning Ordinance which do not meet the off-street parking requirements, may be structurally altered to the extent of fifty percent of the cost of equivalent new construction, and the use of such buildings may be changed to an equally intensive or less intensive use without providing the required off-street parking spaces. However, if such buildings are structurally altered to an extent greater than fifty percent of the cost of equivalent new construction, or if the use is changed to a more intensive use such as conversion of a single-family dwelling to an apartment or a change from a B-1 to a B-2 use, all required off-street parking spaces shall be provided.
(Ord. 35-68. Passed 7-15-68.)

1157.08 ENLARGEMENT OF EXISTING BUILDINGS.

Buildings existing at the time of adoption of this Zoning Ordinance which do not meet the off-street parking requirements of this chapter may be enlarged to the extent of a fifty percent addition of floor area and need provide off-street parking for the enlargement only and not for the original building. When an existing building is enlarged to an extent greater than a fifty percent addition in floor area, off-street parking spaces shall be provided for both the original building and the enlargement. (Ord. 35-68. Passed 7-15-68.)

1157.09 EXISTING PARKING SPACES.

Accessory off-street parking spaces in existence at the time of adoption of this Zoning Ordinance may not be reduced in number below the number required herein for equivalent new construction, or, where below the required number, may not be further reduced below the number required for equivalent new construction. (Ord. 35-68. Passed 7-15-68.)

1157.10 LOCATION.

All parking spaces required herein shall be located on the same lot or parcel with the building or use served. The Board of Appeals under Section 1105.08(d) has authority to allow location of required parking spaces on lots separated from the lot on which the use served is located. (Ord. 35-68. Passed 7-15-68.)

1157.11 TRUCK PARKING.

No trucks or commercial vehicles exceeding a one-ton rated capacity shall be parked in residentially zoned districts in parking spaces or garages accessory to residential dwellings. (Ord. 35-68. Passed 7-15-68.)

1157.12 FRONT YARD PARKING PROHIBITED.

Off-street parking spaces shall not be permitted in a required front yard in residentially zoned districts. (Ord. 35-68. Passed 7-15-68.)

1157.13 IMPROVEMENTS.

(a) All off-street parking spaces shall be hard surfaced or surfaced with gravel, crushed stone or similar material, with adequate dust treatment.

(b) For all parking areas which have five or more parking spaces, bumper guards shall be provided where necessary around the boundary of the parking area to protect fences, screen plantings and neighboring property. (Ord. 35-68. Passed 7-15-68.)

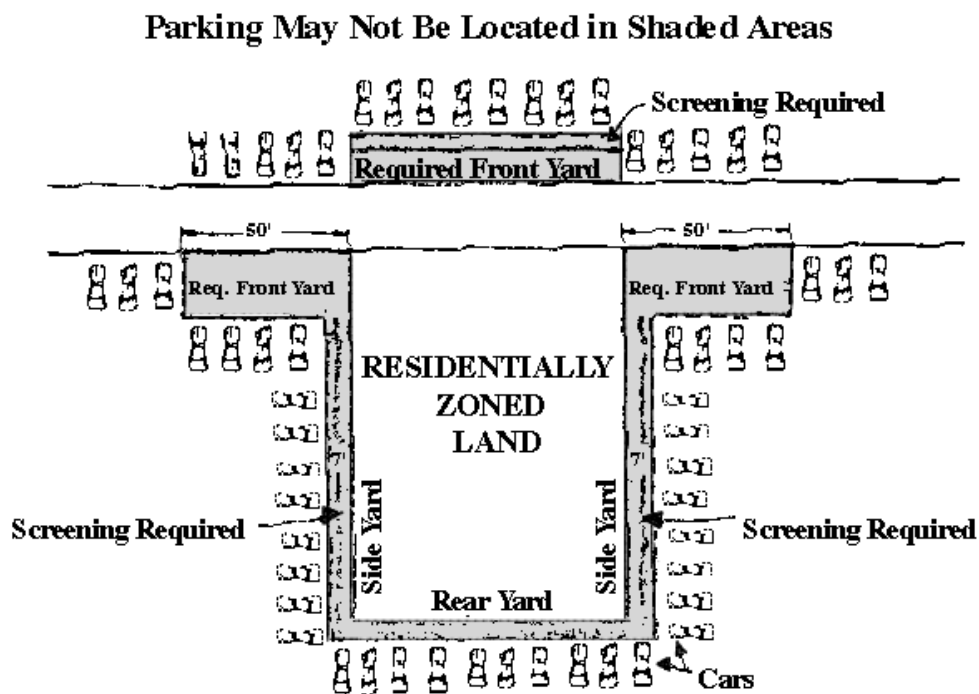
1157.14 PARKING AREAS ADJACENT TO RESIDENTIALLY ZONED LAND.

The following requirements apply to all parking areas which have five or more spaces and which are adjacent to land which is zoned residential. Included in this category are parking areas which are within residential areas themselves, such as for schools,

churches and other special uses, and also parking areas within commercial and industrial districts adjacent to residential districts. (See Diagram D for illustration of these requirements.)

- (a) Parking areas shall be set back seven feet or more from a side yard of a residentially zoned parcel and screened therefrom. (See Chapter 1101 for definition of "screen. ")
- (b) Parking areas shall be set back five feet or more from a rear yard of a residentially zoned parcel, and screened therefrom. The Board of Appeals in Section 1105.08(f) has authority to waive the requirements for parking areas adjacent to side and rear yards, with substitution of a wall for the setback.
- (c) Parking shall be prohibited in a required front yard adjacent to a residentially zoned parcel on the same side of the street for a distance of not less than fifty feet from the residentially zoned parcel.
(Ord. 35-68. Passed 7-15-68.)
- (d) Parking shall be prohibited in a required front yard immediately across a street from a residentially zoned parcel, and screening shall be provided in front of such parking area unless such screening is expressly waived by action of the Board of Appeals.
(Ord. 43-70. Passed 8-3-70.)
- (e) Lighting facilities where provided shall be so arranged as to reflect light away from adjacent residential districts.
(Ord. 35-68. Passed 7-15-68.)

Diagram D - Requirements for Parking Areas Adjacent to Residentially Zoned Land



1157.15 ADDITIONAL REQUIREMENTS.

Sometimes it is necessary and desirable to serve the off-street parking needs of businesses and industries with parking spaces located in adjacent residential districts. This Zoning Ordinance allows application for this as a special use under Chapter 1153. In addition to the regular procedures and criteria for handling special uses, the following additional requirements shall apply to such parking areas:

- (a) The parking area shall be adjacent to a commercial or industrial district and shall not extend more than one hundred fifty feet away from such district. The parking area shall not be across a street from a B or M District, but may be across an alley, in which case the one hundred fifty feet shall be measured from the centerline of the alley.
 - (b) Ingress and egress to the parking area shall be from a major street or from a street located in a commercial or industrial district.
 - (c) All the requirements for yards, screening and lighting facilities listed in Section 1157.14 shall apply to parking areas covered by this chapter.
 - (d) No business involving the repair or service of vehicles, or sale or display thereof shall be conducted from or upon such parking areas.
 - (e) No signs shall be erected on the parking area except directional signs as permitted in residential districts.
 - (f) No structures shall be erected or remain on any portion of the parking area.
 - (g) Parking areas shall be used only for the parking of patrons' and employees' private passenger vehicles, and no charge shall be made for such parking.
- (Ord. 35-68. Passed 7-15-68.)

CHAPTER 1159 Off-Street Loading

- | | |
|--------------------------------|---------------------|
| 1159.01 Loading berth defined. | 1159.03 Conditions. |
| 1159.02 Requirements. | |

CROSS REFERENCES

Off-street parking - see P. & Z. Ch. 1157
 Improvements - see P. & Z. Ch. 1181
 See Chapters 1117 through 1149 for individual
 district requirements

1159.01 LOADING BERTH DEFINED.

"Loading berth" means a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve feet by thirty-five feet and a vertical clearance of at least fourteen feet.
 (Ord. 35-68. Passed 7-15-68.)

1159.02 REQUIREMENTS.

All nonresidential buildings including retail, wholesale, office and industrial buildings, hereafter built, relocated or structurally altered to the extent of more than a fifty percent addition in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule:

- (a) A building whose dominant use is the selling of goods at retail shall provide loading berths in relation to the floor area used for retail purposes as follows:

<u>Retail Floor Area</u> <u>(square feet)</u>	<u>Berths Required</u>
5,000 - 10,000	one
10,000 - 20,000	two
20,000 - 30,000	three
Over 30,000	four

- (b) Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide loading berths in relation to total floor area as follows:

Total Floor Area (square feet)	Berths Required
5,000 - 40,000	one
40,000-100,000	two
Over 100, 000	three

- (c) Other nonresidential buildings including offices, hotels, mortuaries and institutions having more than 10,000 square feet of floor area shall provide one off-street loading berth.
(Ord. 35-68. Passed 7-15-68.)

1159.03 CONDITIONS.

The following conditions shall apply to the provision of off-street loading berths:

- (a) Each loading berth shall be easily accessible from a street or alley without substantial interference with traffic.
- (b) Each loading berth shall be hard surfaced or surfaced with gravel, crushed stone or similar material, with adequate dust treatment.
- (c) Space allocated to required off-street loading berths may not be included in required off-street parking areas, nor shall an off-street loading berth be used for normal vehicle repair or service work.
- (d) All required loading berths shall be on the same lot as the use served.
- (e) Off-street loading berths abutting the side or rear yard of a residential district shall be suitably screened or fenced from view.
- (f) No loading berth shall be located in a required front or side yard. If located in a required rear yard, the berth shall be open to the sky.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1161 Yards, Projections and Height Exceptions

- 1161.01 Exception for established front yards.
- 1161.02 Front yards.
- 1161.03 Building projections.
- 1161.04 Height exceptions.

CROSS REFERENCES

Lot defined - see P. & Z. 1101.29 et seq.
 Variance defined - see P. & Z. 1105.07
 Planned developments - see P. & Z. Ch. 1155
 Nonconforming uses and structures - see P. & Z. Ch. 1163
 See Chapters 1117 through 1149 for individual district requirements

1161.01 EXCEPTION FOR ESTABLISHED FRONT YARDS.

Where forty percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings that have a front yard greater or lesser in depth than otherwise required, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings, but may be erected using the average front yard so established. In the B-2, M-1 and M-2 Districts, the front yard need not exceed the specified front yard for the District.
(Ord. 35-68. Passed 7-15-68.)

1161.02 FRONT YARDS.

(a) Corner Lots. Where front yards have been established or may be required on each of two intersecting streets, there shall be a front yard on each street side of a corner lot, with the following two exceptions:

- (1) In R Districts, where established front yards exceed twenty-five feet, only one front yard in excess of twenty-five feet shall be required.
- (2) The building width of a lot of record need not be reduced to less than twenty-eight feet when the owner of such lot can show that ownership and control of any adjacent lot or lots of record are by another person.
(Ord. 35-68. Passed 7-15-68.)

(b) Through Lots. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for

the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
(Ord. 35-68. Passed 7-15-68.)

1161.03 BUILDING PROJECTIONS.

The following rules shall apply to building projections into required yards:

- (a) An enclosed balcony, fire escape, unenclosed and uncovered porch or metal awning may project into a required front or rear yard for a distance not exceeding ten feet, and into a required side yard not exceeding three feet.
- (b) Sills, belt courses, cornices, eaves and ornamental features may project into required yards for a distance not exceeding twelve inches.
- (c) An enclosed vestibule containing not more than forty square feet may project into a front yard for a distance not exceeding four feet.
(Ord. 35-68. Passed 7-15-68.)

1161.04 HEIGHT EXCEPTIONS.

(a) The following may exceed the maximum height regulations when erected in accordance with all other laws of the City: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, lighthouses, solariums, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless, television or radio towers and necessary mechanical appurtenances.

(b) Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty feet and churches and temples may be erected to a height not exceeding seventy-five feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1163 Nonconforming Uses and Structures

- 1163.01 Intent.
- 1163.02 Enlargement and expansion prohibited.
- 1163.03 Buildings under construction.
- 1163.04 Nonconforming uses of land.
- 1163.05 Nonconforming structures.
- 1163.06 Nonconforming uses of structures.
- 1163.07 Change to conforming use.
- 1163.08 Discontinuance of use.
- 1163.09 Repairs and alterations.

CROSS REFERENCES

- Structure defined - see P. & Z. 1101.43
- Structural alterations defined - see P. & Z. 1101.44
- Board of Appeals - see P. & Z. Ch. 1105
- Special uses - see P. & Z. Ch. 1153
- Yards, projections and height exceptions - see P. & Z. Ch. 1161

1163.01 INTENT.

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance or future amendments thereto. It is the intent of this Zoning Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Zoning Ordinance to be incompatible with permitted uses in the districts involved.
(Ord. 35-68. Passed 7-15-68.)

1163.02 ENLARGEMENT AND EXPANSION PROHIBITED.

Nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Zoning Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, except as provided in Section 1117.09(c), or by the addition of other uses of a nature which would be prohibited generally in the district involved.
(Ord. 35-68. Passed 7-15-68.)

1163.03 BUILDINGS UNDER CONSTRUCTION.

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

(Ord. 35-68. Passed 7-15-68.)

1163.04 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Ordinance.
- (c) If any such nonconforming use of land is voluntarily discontinued for two years or more, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
- (d) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 35-68. Passed 7-15-68.)

1163.05 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (b) Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 35-68. Passed 7-15-68.)

1163.06 NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Ordinance.
(Ord. 35-68. Passed 7-15-68.)

1163.07 CHANGE TO CONFORMING USE.

Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. (Ord. 35-68. Passed 7-15-68.)

1163.08 DISCONTINUANCE OF USE.

When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued for two years or more, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
(Ord. 35-68. Passed 7-15-68.)

1163.09 REPAIRS AND ALTERATIONS.

Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs which do not tend to prolong the life of supporting members of a building or structure such as bearing walls, columns, beams or girders. Incidental alterations are permitted which do not extend or intensify the nonconforming use.
(Ord. 35-68. Passed 7-15-68.)

CHAPTER 1165
Satellite Dish Receiving Stations

- 1165.01 Definition.
- 1165.02 Size requirements.
- 1165.03 Inspection of installation.
- 1165.04 Location.
- 1165.05 Support structures.

1165.01 DEFINITION.

As used in this chapter, "satellite dish receiving station" means an antenna of any size, shape or description, designed for the purpose of receiving microwave transmissions directly or indirectly from satellites.
(Ord. 68-84. Passed 11-5-84.)

1165.02 SIZE REQUIREMENTS.

No satellite dish receiving station with a diameter in excess of thirty inches shall be erected in any residential district.
(Ord. 68-84. Passed 11-5-84.)

1165.03 INSPECTION OF INSTALLATION.

Inspections of the installation of a satellite dish receiving station shall be conducted by the Zoning Administrator and may be reinspected should, in the opinion of the Zoning Administrator, any structural, electrical or other deficiencies become apparent or are suspected.
(Ord. 68-84. Passed 11-5-84.)

1165.04 LOCATION.

When located in a residential district:

- (a) No satellite dish receiving station shall be erected in a front or side yard.
- (b) No satellite dish receiving station shall be erected on the rooftop of any structure.
(Ord. 68-84. Passed 11-5-84.)

1165.05 SUPPORT STRUCTURES.

The erection, maintenance or use of a satellite dish receiving station located in a residential district shall be designed to withstand wind force of up to seventy miles per hour.
(Ord. 68-84. Passed 11-5-84.)

CHAPTER 1166 Sign Regulations

- 1166.01 Purpose.
- 1166.02 Scope.
- 1166.03 Permit required.
- 1166.04 Definitions.
- 1166.05 Computations.
- 1166.06 Prohibited signs.
- 1166.07 Standards for permitted signs.
- 1166.08 Signs permitted in Residential Districts.
- 1166.09 Signs permitted in "B-1"
Limited Business and Office
District and "B-1-B" Modified Business and Office Districts.
- 1166.10 Signs permitted in Professional-
Research-Office District.
- 1166.11 Signs permitted in B-2
General Business District.
- 1166.12 Signs permitted in B-3
Central Business District.
- 1166.13 Signs permitted in B-4
Shopping Center District.
- 1166.14 Signs permitted in Industrial Districts.
- 1166.15 Administration, enforcement and penalty.
- 1166.16 Nonconforming Signs.

CROSS REFERENCES

Illegal traffic signs - see TRAF. 313.07

1166.01 PURPOSE.

The purpose of this chapter is to establish reasonable, consistent, content-neutral, and non-discriminatory requirements and standards for the erection and maintenance of signs within the City. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places open to the public. These standards are designed to protect and promote the public health, safety, and welfare of persons within the City of Sylvania.
(Ord. 1-2006. Passed 2-22-06.)

1166.02 SCOPE.

(a) This chapter governs the erection and display of all signs in the City of Sylvania, except those erected and displayed by the City, the State of Ohio and the United States in furtherance of their governmental responsibilities and those required by law to be erected and displayed.

(b) It shall be unlawful to erect or display on any building, structure or real property any sign subject to this chapter, except in conformance with the provisions of this chapter.

(c) The provisions contained in this chapter shall be considered separate from, supplemental to, and additional to the provisions contained elsewhere in this Code or other City ordinance. Nothing contained in this chapter shall excuse any person from compliance with all other applicable provisions of the Code.

(d) Wherever authority is to be exercised under this chapter by the Service Director, the Zoning Administrator, the Municipal Planning Commission, or the Architectural Review Board, the authority may also be exercised by a duly authorized designee.
(Ord. 1-2006. Passed 2-22-06.)

1166.03 PERMIT REQUIRED.

(a) All signs and temporary signs erected, placed, constructed or modified within the City, except those specifically excluded in this chapter, shall secure a permit pursuant to the provisions of this chapter. All new signs shall secure a permit before any work to erect or construct the sign or temporary sign begins.

(b) The following specific types of signs are allowed in all areas of the City and do not require a permit:

- (1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- (2) Any lawful traffic control signs permanently or temporarily located to control vehicular or pedestrian traffic, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
- (3) Building marker/memorial commemorative plaques, symbols of or identification emblems of religious orders or recognized historical agencies which are cut into a masonry surface, fastened, or inlaid so as to be flat against or part of a building.
- (4) Cemetery monuments.
- (5) Street address signs, curb signs, and incidental signs.
- (6) Signs that are part of the original construction of a vending machine, fuel pump, automatic teller machine, or similar device.
- (7) Window displays, temporary window signs, or product displays that advertise goods or products available in the building, but only to the extent such temporary window signs comply with the requirements of Section 1166.07(h)(2)F. and which are otherwise in conformance with any other provision of this code.
- (8) Customary religious symbols and holiday lights and decorations with no commercial message, but only for a reasonable period.
- (9) Flags, political or corporate, but only to the extent such display is in compliance with the requirements of Section 1166.07(g)(2).
- (10) Ornamental banners, but only to the extent such display is in conformance with the requirements of Section 1166.07(h)(2)A.1.
- (11) Interior signs that are not legible from beyond the lot line of the zone lot or parcel on which such sign is located.
- (12) Signs carried by a person.
- (13) Real Estate Signs that conform to the requirements of Section 1166.07(h) and that are less than or equal to nine (9) square feet in size for so long as the real estate is being actively marketed.

- (14) Temporary Signs that conform to the requirements of Section 1166.07(h) and are less than or equal to nine (9) square feet in size may be displayed for a reasonable period. A reasonable period of display for Temporary Signs which refer to or are related to a specific event or occurrence shall not exceed seventy (70) days prior to and seven (7) days after the event or occurrence to which the Temporary Sign pertains. This allowance shall not apply to banners, promotional banners, construction signs, future development signs, portable commercial signs, other Temporary Signs with a commercial message and other Temporary Signs larger than nine (9) square feet in size; and all such Temporary Signs shall be subject to permit as required in Section 1166.03(a).
- (15) Works of art that do not include a commercial message and which are less than or equal to twenty-five (25) square feet.
- (16) Curb signs.
- (17) Temporary signs in zoning districts other than residential that conform to the requirements of Section 1166.07(h) and are less than or equal to fifteen (15) square feet in size may be displayed for a reasonable period. A reasonable period of display for Temporary Signs which refer to or are related to a specific event or occurrence shall not exceed seventy (70) days prior to and seven (7) days after the event or occurrence to which the Temporary Sign pertains.
(Ord. 1-2006. Passed 2-22-06.)

1166.04 DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meanings ascribed to them below:

- (a) Abandoned Sign. Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located or present on the premises where the sign is displayed or for which no legal owner can be found.
- (b) Animated Sign. A sign or other advertising structure that has lights or illuminations that flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, or which has revolving, or rotating parts or other visible mechanical movements. An animated sign does not include a changeable copy sign as separately defined.
- (c) Awning. A covering attached to a building or structure, erected in or over a window or door, and usually supported by a metal frame. A fixed covering erected over a public sidewalk or private walkway as a protection to an entrance of a building or structure. See "Canopy" and "Marquee."
- (d) Awning Sign. A sign that is attached to or otherwise a part of an awning.
- (e) Banner. Any sign of lightweight fabric or similar material that is mounted to a pole, staff, or a building by a string, rope, wire, or frame at one or more edges. Flags shall not be considered banners. See Ornamental Banner, Pennant Banner, Promotional Banner and/or Street Banner.
 - (1) Ornamental banner. An artistic and decorative banner attached top and bottom (or two sides) to permanent structural members on a post or building erected for another purpose and used by the City, art groups, civic groups, or commercial organizations to give a festive appearance to a plaza, street, mall, or other public or quasi-public space.

- (2) Pennant banner. A lightweight plastic, fabric, or other material suspended from a rope, wire, or string, usually in series, designed to move in the wind. Rows of flapping pennants typically do not communicate any essential message other than to attract the attention of a passerby.
- (3) Promotional banner. A temporary banner used as a supplemental sign to make special public announcements, communicate events of general civic interest, or to announce sales, open houses and grand openings.
- (4) Street banner. A banner extending across a street, road, highway or alley.
- (f) Canopy. A roof-like structure typically extending from part or all of a building face over a public right of way or private vehicular or pedestrian space, and constructed of some durable material such as metal, glass, plastic, or canvas supported at all corners or extremities by poles, posts, or direct attachment to a building; a canopy typically has little vertical or wall space on it and is only as thick as necessary to create a functional roof. See "Awning" and "Marquee."
- (g) Canopy Sign. Any sign attached to or constructed in or on a canopy or marquee.
- (h) Changeable Copy Sign. A sign, or portion thereof with letters, numbers or illustrations that can be periodically changed or rearranged without altering the face of or surface of the sign. A changeable copy sign displays message and/or graphics with electronic or mechanical means, is not animated, and remains unchanged for at least 3 seconds.
- (i) Commercial Message. Any sign working, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (j) Contractor Sign. A temporary, freestanding sign located on the premises of a construction site that may contain advertising in connection with the name of the building contractor or subcontractor, and may refer to materials, appliances, supplies, and building trades used in the construction.
- (k) Curb Sign. Any sign composed of one or more numerals painted on a curb located within a public right-of-way which designates the address of the premises upon which it is located.
- (l) Embellishment. A purely decorative adornment or structural trim on a sign which includes letters, figures, characters, or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon a sign, as well as any molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure. An embellishment shall not include any design which appears in the corporate logo of the business or products advertised; or a symbol or representation which typifies the nature of the business or products advertised. (Ord. 1-2006. Passed 2-22-06.)
- (m) Flag. Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation, or other entity (subject to Section 1166.07(g)(2)). Examples of flags include the flag of the United States, the State of Ohio, the City of Sylvania, foreign nations having diplomatic relations with the United States, corporate flags, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. (Ord. 84-2006. Passed 8-21-06.)

- (n) Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structure.
- (o) Future Development Sign. A temporary, freestanding sign located on the premises of a proposed development construction project which may contain advertising in connection with the name of the development firm, engineer, architect, development firm, building contractor, or real estate firm and may depict a plat map and conceptual drawings of the construction.
- (p) Hazardous Sign. A sign which is hazardous to the public health or safety.
- (q) Identification Sign, Area. A decorative sign, free-standing or affixed to a wall or fence, which only identifies the name and/or address of a neighborhood, residential subdivision, multiple residential complex, or commercial or industrial complex.
- (r) Identification Sign, Building. Any sign stating the use and name given to the use of a building, structure or area when such use is permitted in the district in which the sign is located.
- (s) Incidental Signage. A sign less than or equal to three (3) square feet in size or groups of such signs related to secondary purposes of the use of the subject property which does not contain a commercial message legible from a position off the zone lot from which sign is located. Incidental signage includes warnings and vehicular directional signage such as "no parking," "no solicitation," "no trespassing," "beware of dog," security alarm warnings, "caution," "entrance," "exit," "loading zone," "reserved parking spaces," "handicapped parking spaces," "telephone," etc. Incidental signage may also indicate the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (t) Institutional Bulletin Board. A sign which primarily displays the name of an organization and/or upcoming events of that organization.
- (u) Low Profile Sign. A freestanding sign where the base of the sign structure is a maximum of twelve (12) inches above the adjacent grade affixed to the ground by supports, but not having the appearance of a solid base.
- (v) Marquee. A fixed covering erected over a public or private walkway as a protection to an entrance of a building or structure. See "Awning" and "Canopy."
- (w) Mobile Sign. A portable sign mounted on a trailer.
- (x) Monument Sign. A freestanding sign where the base of the sign structure is on the ground and where the sign is supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- (y) Motor Vehicle Sign. Any sign on or attached to a motor vehicle or trailer, other than a public transportation vehicle, which is used for displaying general commercial advertising. Motor vehicle signs do not include customary identification and logos utilized in the normal business or work of the vehicle owner, or for sale signs.
- (z) Multiple-Face Sign. Any sign having two parallel planes or surfaces.

- (aa) Nonconforming Sign. Any sign which was erected and maintained prior to the effective date of this Sign Code, and any subsequent amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Sign Code.
- (bb) Normal Grade. Normal grade shall be construed to be the lower of either the existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (cc) Off-Premise Signs. A sign which advertises an activity, service or product located on property other than property at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit.
- (dd) On-Premise Signs. A sign which is located on the same site as the activity or property advertised, and has as its purpose the identification of the activity, its products or services, or the sale or lease of the property on which the sign is located, rather than the purpose of general advertising. It must be located upon property either owned or leased and used by the advertised business or profession for the purpose of conducting the business activity.
- (ee) Permanent Sign. A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.
- (ff) Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends, in whole or in part, more than eighteen (18) inches beyond the surface of such building or wall.
- (gg) Pole-Mounted Sign. A freestanding sign supported by one or more pole structures anchored in the ground and independent from any building or other structure.
- (hh) Political Campaign Temporary Sign. Freestanding temporary signs advocating or opposing a candidate for public office or a position on an issue to be determined at an election.
- (ii) Portable Commercial Sign. Temporary signs with a commercial message which are not permanently affixed into the ground or to a building or structure and which can easily be picked up and moved to another location.
- (jj) Real Estate Sign. Any sign advertising the sale, lease, or rental of real estate which is placed upon the property so advertised.
- (kk) Roof Line. The line composed of the highest points of the vertical exterior enclosing walls of a building or structure.
- (ll) Roof Sign. Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line.
- (mm) Service Director. The Service Director of the City of Sylvania. References to the Service Director in this Chapter shall include a duly authorized designee.
- (nn) Sign. Any letters, parts of letters, words, figures, numerals, emblems, devices, designs, displays, drawings, trademarks, posters, handbills or any other objects which: (i) are designed, intended, or used to advertise or make known, designate or attract attention to any person or any thing (such as a person, place, event, product or business), (ii) are visible to persons located outdoors, and (iii) are capable of attracting the attention of such persons. A sign shall include any supporting structures or equipment used to display the sign face.

- (oo) Street Frontage. The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
- (pp) Temporary Sign. Any sign not intended for permanent installation, such as promotional and street banners and signs at construction sites. They may also be incidental or miscellaneous in nature, such as political campaign temporary signs and real estate signs.
- (qq) Visible. Capable of being seen and comprehended without visual aid by a person.
- (rr) Wall Sign. Any sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- (ss) Window Sign. Any sign placed inside a window in a building or structure or upon the window panes or glass such that it is visible from the exterior of the window.
- (tt) Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
- (uu) Zoning Administrator. The Zoning Administrator of the City of Sylvania. References to the Zoning Administrator in this Chapter shall include duly authorized designees.
(Ord. 1-2006. Passed 2-22-06.)

1166.05 COMPUTATIONS.

- (a) Computation of Sign Area. The aggregate surface area of a sign or of all the signs on a property shall be calculated as follows:
 - (1) The area of a sign (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the copy, representation, emblem, and/or other display;
 - (2) The area of a sign, or any portion thereof, shall exclude any decorative embellishments and any supporting framework, bracing, or decorative fence or wall when such structures do not have letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects affixed thereon and is clearly incidental to the display itself. Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side;
 - (3) The area of a sign, or any portion thereof, having a distinctive or ornamental background which sets the background apart from a larger surface so that it forms an integral part or element of the sign, including any frame that forms an integral part of the display or is used to differentiate the sign from the backdrop or structure against which it is placed, shall include the area of the background;

- (4) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it;
- (5) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed;
- (6) The total area of a double-face sign shall be considered to be the area of the largest face;
- (7) The total area of a sign having more than two faces shall be the sum of the area of all the faces of the sign, less the area of the smallest face;
- (8) The total area of spherical, free-form, sculptural, or other non-planar signs shall be seventy-five (75) percent of the sum of the areas using only the four vertical sides of the smallest cube that will encompass the sign;
- (9) The total area of all signs shall not include temporary window signs.

(b) Computation of Freestanding Sign Height. The height of a freestanding sign shall be computed as the distance from the base of the sign at a normal grade to the top of the highest attached component of the sign. 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 zone lot, whichever is lower.

(Ord. 1-2006. Passed 2-22-06.)

1166.06 PROHIBITED SIGNS.

Unless otherwise specifically authorized by this chapter, the following signs are prohibited, regardless of their location in the City, and will not be issued a permit:

- (a) Abandoned Signs;
- (b) Advertising Vehicles. No person shall operate or park any vehicle or trailer on a public right of way, or on public property so as to be visible from a public right of way, which vehicle or trailer has attached thereto or located thereon any sign or advertising device, for the purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or on any other premises. This prohibition is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle, unless the primary purpose of such vehicle is for such advertising.
- (c) Animated Signs.
- (d) Hazardous Signs.
- (e) Mobile and Portable Commercial Signs.
- (f) Motor Vehicle Signs. (Ord. 1-2006. Passed 2-22-06.)
- (g) Off-Premises Signs. Except as permitted in Section 1145.06(r). (Ord. 84-2006. Passed 8-21-06.)
- (h) Pennant Banners.
- (i) Pole-Mounted Signs.
- (j) Roof Signs.

- (k) Signs Affixed to Certain Property. No sign may be painted, marked, written, posted or displayed on or otherwise affixed to any street sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, public bridge, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards, provided however that signs posted for the purpose of identification on a utility structure for safety and maintenance may be erected and displayed.
(Ord. 1-2006. Passed 2-22-06.)
- (l) Signs Encroaching Upon a Public Right-of-Way. Except as specifically authorized by the issuance of a Certificate of Appropriateness by the Architectural Review Board for signs in the B-3 Central Business District, no sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected if displayed on, over or across any street, road, highway, alley, sidewalk, public parking lot, or other public right-of-way unless an ordinance authorizing such encroachment has been enacted by City Council. However, any banners authorized pursuant to Section 1166.07(h)(2)A. and curb signs are permitted as provided elsewhere in this chapter;
(Ord. 84-2006. Passed 8-21-06.)
- (m) Signs Interfering with Traffic.
- (1) No sign may be erected or displayed which simulates any traffic control or warning signs, light or device and which is visible from any street, road, highway, alley, parking area or other area utilized by motor vehicles;
 - (2) No sign may be erected or displayed which obstructs, obscures or impairs the free and clear vision of motorists on a public right-of-way or which interferes with, misleads, confuses or endangers motorists or pedestrians;
 - (3) No sign may be erected or displayed which utilizes a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area.
(Ord. 1-2006. Passed 2-22-06.)

1166.07 STANDARDS FOR PERMITTED SIGNS.

Unless otherwise specifically provided by this chapter, all signs located in the City shall be subject to the following limitations, and no permit shall issue for a sign or temporary sign except to the extent that the sign or temporary sign shall conform to these standards:

- (a) Maximum Number of Signs.
- (1) Except as specifically provided in this chapter, no zone lot shall be permitted more than two signs of different types or more than one sign of any particular type.
 - (2) In the case of a zone lot with access ways on two streets, there shall be permitted two signs of the same kind, one per access way, and a third sign of a different type.
 - (3) Only one freestanding sign per 250 linear feet of street frontage shall be permitted on any zone lot. (For example: a lot with 500 linear feet to 749 linear feet of street frontage may be permitted to have two (2) freestanding signs.)

(b) Location and Configuration.

- (1) Building signs. A building sign may include an awning sign, a canopy sign, a marquee sign, a double faced projecting sign extending at an angle from the building wall, a single-faced wall sign flat against the wall, a window sign, or any similar sign that is attached to a building.
 - A. Awning, Canopy, and Marquee Signs. Such signs may be attached to roof-like structures extending from a building wall or covering a fuel service island, provided such signs are made a part of the awning, canopy, or marquee and do not extend above the vertical surface of the canopy.
 - B. Projecting Signs. Signs projecting at an angle from the building wall shall not project more than four feet from the building wall, or within one foot of an established curb line, whichever is less. A projecting sign may not encroach upon a public right-of-way unless City Council has enacted an encroachment ordinance. The bottom of any sign projecting at an angle from a wall shall be at least ten feet above the sidewalk or finish grade line and at least fourteen feet above an alley or parking area. The top of any projecting sign shall not project above the roof line of the building wall to which the sign is attached.
 - C. Wall Signs. Wall sign placement shall be determined by the Board of Architectural Review. The following guidelines may guide the Board's review:
 1. The top edge of the sign should not project above the lower edge of the second story window sills;
 2. The sign should not cover or obscure any architectural feature or detail of the building onto which it is placed. (Architectural features or details may not be removed from a building to accommodate a sign without the express approval of the Architectural Review Board);
 3. The top edge of the sign should not project above the top of the building;
 4. The bottom edge of the sign should be positioned at least eight (8) feet above grade level and the top edge of the sign should not be higher than ten (10) feet from the top of the storefront's entrance and display windows. A wall sign should not project below or above the signboard area of a building;
 5. The sides of a sign should be positioned so as not to extend past the length of the storefront area;
 6. The sign should be placed flush against the facade of the building and should not project more than eighteen (18) inches from the surface of the wall onto which it is mounted.
- (2) Freestanding signs. No freestanding sign shall be located closer than fifty (50) feet to an adjacent lot line included in any "R" District. Signs with more than four faces are prohibited.

(c) Maintenance of Signs.

- (1) All signs, marquees and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings must be maintained to reflect current readings.
- (2) It shall be unlawful to reconstruct a sign that is damaged beyond fifty (50) percent of its replacement cost, or otherwise modify a sign to the extent that the cost of such modification is more than fifty (50) percent of its replacement cost, except in conformance with the provisions of this code.
- (3) All permanent signs, and the illumination thereof shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.
- (4) All permitted signs shall be maintained perpetually by the property owner, and, in addition at the option of the property owner, any of the following: the owner of the sign, a pertinent homeowners association, or some other person who is legally accountable.
- (5) All signs, including their supports, braces, guys, and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in a state of good repair in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance.
- (6) The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris shall be permitted under or near the sign.
- (7) Notice and removal. The Service Director may cause to be removed after due notice any sign or any portion of its structural elements or its supporting framework which shows gross neglect, becomes dilapidated, or has ground area around it that is not well maintained in accordance with the provisions of this Chapter. The Zoning Administrator will give the owner ten (10) days written notice by certified mail to correct the deficiencies or remove the sign(s). If, after written notice to the owner, signs are not repaired or removed within ten (10) days of the notice, the Service Director shall cause the removal and charge the cost to the owner. Such cost, at the discretion of the Service Director, may be recorded as a mechanics lien against the property.

(d) Abandonment of Signs.

- (1) It shall be unlawful to refurbish, reconstruct, change sign faces, text or messages upon any sign that has been abandoned or experienced an interruption of use for six (6) or more months, except in conformance with the provisions of this code.

- (2) Whenever a sign is abandoned or the use of a building or structure or real property is discontinued, all signs pertaining to that use which were previously erected or displayed shall be removed within six (6) months of the discontinuance of the use. Sign supports and frames for abandoned signs shall be allowed to remain at the option of the Zoning Administrator if they fully conform to this chapter, if they would most likely be reconstructed in the same place and manner by a subsequent owner, and if they add real estate value to the property. It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner, such signs are not removed within ten (10) days of the notice, the Service Director shall cause the removal without notice or action from the City and charge the cost to the owner. Said cost may, at the discretion of the Service Director, be recorded as a mechanics lien against the property. (Ord. 1-2006. Passed 2-22-06.)

(e) Illumination of Signs. Where permitted as set forth in the tables found in Sections 1166.08 to 1166.14, signs may be illuminated internally or by reflected light having constant intensity of illumination. The source of light for signs shall not be directly visible, and shall be so arranged as to reflect away from the adjoining premises. The illumination shall be so placed as not to cause confusion or hazard to traffic, or conflict with traffic control signs or lights. (Ord. 84-2006. Passed 8-21-06.)

(f) Reflection Devices on Signs. No sign shall contain any reflective device.

(g) Special Types of Permanent Signs.

- (1) Area identification signs. Area identification signs shall only be permitted with a sign permit at an entrance to a development and shall only contain the name and address of the area or subdivision allowed on the sign. If placed in a boulevard, such placement shall be subject to review by the Service Director who shall consider site distance issues and safety concerns.
- (2) Flags. The display of flags shall be subject to the following limitations:
- A. Flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes;
 - B. A flag shall not exceed 60 square feet in area;
 - C. There shall be no more than three (3) flagpoles per zone lot, the top of which may not exceed 40 feet in height;
 - D. There shall be no more than two flags per pole;
 - E. No rooftop flagpoles shall be permitted;
 - F. A corporate flag may only be flown without a permit when flown along with the U.S. flag;
 - G. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such. (Ord. 1-2006. Passed 2-22-06.)
- (3) Gasoline service stations. Gasoline service stations whose principal business is the sale of motor fuel may display the following signs in addition to those authorized by state law under consumer protection statutes and this Chapter.

- A. One double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying them as "self-service" or "full service".
 - B. Multiple single or double-faced signs, having a total aggregate surface area, including the sign frames and surrounding surfaces, of not more than fifteen square feet for single faced or double faced signs, with the total area of a double-faced sign being the area of the largest face, are permitted for the display of information. The top of such sign shall not extend more than seven feet above the finished grade of the service station. Such signs shall be fixed, and shall not be located nearer to the street than the motor fuel pump islands that are nearest such street, and such signs shall not be illuminated.
 - C. Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps.
 - D. Any such signs as may be required by law.
- (4) Vending machine signs located outside a building and legible from any public right-of-way shall be counted as a sign for purposes of determining the number and aggregate surface area of signs permitted on a zone lot. (Ord. 84-2006. Passed 8-21-06.)

(h) Temporary Signs.

- (1) General requirements. Temporary signs shall be permitted only in accordance with the following regulations and other applicable regulations of this chapter, the Building Code, or other City ordinances, except that temporary signs shall be permitted in addition to the maximum number of signs as provided in Section 1166.07(a).
- A. Permit Required. Unless specifically identified as not requiring a permit in Section 1166.03, all temporary signs shall require a sign permit.
 - B. Sign Area. Temporary signs requiring a permit shall be limited in size to nine (9) square feet in residential zoning districts and limited to fifty (50) square feet in all other zoning districts.
 - C. Display Period. Temporary signs shall be permitted for a specific period not to exceed one (1) year or such other period as specified herein.
 - D. Location. Temporary signs shall not be placed on any public property, public right-of-way, public utility facility, utility pole, lamp post, electric light, railway, shade tree, fire hydrant or any box covering them, bridge or bridge abutment, pavement, sidewalk, crosswalk, public building, or any property belonging to the City.
 - E. Removal of Temporary Signs. If a temporary sign is unpermitted or illegally placed, the Zoning Administrator or his designee may have it removed.
- (Ord. 1-2006. Passed 2-22-06.)

(2) Special temporary sign classifications and regulations.

A. Banners:

1. Street Banners. A street banner may be erected or displayed for up to thirty (30) days in a business district on the Toledo Edison poles within the public right of way at the 5800 block of Monroe Street, subject to the following terms and conditions:
 - a. The bottom of the banner must be mounted at least eighteen (18) feet above the roadway, or in accordance with the latest National Electrical Safety Code and/or local safety codes.
 - b. Provisions must be made for air escapement in street banners and should be at least thirty-five (35%) percent of the total banner area.
 - c. Street banners must have a minimum of four (4) "tie downs," which shall be of non-conducting material.
 - d. The installation shall be made in a professional manner.
 - e. The City of Sylvania will perform inspections of the banner installations and reserve the right to remove the banners anytime for the matter of safety and health and public welfare.
 - f. The fee for obtaining the permit to install the banners shall be set at \$100.00.
 - g. The Council of the City of Sylvania will review and grant permission to install banners on an application-by-application basis.
 - h. The purpose of the banner installation shall be one of the following reasons: a Sylvania charitable event or a civic purpose to benefit the community.
 - i. Banners may not be installed for private commercial or political gain.
 - j. The organization shall procure and maintain during the term of banner installations at their own expense the following insurance:
 - i. Commercial General Liability Insurance with limits not less than one million dollars (\$1,000,000) combined single limit per occurrence, one million dollars (\$1,000,000) annual aggregate;
 - ii. The City, along with the Company, its officers, agents and employees shall be named as an additional insured.

- iii. An ACCORD Certificate of Insurance Form 25-S and a copy of the above endorsement shall be filed with the City's Clerk of Council at the time the organization obtains the application/permit. The Certificate shall contain a provision that coverage afforded under this policy shall not be canceled or allowed to expire until at least 30 days prior written notice has been given to the City. The organization shall thereafter maintain current with the City both the Certificate and Endorsement until such time as the encroachment shall be terminated.
 - iv. The organization, their successors and assigns agree to defend, hold harmless and indemnify the City of Sylvania officials, officers, agents and employees against any and all loss, damage, claims or expense whatsoever by reason of injury (including death) to any person or property arising in any manner or under any circumstances whatsoever from the use, occupancy, operation or other activities by which the organization in connection with the banners whether said injury or damage is suffered by the organization, their agents, subcontractors, vendors, employees, or any other person whomsoever who seeks to hold the City, its officials, agents, and/or employees liable.
(Ord. 84-2006. Passed 8-21-06.)
2. Promotional Banners.
- a. The area of all promotional banners displayed for a business or other non-residential use shall be limited to 25 percent of the maximum permitted permanent sign area for the zone lot.
 - b. Each business or use shall display banners for no more than sixty (60) days during any calendar year.
 - c. Banners shall be displayed only as wall, window, canopy, awning, marquee, or projecting signs in accordance with the applicable regulations pertaining to each sign type.
 - d. Banners may be displayed over a permanent sign frame until construction of a new permanent sign for a period which may not exceed sixty (60) days.
(Ord. 1-2006. Passed 2-22-06.)
3. Ornamental Banners. Ornamental banners may be erected or displayed in any zoning district.
(Ord. 84-2006. Passed 8-21-06.)

- B. Construction Signs. One temporary construction sign permit may be issued for an on-premises sign in connection with a construction project. One additional construction sign may be erected if the project is located on an intersection of two existing streets. A construction sign may be erected for a period no more than seven (7) days prior to the beginning of construction for which a valid temporary zoning permit has been issued and shall be removed seven (7) days after completion and/or prior to occupancy. In no case shall the time period exceed one year.

CONSTRUCTION SIGN REQUIREMENTS					
District	Max. Area Per Individual Sign Face	Maximum Height	Maximum Width	Setback Front *	Setback Side & Rear *
All Residential	12 s.f.	3.5 ft.	4 ft.	10 ft.	5 ft.
All Commercial	50 s.f.	8 ft.	8 ft.	8 ft.	5ft
All Industrial	100 s.f.	10 ft.	8 ft.	10 ft.	5 ft.
* Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-½) feet and ten (10) feet.					

- C. Future Development Signs. One on-premises, temporary future development sign permit may be issued in connection with a proposed construction project. A future development sign may be erected not more than one year prior to the anticipated beginning of construction. An extension of up to one year may be granted upon satisfactory evidence that construction will begin within the extension period.

FUTURE DEVELOPMENT SIGN REQUIREMENTS					
District	Max. Area Per Individual Sign Face	Maximum Height	Maximum Width	Setback Front *	Setback Side & Rear *
All Residential	32 s.f.	8 ft.	4 ft.	20 ft.	20 ft.
All Commercial	64 s.f.	10 ft.	14 ft.	30 ft.	30 ft.
All Industrial	100 s.f.	10 ft.	14 ft.	30 ft.	30 ft.

- D. Portable Commercial Signs. A portable commercial sign with one or two faces may be permitted. The permit for a portable sign shall be valid for only one year from the date the permit is granted.
- E. Real Estate Signs. A real estate sign shall be permitted as of the date of continuous, active sales promotion efforts of the zone lot.
- F. Window Signs.
 - 1. Temporary window signs shall not be considered when determining whether the standards set forth in Section 1166.07(a) (Maximum Number of Signs) and Section 1166.07(b) (Location and Configuration) herein above have been satisfied.
 - 2. Temporary window signs shall not exceed thirty (30) percent of the total window area of each ground floor occupancy of a building.
 - 3. Temporary window signs shall be allowed without a permit for no more than 30 consecutive days two times per year. (Ord. 1-2006. Passed 2-22-06.)

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SIGNS PERMITTED IN RESIDENTIAL DISTRICTS										
Land Use	Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Ht. From Grade (#2)	Setback Front	Setback Side & Rear (#2)	Other Requirements
R-1, R-1A, R-2, and R-2A Residential Uses										Unlighted only (#3)
	Freestanding Signs									
		Low Profile Sign (#4)	P	1		50 s.f.	4 ft.	10 ft.	5 ft.	
		Area Identification Sign	P	1 per development entrance		50 s.f.	4 ft.	10 ft.	5 ft.	14 ft. maximum width
	Building Signs									
		Identification Sign (#5)	P	1 per building	–	1-1/2 s.f.	–	–	–	
R-3 and R-4 Residential Uses and Non-Residential Business Uses					The lesser of 100 s.f. or 0.5 s.f. per lineal foot of street frontage					External illumination only (#3)
	Freestanding Signs									
		Low Profile or Monument Sign (# 4)	P	1 per 250 lineal feet of street frontage		50 s.f.	6 ft.	10 ft.	5 ft.	
		Area Identification Sign	P	1 per development entrance		50 s.f.	3.5 ft.	10 ft.	5 ft.	14 ft. maximum width
	Building Signs									
		Identification Sign (#5)	N	1 per building entrance	–	1-1/2 s.f.	–	–	–	

Land Use	Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Ht. From Grade (#2)	Setback Front	Setback Side & Rear (#2)	Other Requirements
Non-Residential, Institutional Uses (Such uses may include, but are not necessarily limited to churches, schools, and cemeteries)					The lesser of 100 s.f. or 0.5 s.f. per lineal foot of street frontage					Internal and external illumination permitted (#3)
	Freestanding Signs									
		Institutional Bulletin Board(#6)	P	1	50 s.f.	50 s.f.	8 ft.	10 ft.	5 ft.	
		Low Profile or Monument Sign (#4)	P	1 per street frontage	The lesser of 50 s.f. or 0.2 s.f. per lineal foot of building facade facing the street	50 s.f.	8 ft.	10 ft.	5 ft.	
	Building Signs									
		Identification Sign (#5)	N	1 per building		1-1/2 s.f.	–	–	–	
		Wall Sign	P	1	–	10 s.f.	–	–	--	
Footnotes to Signs Permitted in Residential Districts:										
1.	P = Sign permit required; N = No sign permit required. No sign may be erected or displayed without the permission of the owner or the lawful occupant of the property.									
2.	Signs located within sixty (60) feet of the midpoint of a street intersection where traffic may not be required to stop, or a railroad and a street intersection must provide a clear view between heights of two and one-half feet and 10 feet.									
3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.									
4.	No commercial message allowed on sign, except for a commercial message drawing attention to an activity permitted and conducted on the premises.									
5.	Only name and address of occupant allowed on sign.									

(Ord. 1-2006. Passed 2-22-06.)

SIGNS PERMITTED IN "B-1" LIMITED BUSINESS AND OFFICE DISTRICT AND "B-1-B" MODIFIED BUSINESS AND OFFICE DISTRICTS.										
Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in B-1 and B-1-B Business Districts										Internal and external illumination permitted with a sign permit (# 3)
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance		70 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1	--	70 s.f.	10 ft.	8 ft.	10 ft.	5 ft.	
Building Signs										
	Awnings	P	2	--	25% of vertical surface of awning	--	(# 4)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of wall area of which such sign is a part	25% of vertical surface of canopy or marquee	--	(# 4)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per building	1.5 s.f.	1.5 s.f.	--	—	—	—	(# 5)
	Projecting Sign	P	1	10% of wall area of which such sign is a part	40 s.f.	8 ft.	(# 4)	—	—	
	Suspended / Swinging Sign	P	1 per entrance	12 s.f.	6 s.f.	6 ft.	(# 4)	—	—	
	Wall Sign	P	1 per building unit (# 6)	—	40 sq. ft.	—	—	—	—	
	Permanent Window Sign	P	1	—	25% of the total window area of each ground floor occupancy of a bldg. (# 7)	--	12 ft.	—	--	

(Ord. 84-2006. Passed 8-21-06.)

<u>Footnotes to Signs Permitted in B-1 and B-1-B Business Districts:</u>	
#1.	P = Sign permit required; N = No sign permit required No sign may be erected or displayed without the permission of the owner or the lawful occupant of the property.
#2.	Signs shall not be allowed to project over public rights of way. Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway.
#3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.
#4.	A vertical clearance of 9 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 14 feet is required from a public street.
#5.	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
#6.	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
#7.	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord.1 -2006. Passed 2-22-06.)

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SIGNS PERMITTED IN PROFESSIONAL-RESEARCH-OFFICE DISTRICT										
Sign Style	Sign Type	Permitted Signs (# 1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in P-R-O Districts										Internal and external illumination permitted with a sign permit (# 3)
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance	–	70 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1	–	70 s.f.	10 ft.	8 ft.	10 ft.	10 ft.	
Building Signs										
	Awning Sign	P	2	–	The lesser of 6 s.f. or 25% of vertical surface of awning	–	(# 4)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of wall area of which such sign is a part	25% of vertical surface of canopy or marquee	--	(# 4)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per building	1.5 s.f.	1.5 s.f.	–	–	–	–	(# 5)
	Projecting Sign	P	1	10% of wall area of which such sign is a part	40 s.f.	8 ft.	(# 4)	–	–	
	Suspended / Swinging Sign	P	1 per bldg. entrance	12 s.f.	6 s.f.	6 ft.	(# 4)	–	–	
	Wall Sign	P	1 per building unit (# 6)	–	40 sq. ft.	–	–	–	–	
	Permanent Window Sign	P	1	–	25% of the total window area of each ground floor occupancy of a building (# 7)	--	12 ft.	–	--	

(Ord. 84-2006. Passed 8-21-06.)

<u>Footnotes to Signs Permitted in P-R-O Districts:</u>	
#1.	P = Sign permit required; N = No sign permit required
#2.	Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway. Signs shall not be allowed to project over public rights of way.
#3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.
# 4.	A vertical clearance of 9 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 14 feet is required from a public street.
# 5.	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
# 6.	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
# 7.	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord.1-2006. Passed 2-22-06.)

SIGNS PERMITTED IN B-2 GENERAL BUSINESS DISTRICT										
Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in B-2 Districts										Internal and external illumination permitted with a sign permit (# 3)
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance	—	70 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1	—	70 s.f.	10 ft.	8 ft.	10 ft.	10 ft.	
Building Signs										
	Awning Sign	P	2	—	25% of vertical surface of awning	—	(# 4)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of wall area of which such sign is a part	25% of vertical surface of canopy or marquee	—	(# 4)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per bldg.	1.5 s.f.	1.5 s.f.	—	—	—	—	(# 5)
	Projecting Sign	P	1	10% of wall area of which such sign is a part	40 s.f.	8 ft.	(# 4)	—	—	
	Suspended / Swinging Sign	P	1 per bldg. entrance	12 s.f.	6 s.f.	6 ft.	(# 4)	—	—	
	Wall Sign	P	1 per building unit (# 6)	—	s.f. equal to 1.6 times lineal foot frontage	—	—	—	—	
	Permanent Window Sign	P	1	--	25% of the total window area of each ground floor occupancy of a building (# 7)	--	12 ft.	—	--	

(Ord. 84-2006. Passed 8-21-06.)

<u>Footnotes to Signs Permitted in the B-2 General Business District:</u>	
# 1.	P = Sign permit required; N = No sign permit required
# 2.	Signs shall not be allowed to project over public rights of way. Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway.
# 3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.
# 4.	A vertical clearance of 10 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 14 feet is required from a public street.
# 5	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
# 6	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
# 7	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord. 1-2006. Passed 2-22-06.)

SIGNS PERMITTED IN B-3 CENTRAL BUSINESS DISTRICT.										
Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in B-3 Districts										Internal and external illumination permitted with a sign permit
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance	–	70 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1	–	70 s.f.	10 ft.	8 ft.	10 ft.	10 ft.	
Building Signs										
	Awning Sign	P	2	–	25% of vertical surface of awning	–	(# 3)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of wall area of which such sign is a part	25% of vertical surface of canopy or marquee	–	(# 3)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per building	1.5 s.f.	1.5 s.f.	–	–	–	–	(# 4)
	Projecting Sign	P	1	10% of wall area of which such sign is a part	40 s.f.	6 ft.	(# 3)	–	–	
	Suspended / Swinging Sign	P	1 per bldg. entrance	12 s.f.	6 s.f.	6 ft.	(# 3)	–	–	
	Wall Sign	P	1 per building unit (# 5)	–	s.f. equal to 1.6 times lineal foot frontage	–	–	–	–	
	Permanent Window Sign	P	1	–	25% of the total window area of each ground floor occupancy of a building (# 6)	–	12 ft.	–	–	

<u>Footnotes to Signs Permitted in the B-3 Central Business District:</u>	
#1.	P = Sign permit required; N = No sign permit required
#2.	Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway. Signs shall not be allowed to project over public rights of way except for wall signs on the front wall of a building which abut the right-of-way.
# 3.	A vertical clearance of 10 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 14 feet is required from a public street.
# 4.	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
# 5.	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
# 6.	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord. 1-2006. Passed 2-22-06.)

SIGNS PERMITTED IN B-4 SHOPPING CENTER DISTRICT.										
Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in B-4 Districts										Internal and external illumination permitted with a sign permit (#3)
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance	–	70 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1 per development	–	100 s.f.	10 ft.	10 ft.	10 ft.	10 ft.	
Building Signs										
	Awning Sign	P	1 per Building Unit	–	25% of vertical surface of awning	–	(# 4)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of the wall area of the Bldg. Unit of which such sign is a part	25% of vertical surface of canopy or marquee	–	(# 4)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per Bldg. Unit	–	1.5 s.f.	–	–	–	–	(# 5)
	Suspended / Swinging Sign	P	1 per Bldg. Entrance	–	6 s.f.	3 ft.	(# 4)	–	–	
	Wall Sign	P	1 per Bldg Unit (# 6)	–	s.f. equal to 1.6 times lineal foot frontage	–	–	–	–	
	Permanent Window Sign	P	1	–	25% of the total window area of each ground floor occupancy of a building (# 7)	--	12 ft.	–	--	

(Ord. 84-2006. Passed 8-21-06.)

<u>Footnotes to Signs Permitted in the B-4 Shopping Center District:</u>	
# 1.	P = Sign permit required; N = No sign permit required
# 2.	Signs shall not be allowed to project over public rights of way. Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway.
# 3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.
# 4.	A vertical clearance of 10 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 12 feet is required from a public street.
# 5	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
# 6	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
# 7	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord. 1-2006. Passed 2-22-06.)

SIGNS PERMITTED IN INDUSTRIAL DISTRICTS.										
Sign Style	Sign Type	Permitted Signs (#1)	Max. No. Per Zone Lot	Max. Area Per Zone Lot	Max. Area Per Individual Sign Face	Max. Width	Max. Ht. From Grade (#2)	Setback Front (#2)	Setback Side & Rear (#2)	Other Requirements
All Permitted Signs in the M Districts										Internal and external illumination permitted with a sign permit (#3)
Freestanding Signs										
	Area Identification Sign	P	1 per development entrance	–	100 s.f.	14 ft.	6 ft.	10 ft.	10 ft.	
	Low Profile or Monument Sign	P	1 per street frontage	–	100 s.f.	10 ft.	6 ft.	10 ft.	10 ft.	
Building Signs										
	Awning Sign	P	2	–	The lesser of 6 s.f. or 25% of the vertical surface of awning	–	(# 4)	5 ft.	5 ft.	
	Canopy or Marquee Sign	P	1	10% of the wall area of which such sign is a part	25% of vertical surface of canopy or marquee	–	(# 4)	3 ft. from curb face	5 ft.	
	Identification Sign	N	1 per Bldg.	1.5 s.f.	1.5 s.f.	–	–	–	–	(# 5)
	Projecting Sign	P	1	10% of wall area of which such sign is a part	40 s.f.	8 ft.	(#4)	-	-	-
	Suspended / Swinging Sign	P	1 per Bldg. Entrance	12 s.f.	6 s.f.	6 ft.	(# 4)	–	–	
	Wall Sign	P	1 per building unit (# 6)	–	100 sq. ft.	–	–	–	–	

(Ord. 84-2006. Passed 8-21-06.)

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	Permanent Window Sign	P	1	–	25% of the total window area of each ground floor occupancy of a building (# 7)	–	12 ft.	–	–	
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Footnotes to Signs Permitted in the Industrial Districts:	
#1.	P = Sign permit required; N = No sign permit required
#2.	Signs located within sixty (60) feet of a street intersection or a railroad and a street intersection must provide a clear view between heights of two and one-half (2-1/2) feet and 10 feet and shall not be located within 10 feet of a curb line or a paved roadway. Signs shall not be allowed to project over public rights of way.
#3.	No direct light or significant glare from sign illumination shall be cast onto any right-of-way or adjacent zone lot that is zoned or used for residential purposes. No exposed bulbs or signs of excessively bright luminance are permitted.
# 4.	A vertical clearance of 10 feet is required from a sidewalk, private drive, or parking area. Signs attached to the underside of a canopy or marquee shall have a minimum clearance of 8 feet from same. Where applicable, a vertical clearance of 14 feet is required from a public street.
# 5.	Only name and address of occupant allowed on sign. Identification wall signs not exceeding 4 square feet in area with non-illuminated letters may be permitted in addition to regulated signage.
# 6.	Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on the frontage.
# 7.	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

(Ord. 1-2006. Passed 2-22-06.)

1166.15 ADMINISTRATION, ENFORCEMENT AND PENALTY.

(a) Permits.

- (1) Applicability. No person shall erect, construct, enlarge, relocate, or alter a sign within the scope of this chapter without first obtaining a permit for such sign. The following actions or signs shall not require such approval:
 - A. Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign.
 - B. Signs which are listed in Section 1166.03(b) do not require a permit.
- (2) Procedure. All sign permits shall be procured in accordance with the following procedure:
 - A. Application. A written application for a sign permit shall be submitted to the Zoning Office for review and processing. For all new developments, this application shall be submitted at the time of construction plan submittal. The application will be accepted by the Zoning Office only upon determination that all requisite documentation and appropriate fees accompany the application form. The application shall include the submission requirements set forth in Section 1166.15(a)(3) below, and such supplementary information as may be deemed necessary by the Zoning Administrator to determine compliance with these regulations.
 - B. Review of Application. Within ten (10) business days of receiving an application for a sign permit, the Zoning Administrator shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
 - C. Determination of a Complete Application. Following review, if the Zoning Administrator finds that the application is complete and the proposed sign conforms to all applicable requirements of these regulations, the application shall then be processed. If the Zoning Administrator finds that the application is incomplete or that the proposed sign does not conform to all applicable requirements of these regulations, the Zoning Administrator shall within such ten-day period notify the applicant of the specific ways in which the application is deficient or does not conform, with appropriate references to the applicable sections of this chapter. The applicant may upon such notification resubmit its application up to three (3) times without paying an additional Application Fee as provided in Section 1166.15(a)(3)C.
 - D. Certificate of Appropriateness. Following determination of a complete application, the Zoning Office shall immediately refer the application to the Board of Architectural Review for a Certificate of Appropriateness.

1. Standards for Review. The Board of Architectural Review, in deciding whether to issue a Certificate of Appropriateness, shall determine whether the sign that is the subject of the application under consideration meets the following standards:
 - a. All signs shall promote, preserve, and enhance the architectural character of the building or structure to which it is to be affixed or the premises upon which it is to be erected, and of the community in which said building, structure, or premises are located;
 - b. The sign plan aesthetic and economic contextual factors of the proposed sign shall conform to design review standards and guidelines adopted in Sylvania regarding placement; number; size; color; shape and proportions; configuration; graphics; texture; material; lighting; landscaping treatments; as well as the factors set forth in Section 1187.05(a)(1-10).
 - c. The co-location of signs of multiple businesses on one shared freestanding sign shall be promoted.
 - d. The Board of Architectural Review may separately require, among other provisions, that signs shall not contain fluorescent or other metallic treatments and shall fit within a community-wide design theme.
2. Action by the Board of Architectural Review. Within forty-five (45) days of the submission of a complete application for a sign permit:
 - a. If the design theme of the sign(s) that is the subject of the application is found to conform in every respect with the requirements of this chapter, the Board of Architectural Review shall issue a Certificate of Appropriateness and direct the Zoning office to issue a Permit; or
 - b. If the design theme of the sign(s) that is the subject of the application is found to fail to conform in any way with the requirements of this chapter, the Board of Architectural Review shall deny issuance of a Certificate of Appropriateness and specify to the applicant how the sign(s) is inconsistent. The applicant may upon such denial resubmit its application once without paying an additional Application Fee as provided in Section 1166.15(a)(3)C.

- (3) Submission requirements. No request for a sign permit shall be considered complete until all of the following has been submitted to the Zoning office:
- A. Application form. The application shall be submitted to the Zoning office on forms made available by the office. The form shall specify:
1. Name and address of owner of sign;
 2. Name and address of owner or possessor of premises upon which sign located;
 3. Street address or location of the property on which the sign is to be located;
 4. Type of sign or sign structure as defined by this chapter.
- B. Plans and Specifications. Plans and specifications submitted for any proposed sign, including any supporting structure and equipment, shall be drawn to scale and include the following:
1. Lot frontage on all street rights-of-way;
 2. Front elevation of the building facade;
 3. Facade area of any wall on which a sign is proposed to be placed;
 4. A dimensioned sketch of the sign, including the elevations of the sign, and the dimensions of the sign's supporting members;
 5. Height of sign, as measured from finished grade;
 6. Square foot area per sign face;
 7. Location of the sign in relation to property lines, public right-of-ways, easements, buildings, existing trees and vegetation, and other signs on the property;
 8. For illuminated signs, the type and placement of illumination;
 9. Construction materials of sign, including supporting structure and equipment;
 10. Value of the proposed sign, including supporting structure and equipment;
 11. Number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located;
 12. A site plan of the development showing at a minimum the following:
 - a. A north arrow;
 - b. A graphic scale;
 - c. The location, grouping and orientation of all buildings, structures and improvements (both existing and proposed);
 - d. Parking areas and access points;
 - e. Landscaping and buffers where required by the Zoning Ordinance;

- f. Lot lines and dimensions;
 - g. The location and dimensions of streets, alleys, driveways and points of access to public rights-of-way.
 - C. Application Fee. The applicant shall pay a fee of fifteen dollars (\$15.00) for a temporary sign permit and fifty dollars (\$50.00) for any other sign permit.
 - D. Temporary Signs. At the expiration of the applicable time period, additional periods may be granted only upon re-application for permit and payment of additional fees.
 - (b) Sign Installation and Inspections.
 - (1) The applicant must submit a picture of the sign after installation.
 - (2) If, upon inspection, the sign is found to be in noncompliance with the approved application, the Zoning Administrator shall immediately notify the applicant in writing of the deficiencies. The applicant shall have 30 days from the date of the written notice to remedy the noncompliance. If, after such 30 days period, the sign remains in noncompliance upon a second inspection, the sign permit shall be void and the sign shall be subject to the regulations (remedies for violation) set forth in Chapter 1103 and 1171.99.
 - (c) Assignment of Sign Permits. A current and valid permit for a sign shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Office may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.
 - (d) Variance. At a minimum, applicants for variance from the provisions of this Sign Code must provide proof that the sign design promotes and facilitates the dissemination of information, traffic safety, economic vitality and community aesthetics. This proof shall include:
 - (1) Conformance with the Federal Manual on Uniform Traffic Control Devices that the placement or size is needed to ensure the sign can be read by the typical viewer under most weather conditions;
 - (2) Signs and sign structures shall be designed in a manner compatible with the character and style of adjoining buildings and neighboring signs and sign structures, guided by the provisions of Section 1166.01 (Purpose) and Section 1166.15(a)(2)D.1. (Standards for Review).
 - (3) If adequate proof is provided the Board of Zoning Appeals may issue a variance permit, retaining the variance application and proof for a period of one year following issuance of the permit.
 - (e) Enforcement and Penalty. Whoever violates any provision of this chapter shall be subject to the penalties provided in Section 1103.99.
(Ord. 1-2006. Passed 2-22-06.)

1166.16 NONCONFORMING SIGNS.

(a) Notification of Nonconformity. After the enactment of this Sign Code, the Zoning Administrator shall, as soon as practical, survey the City for signs which do not conform to the requirements of this Sign Code or for which there is no current and valid sign permit. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, in writing, the owner of the property on which the sign is located. If the owner of the property on which the sign is located cannot be determined, the notice may be affixed in a conspicuous place on or next to the sign or to the business premises with which the sign is associated. The notice shall contain the following:

- (1) The owner shall be obligated to remove such sign or to bring it into conformity with the requirements of this Sign Code; and
- (2) Whether the sign is eligible for characterization either as "legal conforming," or "legal nonconforming" pursuant to Section 1166.16(c).

(b) An application for a sign permit shall be submitted to the Zoning Office within sixty (60) days of the notification by the Zoning Administrator that a pre-existing sign does not conform to the requirements of the Sign Code. For any sign on property annexed at a later date, applications for sign permits shall be submitted within sixty (60) days of the effective date of annexation or within such period as may be established in an annexation agreement between the City and the landowner.

- (1) Signs that are the subject of applications received after the expiration of the date set forth in this subsection shall be subject to all of the terms and conditions of this Sign Code and shall not be entitled to the protection of Section 1166.16(c).
- (2) Applications for permits for existing signs submitted before the date set forth in this subsection shall be exempt from the initial fees adopted under authority of this Sign Code.

(c) Legal Nonconforming Signs. Any sign located within the City limits on the date of adoption of this Sign Code or located in an area annexed to the City thereafter which does not conform with this Sign Code, and for which a valid application for a sign permit is submitted as required under Section 1166.16(b) shall be a legal nonconforming sign.

(d) Loss of Legal Nonconforming Status. A legal nonconforming sign may be continued; however, a legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be deemed an illegal sign if any of the following is true:

- (1) The sign is structurally altered in any way to another nonconforming sign or to prolong the life of the sign (except for normal maintenance or to meet safety requirements);
- (2) The sign is expanded or altered in any manner that increases the degree of nonconformity;
- (3) The sign structure is relocated;
- (4) The sign and/or the sign structure is damaged, due to an act of God or otherwise, which damage requires repairs in excess of fifty percent (50%) of the replacement cost of the same;

- (5) The sign and/or the sign structure is located in the public right-of-way, is a nuisance or fails to conform to health and safety codes without regard to the extent of damage;
- (6) Abandonment occurs;
- (7) Council specifically designates the loss of such designation for certain types of signs.

Upon the occurrence of any of the conditions set forth in Section 1166.16(d)(1) to (7) hereof, the sign shall be immediately brought into compliance with this Sign Code, with a new permit secured therefor, or shall be removed.

(e) Loss of Legal Nonconforming Status for Pole-Mounted Signs. In addition to the loss of legal nonconforming status as set forth in Section 1166.16(d), except for pole-mounted signs located on properties in B-4 Shopping Center Districts which properties consist of ninety- five thousand (95,000) or more square feet of commercial or retail space, any other pole-mounted sign which becomes a legal nonconforming sign shall become an illegal sign on and after January 1, 2026.

(f) Legal Nonconforming Sign Maintenance and Repair. Nothing in this chapter shall relieve the owner of the property on which the legal nonconforming sign is located from the requirements of this Sign Code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. Otherwise, the sign may lose its legal nonconforming status.
(Ord. 1-2006. Passed 2-22-06.)

TITLE SEVEN - Subdivision Regulations

- Chap. 1171. General Provisions and Penalty.
- Chap. 1173. Definitions.
- Chap. 1175. Preliminary Procedure.
- Chap. 1177. Plat Requirements.
- Chap. 1179. Principles of Acceptability.
- Chap. 1181. Improvements.

CHAPTER 1171

General Provisions and Penalty

- 1171.01 Purpose and intent.
- 1171.02 Authority.
- 1171.99 Penalty.

CROSS REFERENCES

- Zoning Ordinance administration, enforcement and penalty -
see P. & Z. Ch. 1103
- Board of Appeals - see P. & Z. Ch. 1105
- Master Plan defined - see P. & Z. 1173.01(17)
- Preliminary procedure - see P. & Z. Ch. 1175
- Plat requirements - see P. & Z. Ch. 1177
- Principles of acceptability - see P. & Z. Ch. 1179
- Planning Commission also Platting Commission - see P. & Z.
1181.11

1171.01 PURPOSE AND INTENT.

The general purpose of these regulations shall be to guide and regulate the planning, subdividing and development of land in order to promote and protect the public health, safety and general welfare. It is intended that the provisions of these regulations shall be applied to achieve the following objectives:

- (a) Orderly development of land to obtain harmonious and stable neighborhoods.
- (b) Safe and convenient vehicular and pedestrian circulation.
- (c) Designs to allow ample public open spaces for schools, recreational and other public purposes.

- (d) Accurate surveying of land, preparation and recording of plats.
- (e) The assurance that subdivision improvements are properly installed and completed in compliance with the regulations contained in Chapter 1181.
- (f) Coordination of land development in accordance with zoning codes and the Master Plan. (Ord. 25-70. Passed 5-4-70.)

1171.02 AUTHORITY.

- (a) The Planning Commission derives its legal authority in the matter of regulating the subdivision of land from the following:
 - (1) The Ohio Revised Code including, but not limited to, the statutes contained in Chapters 711 and 713.
 - (2) The Sylvania City Charter including, but not limited to, Article IX, Section 3.0.
- (b) The Platting Commissioner derives legal authority in the matter of regulating the subdivision of land from the following:
 - (1) The Ohio Revised Code including, but not limited to, Chapters 713 and 735.
 - (2) The Sylvania City Charter including, but not limited to, Article IX, Section 3.0.
 - (3) Sylvania ordinances. (Ord. 25-70. Passed 5-4-70.)

1171.99 PENALTY.

- (a) Whoever willfully violates any rule or regulation adopted by Council for the purpose of setting standards and requiring and securing the construction of improvements shown on plats and plans in pursuance to the provisions of Ohio R.C. 711.101, or fails to comply with any order issued pursuant thereto, shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered with costs in a civil action brought in the court of common pleas of the county in which the land lies relative to which such violation occurred, by the legal representative of the city or county in the name of such city or county and for the use thereof.
- (b) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the county.
- (c) Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this paragraph.

If such land is within a municipal corporation, such sum may be recovered in a civil action brought in any court of competent jurisdiction by the Director of Law or other corresponding official of the municipal corporation in the name of the municipal corporation and for the use of the Street Repair Fund thereof.

If the land is situated outside a municipal corporation, such sum may be recovered in a civil action, brought by the prosecuting attorney, other corresponding official or planning commission of the county in which the land is situated, in the name of the county and for the use of the Road Repair Fund thereof.

The sale of lots, parcels or tracts from a plat of a subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in such subdivision and not as public streets, ways or grounds shall not serve to exempt the seller from the requirements of Ohio R.C. Chapter 711, or from the forfeiture herein provided.

(d) Any person who disposes of, offers for sale or leases for a time exceeding five years any lot or any part of lot in a subdivision with intent to violate Ohio R. C. 711.001 to 711.14 inclusive, shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action in the name of the county treasurer for the use of the county.
(Ord. 25-70. Passed 5-4-70.)

CHAPTER 1173
Definitions

1173.01 Definitions.

CROSS REFERENCES
Zoning Ordinance definitions - see P. & Z. Ch. 1101

1173.01 DEFINITIONS.

The following terms and words, which shall apply to and govern the rules and regulations set forth herein, are defined as follows:

- (1) "Boundary line" means a line delineated that establishes the limits of an area.
- (2) "Buffer lot" means a lot on a plat across the end of a street proposed to be extended by future platting, or a lot along the length of a street where only part of the width has been dedicated which is retained by the owner but conditionally dedicated on the plat for street purposes when the street is extended or widened.
- (3) "Building" means a combination of materials to form a structure adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes. The term "building" shall be construed as if followed by the words "or part thereof".
- (4) "Building line" and/or "setback line" means a line established on a parcel for the purpose of prohibiting construction of a building between such line and an easement, right of way or other public area in the interest of protecting the general welfare.
- (5) "Crosswalkway" means a right of way dedicated to public use ten feet in width through a block along lot lines to facilitate pedestrian access to adjacent streets and properties.
- (6) "Commercial development" means a planned, commercial center providing building areas, parking areas, service areas, screen planting and adjacent roadway improvements.
- (7) "Cul-de-sac" or "court" means a short street having one end open to traffic and being terminated by a vehicle turnaround.

- (8) "Drawing" means a preliminary drawing prepared by a registered surveyor or civil engineer containing all the information required under Section 1175.03(I).
- (9) "Easement" means a grant by the property owner of the use of a strip of land by the public, a corporation or persons for specific purposes.
- (10) "Engineer" means a registered engineer authorized to practice civil engineering as defined by Ohio R.C. Chapter 4733.
- (11) "Flood plain" means that portion of land adjacent to a river, creek or ditch which is covered with water when the river, creek or ditch overflows its banks at flood stage, or is estimated to become subject to flooding.
- (12) "High water level" means the estimated high water level as determined by the appropriate public agency from calculations based on a twenty-five year rainfall frequency.
- (13) "Improvement" means any one or more of the following: street pavements with or without curb or gutter; sidewalks crossways; water mains; sanitary and/or storm sewers; monuments; street trees or other items specified in Chapter 1181 of these regulations.
- (14) "Industrial development" means a planned industrial area specifically for industrial use, providing screen planting and adjacent roadway improvements.
- (15) "Lot" means a designated parcel of land in a plat intended as a unit for transfer of ownership or to be occupied by a building and its accessory buildings together with such open spaces as are required by law, and having its principal frontage upon a public street.
- (16) "Major thoroughfare" means a limited access expressway, dual highway, major arterial street or collector street on the comprehensive plan, which serves or is intended to serve as the principal trafficway between areas or districts. For terms which identify these streets and their required right-of-way widths, see Section 1179.03(b).
- (17) "Master Plan" means the comprehensive plan made and adopted by the Planning Commission in compliance with Ohio R.C. 711.09, indicating the general locations recommended for the streets, parks, public buildings, zoning districts and all other public improvements.
- (18) "Minor street" means a street other than those defined as major thoroughfares.
- (19) "Monuments" means:
 - A. A cylindrical concrete marker six inches in diameter and thirty inches in length with a one-quarter inch iron rod cast at the central axis of the cylinder. Such marker shall be placed in a vertical position with its top being level with the surface of the surrounding ground; or

- B. A cylindrical concrete marker as described under subsection (a) hereof except that a machine type iron bolt (without nut) of one inch diameter by twelve inches in length shall be placed in a vertical position with the head of the bolt upward and level with the surface of the pavement. A point shall be marked on the head of the bolt to indicate the exact point referred to on the final plat.
- (20) "Parcel" means a unit of land as shown on the tax duplicate.
- (21) "Place" means an officially approved private thoroughfare other than a street permanently reserved as the principal means of access to abutting property.
- (22) "Planning Commission" means the Municipal Planning Commission of the City of Sylvania.
- (23) "Platting Commission" means the Municipal Planning Commission of the City of Sylvania having duties and powers as provided for in the authorities referred to in Section 1171.02(b).
- (24) "Plat" means a map of a tract or parcel of land, the details of which are provided in Chapter 1177.
- (25) "Street" means a right of way dedicated to public use, which provides vehicular and pedestrian access to abutting properties.
- (26) "Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the soil, or attached to something having a permanent location on the soil.
- (27) "Subdivision" means:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership. However, the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted;
- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, or
- C. The division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

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- (28) "Subdivider" means the owner of land being person, firm, corporation or legal entity, effecting the subdivision of land.
 - (29) "Surveyor" means a registered surveyor authorized to practice surveying, as defined by Ohio R.C. Chapter 4733.
 - (30) "Tracing" means a translucent drawing on linen, mylar, cronaflex or equal, from which a print can be taken directly.
(Ord. 25-70. Passed 5-4-70.)

CHAPTER 1175 Preliminary Procedure

- 1175.01 Conference.
- 1175.02 Sketch drawing.
- 1175.03 Preliminary drawing.
- 1175.04 Plan review and inspection fees.

CROSS REFERENCES

- General provisions and penalty - see P. & Z. Ch. 1171
- Master Plan defined - see P. & Z. 1173.01(17)
- Plat requirements - see P. & Z. Ch. 1177
- Principles of acceptability - see P. & Z. Ch. 1179
- Improvements - see P. & Z. Ch. 1181

1175.01 CONFERENCE.

It is suggested that before any extensive work is done on any subdivision the owner or his representative discuss his plans with the Planning Commission, which will give assistance concerning requirements and further procedures, the purpose being to determine whether the proposed subdivision will fit into the neighborhood development of the area and conform, in effect, to the Master Plan. The steps in this chapter may be taken to secure approval of a plat. (Ord. 25-70. Passed 5-4-70.)

1175.02 SKETCH DRAWING.

A sketch drawing may be submitted in duplicate to the Planning Commission through the Service Director for its review and recommendations. The drawing shall contain enough information so that an accurate analysis can be made. The Commission, with the assistance of the Service Director, shall advise and aid the developer or owner in obtaining the best possible layout for all concerned. After a proper solution has been worked out, the developer or owner may proceed with his preliminary drawing. (Ord. 25-70. Passed 5-4-70.)

1175.03 PRELIMINARY DRAWING.

A preliminary drawing hereinafter referred to in this chapter as "drawing" containing all the information as required by these regulations, may be submitted to the Planning Commission for processing. The drawing shall be prepared by a registered surveyor or civil engineer.

- (a) The drawing shall be analyzed by the Planning Commission for conformance with these regulations. If the drawing does not conform with these regulations, the developer and surveyor or engineer shall be notified so that the drawing may be revised.
- (b) If the drawing is acceptable, it shall be sent to the appropriate public agencies for their review and recommendations.
- (c) When the recommendations of the public agencies are received they are reviewed, and if the drawing is not acceptable to any public agency, the developer and surveyor or engineer are notified so that the drawing may be revised. If the drawing is acceptable and/or subject to certain modifications, the drawing is presented to the Planning Commission for consideration.
- (d) If the subdivision lot areas or uses do not conform with the existing zoning classification, a petition to rezone such area shall be submitted by the property owner and acted upon by the Planning Commission prior to consideration of a drawing.
- (e) The Planning Commission may introduce such changes or revisions to the drawing as are deemed necessary to the interests and needs of the community provided such changes are not in violation of the rules and regulations contained herein. Any changes agreed to by the subdivider or his representative shall be marked in red on the approved drawing. The surveyor or engineer shall then furnish the Planning Commission with seven copies of the revised drawing containing such agreements.
- (f) Approval of the drawing is valid for one year and allows the developer to proceed with the preparation of the improvements plans required by the various public agencies. It also allows the developer to proceed with construction of the improvements as soon as the required plans are reviewed and approved by the appropriate public agencies.
- (g) The Planning Commission shall disapprove the drawing if it does not contain the necessary information, is not in accordance with the provisions of these regulations or if the proposed improvements are not approved by the appropriate public agencies.
- (h) The subdivider and surveyor or engineer shall be notified in writing of the Planning Commission action, and the notification of its action shall also be given to the appropriate public agencies.
- (i) After approval of the drawing by the Planning Commission, a plat may be filed as provided for in Chapter 1177.
- (j) Fifteen copies of the drawing shall be submitted at least twenty days before a meeting of the Planning Commission.
- (k) The Planning Commission shall approve or disapprove the drawing within sixty days, or within such further time as the applying party would agree to.
- (l) The drawing shall not be accepted for processing unless the following data are contained therein:
 - (1) Identification noted as follows:
 - A. The title "Preliminary Drawing".
 - B. Proposed name of the subdivision.

- C. Location by township, section, town and range, or by other legal description.
 - D. Names and addresses of developers and registered surveyor or civil engineer who designed the subdivision.
 - E. Scale of drawing (1 inch = 100 feet preferred).
 - F. Date and northpoint.
 - G. Approximate acreage.
 - H. Key location.
- (2) Delineation shall include, but is not limited to the following:
- A. Boundary line of proposed subdivision indicated by dashed heavy line.
 - B. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights of way and easements, parks and other public open spaces, permanent buildings and structures and section and corporation lines within or adjacent to the tract.
 - C. Existing sewers, water mains, culverts or other underground facilities and open drainage ditches in and within close proximity to the tract indicating size, depth, direction of flow and location.
 - D. Boundary lines of all tracts of unsubdivided and subdivided land abutting to the proposed plat showing owners of tracts greater than one acre.
 - E. Indication of ground forms, preferably contours at two foot intervals as measured in the field.
 - F. Existing zoning or proposed subdivision and abutting tracts in zoned areas.
 - G. Layout of proposed streets, their proposed names and widths and also the widths of proposed alleys, crosswalkways and easements. Proposed street names shall be checked with the Real Estate Transfer Department of the Lucas County Auditor's office to avoid duplications.
 - H. Layout numbers and dimensions of lots or parcels with appropriate designations.
 - I. Suggested location of proposed water lines, sanitary sewer lines, storm sewer lines and sidewalks shall be delineated on the drawings.
 - J. Sanitary treatment plant, wells and septic tank locations are to be shown.
 - K. Where septic tanks are proposed, results of soil percolation tests are to be submitted. Location of soil percolation tests are to be indicated and keyed to the results submitted.
 - L. Diagram of proposed drainage development, including streets and lots, with indication of their outlet into existing facilities and proposed elevations of drains at critical points.
 - M. In critical areas high water levels are to be indicated and areas subject to flooding shown.
 - N. Screen planting plan, if any.
 - O. Proposed building setback lines showing dimension.
(Ord. 25-70. Passed 5-4-70.)

1175.04 PLAN REVIEW AND INSPECTION FEES.

(EDITOR'S NOTE: See Section 129.07 of the Administrative Code for fees pertaining to general supervision, plan review, testing and inspection.)

CHAPTER 1177 Plat Requirements

- 1177.01 Approval procedure.
- 1177.02 Recording of approved plat.
- 1177.03 Contents.

CROSS REFERENCES

General provisions and penalty - see P. & Z. Ch. 1171
 Definitions - see P. & Z. Ch. 1173
 Preliminary procedure - see P. & Z. Ch. 1175
 Principles of acceptability - see P. & Z. Ch. 1179
 Improvements - see P. & Z. Ch. 1181

1177.01 APPROVAL PROCEDURE.

- (a) A plat shall be considered submitted for approval by filing the same in the office of the Planning Commission and written acknowledgment of such filing shall be furnished.
- (b) The plat must substantially conform to an approved preliminary drawing previously submitted, or must provide adequate data to permit proper review of any proposal which has not been approved in a preliminary drawing.
- (c) Prior to approval of a plat, the Planning Commission shall obtain certification from the proper City and/or County departments that the required improvements have been made or assured in conformance with these regulations.
- (d) The Service Director, provided the plat is in accordance with the rules and regulations, shall endorse his written approval on such plat, or forthwith advise the Planning Commission of the rules not complied with by the plat.
- (e) The Planning Commission, provided the plat is in accordance with the rules and regulations contained herein, shall endorse its written approval on such plat, or forthwith advise the developer of the rules not complied with by the plat.
- (f) The Planning Commission, by endorsement on the plat, shall approve or disapprove the plat within thirty days after official filing of the plat; otherwise it is deemed approved.
 (Ord. 25-70. Passed 5-4-70.)

1177.02 RECORDING OF APPROVED PLAT.

(a) Upon approval by the Planning Commission and necessary County agencies, the plat may be recorded with the County Recorder within six months. If not recorded within this time, the approval of the Planning Commission shall be null and void.

(b) Before any building permits can be issued for lots in the plat, the plat must be recorded in the office of the County Recorder.

(c) The tracing of the plat after recording shall be filed and retained in the office of the Director of Public Service.

(d) The plat shall be a reproducible tracing 20 inches by 30 inches in size.

(e) All information on the plat including signatures shall be in black opaque ink or other medium that is readily reproduced by printing and photo static processes.
(Ord. 25-70. Passed 5-4-70.)

1177.03 CONTENTS.**(a) Identification.**

- (1) Name of subdivision.
- (2) Location by township, section, town and range, and other legal description as necessary.
- (3) Names of owners, and signature and seal of registered surveyor.
- (4) Scale shown graphically.
- (5) Date.
- (6) North point.

(b) Delineation.

- (1) Boundary of plat, based on an accurate traverse with bearings, angular and lineal dimensions in conformance with the legal description, shall be superimposed with a heavy dashed line to indicate the limits of the plat.
- (2) True angles and distances to at least three of the nearest established street lines or official monuments which shall be accurately described on the plat.
- (3) Subdivision boundary lines shall be tied to section lines, or other U. S. Government survey lines by distances and angles.
- (4) Accurate location of all monuments. One such monument shall be placed at each change in direction on the boundary of the plat and one such monument shall be placed on the centerline of right of way of each street intersection and at the beginning and end of all street curves.
- (5) Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street. Proposed street names shall be checked with the proper City and County officials.
- (6) Exact location and width of all easements for rights of way provided for public services, utilities or other purposes.
- (7) All lot or parcel numbers and lines with accurate dimensions in feet and hundredths of a foot.

- (8) Accurate designation of any areas to be dedicated or reserved for public use with the purpose indicated thereon.
- (9) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
- (10) Building setback lines accurately shown with dimensions.
- (11) Estimated elevation for high water level as determined by the appropriate agency designated in Section 1181.10.
- (12) Any other conditional requirements of the Planning Commission.

(c) Certification and Signatures.

(1) Surveyor's certification.

I hereby certify that during _____, 20_____, I surveyed the property hereon described subdividing same into lots numbered consecutively from to _____ both inclusive, and lettered _____ and _____. Distances are given in feet and decimal parts thereof. Concrete monuments have been set at each change in direction of the boundary of the plat and marked thus . Additional monuments marked thus _____ are to be set after the street improvements have been made.

_____ Registered Surveyor No. _____.

(2) Owner; certification.

I, (we), the undersigned, owners of the property hereon described, do hereby adopt the subdivision as shown on this plat, establish setback lines as shown, dedicate to public use the streets and rights of way as shown except buffer lots which are dedicated on condition that the abutting right of way dedication is extended or widened beyond such buffer lots. I, (we), do hereby establish easements as shown hereon and designated as "Utility Easements" for the purpose of permitting the construction, installation, relocation and maintenance of public or quasi-public utility facilities thereon. Maintenance shall include the right to remove any branches or other growth or obstructions that might interfere with the construction, maintenance or safe operation of utility lines or drainage facilities. I, (we), further certify that I, (we), will improve this subdivision with the following installations (statement of the specific sewer, water, pavement and other improvements to be installed.)

WITNESSES:

OWNERS:

(3) Notary.

State of Ohio)ss
County of Lucas)

On this _____ day of _____, 20 _____, before me personally appeared _____, and acknowledged the signing of this plat to be his (their) free act and deed for the purposes herein mentioned. Witness my hand and seal the day and year above written.

(4) Service Director.

I, the Service Director, of the City of Sylvania, Ohio hereby certify that I have reviewed this plat and find it in accordance with subdivision rules and regulations as approved by the Sylvania City Planning Commission and Sylvania City Council, and hereby approve this plat on this _____ day of _____, 20 _____.

Service Director, City of Sylvania

(5) Sylvania Municipal Planning Commission.

We hereby certify that this plat is approved by the Sylvania Municipal Planning Commission in accordance with the subdivision rules and regulations as adopted by such Commission and the Council of the City of Sylvania.

Signed this _____ day of _____, 20 _____.

Chairman

(6) Office of the Lucas County Tax Map Department.

Ownership of the property comprising this plat is correctly shown.

Lucas County Tax Map Department

(7) Office of the Lucas County Auditor.

This plat has been submitted for the purposes of appraisalment this day of _____, 20 ____.

Lucas County Auditor

(8) Office of the Lucas County Recorder.

Received for record this _____ day of _____, 20 _____, at
M. Recorded in Volume _____, pages _____, Book of Plats.

(9) Sylvania, Ohio _____, 20 _____.

I find that the streets shown on this plat have been constructed in accordance with the specifications shown hereon and are in good repair and such streets are hereby accepted for public use pursuant to Ohio Revised Code, Section 711.091.

Service Director, City of Sylvania

Lucas County Engineer*

*NOTE: To be signed by the Service Director, City of Sylvania, when plat is within the Sylvania corporate limits; by the Lucas County Engineer when in the unincorporated territory. Strike out inapplicable official designation. Need not be signed prior to recording of plat unless ready for acceptance for public use.

(10) Sylvania, Ohio, _____, 20 _____.

I, the Service Director of the City of Sylvania, Ohio, hereby certify that I have reviewed this plat and find it in accordance with the subdivision rules and regulations as approved by the Sylvania Municipal Planning Commission and Sylvania City Council, and hereby approve this plat on this _____ day of _____, 20 _____.

Service Director, City of Sylvania

(Ord. 25-70. Passed 5-4-70.)

CHAPTER 1179 Principles of Acceptability

- 1179.01 General.
- 1179.02 Intensity of land use.
- 1179.03 Streets.
- 1179.04 Blocks.
- 1179.05 Lots.
- 1179.06 Public spaces.
- 1179.07 Building lines.
- 1179.08 Easements.
- 1179.09 Commercial areas.
- 1179.10 Policy of cooperation.

CROSS REFERENCES

General provisions and penalty - see P. & Z. Ch. 1171
 Master Plan defined - see P. & Z. 1173.01(17)
 Preliminary procedure - see P. & Z. Ch. 1175
 Plat requirements - see P. & Z. Ch. 1177
 Improvements - see P. & Z. Ch. 1181

1179.01 GENERAL.

All plats and subdivisions within the corporate limits and within three miles of such corporate limits, subject to the provisions of Ohio R.C. 711.09 shall conform to the rules and regulations contained in this chapter.

- (a) Development shall conform in effect to the Master Plan as adopted.
- (b) The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area.
- (c) The tract to be subdivided should not encroach upon an area or areas designated in the comprehensive plan for future public facilities. Such area or areas shall be incorporated in the drawing and reserved for a period of one year after approval thereof, or for a longer period as may be mutually agreed, to allow the Municipality, or other appropriate agencies, time to acquire such land.
- (d) Variations, exceptions and/or modifications of these rules and regulations may be made by the Planning Commission in specific cases where it is deemed that unusual topographical or other exceptional conditions require such modification or adjustment of these subdivision requirements, provided that such plats are self-contained and do not encroach unfavorably on or interfere with the most normal development of abutting properties.
(Ord. 25-70. Passed 5-4-70.)

1179.02 INTENSITY OF LAND USE.

The minimum size of lots shall be as follows:

- (a) The minimum of one net acre per lot shall be provided when either or both wells and septic tanks are to be used except as hereinafter provided.
- (b) A minimum of 7,200 square feet per lot shall be provided for single-family residences when both public water and sanitary sewage systems are available unless larger lots are required by zoning.
- (c) Greater densities for other than single-family dwellings conforming to the zoning requirements shall be permitted in areas where both public water and sanitary sewage systems are provided.
(Ord. 25-70. Passed 5-4-70.)

1179.03 STREETS.

(a) Streets shall be planned for convenient circulation toward the principal directions of travel, bus routes, schools and playgrounds. The pattern shall be continuous, and yet indirect enough to discourage an excess amount of through traffic. On the interior design, T-type intersections shall be predominant, while cross-intersections shall be avoided except at major streets. The street patterns shall include some extensions to the boundaries of the development to provide circulation between adjoining neighborhoods.

- (b) Right-of-way widths shall conform to the following minimums:

<u>Classification</u>	<u>Right-of-way Width (feet)</u>
Limited access expressway	200
Dual highway	140
Major arterial street	100
Collector street	80
Minor street	60

The aforesaid classifications and widths shall conform to the designation as such contained in the comprehensive plan.

- (c) Streets shall intersect each other as nearly at right angles as possible.
- (d) New streets shall be a continuation of existing streets or provide a minimum jog of one hundred twenty feet from the existing street alignment.
- (e) Cul-de-sac streets shall not be over six hundred feet in length and the terminal shall be a circular area with a minimum diameter of one hundred feet.
(Ord. 25-70. Passed 5-4-70.)

1179.04 BLOCKS.

(a) Blocks shall be designated to accommodate lots of a size required for the district and to provide convenient circulation, service and safety on the boundary streets. The block shall be designed so that rear lot lines shall coincide with drainage courses, railroads and divisions in land uses.

(b) The maximum length of blocks shall generally be one-quarter mile or 1,320 feet. The Planning Commission may require a crosswalkway in blocks that exceed nine hundred feet.

(c) The width of blocks shall be sufficient to accommodate two tiers of lots, except a single tier of lots, which lots shall have a greater depth than the minimum requirement of one hundred twenty feet may be required to separate residential development from major streets, adjoining nonresidential uses, unusual topographic or natural features. An easement for screen planting of at least ten feet which shall not be traversed by vehicles may be required along the lots abutting such a major street or nonresidential land use.

(d) Blocks for multi-family, commercial or industrial subdivisions shall be adequate to accommodate the building sites and provide the yards, service drives, off-street parking and other required facilities.
(Ord. 25-70. Passed 5-4-70.)

1179.05 LOTS.

(a) All lots shall conform to zoning requirements in width at the building line. Any lot having an area of 10,000 square feet or less shall not be deeper than three times its width. Any lot over 10,000 square feet in area shall not be deeper than two and one-half times its width. No lot shall be shallower than one hundred twenty feet.

(b) All residential lots shall have a minimum of sixty feet width at the building line or conform to zoning requirements, whichever is greater.

(c) All lots shall abut on a public street or place.

(d) Corner residential lots shall have extra width sufficient for maintenance of building lines on both streets. The minimum width shall be seventy feet.

(e) Side lines of lots shall be approximately at right angles or radial to the street line. (Ord. 25-70. Passed 5-4-70.)

1179.06 PUBLIC SPACES.

Due regard shall be shown for the preservation of outstanding natural and cultural features such as scenic spots, watercourses and historic sites.
(Ord. 25-70. Passed 5-4-70.)

1179.07 BUILDING LINES.

All lots, including commercial, industrial and residential, shall have a minimum setback or building line of twenty-five feet from the right of way, except where the zoning requires a greater amount. In such case the greater of the two shall be required.
(Ord. 25-70. Passed 5-4-70.)

1179.08 EASEMENTS.

(a) Utility easements five feet in width shall be provided along the rear of each lot and/or five feet in width along side lot lines where necessary. Such easements shall provide continuous easement to streets where necessary.

(b) Open ditch easements equal to the width of the required cross section of such ditch plus twenty feet on one side shall be provided.

(c) Easements for enclosed drainage systems shall be a minimum of twenty feet in width. (Ord. 25-70. Passed 5-4-70.)

1179.09 COMMERCIAL AREAS.

(a) A commercial subdivision may show lots which need not conform to any minimum width or area, but it shall show the location within which buildings may be erected and the area that is to be reserved for off-street parking and service areas.

(b) The location for vehicular movements between the area and adjacent streets shall be indicated, and restrictions shall be recorded upon the plat which shall restrict such vehicular movements to the location shown on the plat.

(c) Easements may be required providing for vehicular movements through parking areas and to and from service areas, as well as easements which can be improved as buffer areas wherever the area adjoins property zoned for residential use. The installation of planting, walls, fences or other improvements that will assure a satisfactory buffer or protective screen within such easement may be required. (Ord. 25-70. Passed 5-4-70.)

1179.10 POLICY OF COOPERATION.

The Planning Commission shall consult with and consider advice of the Lucas County Planning Commission prior to approval of plats in the unincorporated area. (Ord. 25-70. Passed 5-4-70.)

CHAPTER 1181 Improvements

- 1181.01 Subdivider responsible for minimum improvements.
- 1181.02 Grading.
- 1181.03 Streets.
- 1181.04 Water
- 1181.05 Sanitary waste disposal.
- 1181.06 Storm sewers.
- 1181.07 Sidewalks.
- 1181.08 Monuments.
- 1181.09 Bond in lieu of improvements.
- 1181.10 Design and construction standards.
- 1181.11 Administration.
- 1181.12 Telephone and electric utilities.

CROSS REFERENCES

General provisions and penalty - see P. & Z. Ch. 1171
 Planning Commission and Platting Commissioner authority - see
 P. & Z. 1171.02
 Improvement defined - see P. & Z. 1173.01(13)
 Plat requirements - see P. & Z. Ch. 1177
 Principles of acceptability - see P. & Z. Ch. 1179

1181.01 SUBDIVIDER RESPONSIBLE FOR MINIMUM IMPROVEMENTS.

Within the corporate limits and for the unincorporated territory within three miles of such corporate limits subject to the limitation thereon provided in Ohio R.C. 711.09, all plats and subdivisions of land within such City or territory shall conform to the rules and regulations contained herein as adopted by Council and/or the Planning Commission, and the subdivider shall provide, construct, install and pay for the minimum improvements required by the City and specified herein.
 (Ord. 25-70. Passed 5-4-70.)

1181.02 GRADING.

(a) All lots shall be graded so that all storm water will drain therefrom. Such grading shall not cause ponding on properties adjacent to the plat, add areas of storm water runoff nor provide points of extreme concentration on them not existing prior to the proposed development.

(b) The basement or other floor elevation shall be at a minimum elevation of one foot above the estimated high water level of any area affected or likely to be affected by the flooding of public watercourses. Such elevations shall be a matter of public record and recited on the final plat. Compliance with this section shall be a condition of obtaining building and occupancy permits.
 (Ord. 25-70. Passed 5-4-70.)

(c) Elevations shall be indicated on the plat at lot corners and elsewhere to assure that storm water drains away from the house and lot to a storm sewer and ditch pertaining to the subdivision. The plat should also contain the following recitation: The minimum ground elevation at the top of foundation shall be no less than ten inches higher than the average of elevations shown at the street right-of-way line. The location and elevation of a permanent bench mark shall be indicated on the plat. The Planning Commission may, upon receipt of a petition from affected property owners, grant a variance of the elevations of the lot corners and/or lower the minimum ground elevation at the top of the foundation so long as the foregoing drainage regulations are not violated in principle. The owners of lots so petitioning shall record such approved changes and file copies of the instrument with the secretary of the Planning Commission and the Director of Public Service of the City.
(Ord. 2-71. Passed 1-4-71.)

1181.03 STREETS.

(a) All streets within a subdivision shall be improved with a hard surface pavement with adequate drainage at a minimum width of twenty-four feet, and there shall be a curb along each side of such surfacing.

(b) Additional pavement lanes and/or traffic signalization may be required for commercial or other special developments to provide acceleration, deceleration or left turn lanes, or handle or control excessive traffic that may be generated by such developments. Complete data with respect to character and volume of expected traffic generated by the development may be required.

(c) A greater width of pavement not to exceed forty feet may be required in industrial or special apartment developments.

(d) Minimum pavement gutter elevations shall be at or above hydraulic grade line for a ten year frequency storm.

(e) Streets abutting the subdivisions that are not presently paved or curbed nor have a design grade on them will normally not be required to be paved at the time the subdivisions are to be constructed. However, all lots in the plat abutting such streets shall have included in their deeds or portions thereof, a waiver of objection for the assessment for paving, curbing and draining. This waiver of objection is to be recited on the plat, and is to be an instrument of record affecting future title of properties.
(Ord. 25-70. Passed 5-4-70.)

1181.04 WATER.

(a) When an adequate public water line is within 1,000 feet of the subdivision, such line shall be extended so that each lot is accessible to the public water supply.

(b) When a public water supply system is used and lots are less than one acre, sanitary sewers shall be provided and connected to a public system or an approved treatment plant, except as provided in Section 1181.05(d)(1) and (2).

(c) Where an adequate public water line is not available, a well may be the source of water supply for each lot if such well and water quality meet the health standards of the appropriate Board of Health and the lots are one acre or more in size.
(Ord. 25-70. Passed 5-4-70.)

1181.05 SANITARY WASTE DISPOSAL.

(a) Public System. When the proposed subdivision is located within five hundred feet of an adequate sanitary sewer line, a connection to the line shall be provided for each lot by the developer.

(b) Independent System.

- (1) When lots are less than one acre and a sanitary sewer is not available, except as provided in subsection (d)(2) hereof, an adequate sanitary treatment plant and the necessary sanitary sewer lines accessible to each lot shall be provided by the developer. The system, where practicable, is to be designed so it can be integrated into the master plan of sanitary sewers when the public sewers are installed.
- (2) Where a number of subdivisions are proposed to be on adjacent tracts and/or sufficient buildable property is in close proximity to each other, the legislative authority may cause to have constructed a sanitary treatment plant and the necessary lines, except laterals, to serve the plats, and assess the costs to the benefitted owners.

(c) Sanitary Manhole. The minimum elevation at the top of any sanitary manhole casting shall be not less than one foot higher than the estimated twenty-five year high water level.

(d) Septic Tanks.

- (1) Septic tanks may be used for lots of one acre or more in area if soil percolation tests, as prescribed by the appropriate Board of Health, have indicated a reasonably useful life for such disposal methods. Other methods of disposal may be approved by the appropriate Board of Health.
- (2) Subject to approval of the appropriate Board of Health, septic tanks may be used on lots with less than one acre when the plat is in an area that can expect trunk sewers to be extended to it within a two year period as determined by the Director of Public Service, but sanitary lateral sewers serving each lot, properly installed and blocked off shall be provided. (Ord. 25-70. Passed 5-4-70.)

1181.06 STORM SEWERS.

(a) Storm sewers shall be designed to flow just full for the five year intensity-duration-frequency storm using the Rational Method. The minimum pavement gutter elevations shall be at or above the hydraulic grade line for a ten year frequency storm.

For the ten year hydraulic gradient checks, minimum starting point elevation, when a proposed storm drainage system outlets into a nearby stream or ditch, shall be based on the twenty-five year high water elevation. If information is unavailable, the high water elevation shall be determined by following sound engineering principles subject to approval by the Director of Public Service.

(b) All structures within a new street right of way shall be designed to adequately handle the storm drainage of the proposed improvement as determined by the Director of Public Service.

(c) All site development involving one acre or more of property, shall be required to include on-site storm water detention/retention per the City's current Storm Water Management Plan ("SWMP"). The minimum detention volume for the site shall be equivalent to the storage volume produced from a twenty-five year frequency (post-developed) storm inflow with an allowable discharge of a five year frequency (pre-developed) storm outflow. The storm water detention calculations for the site shall be submitted with the site grading plans and shall be subject to approval by the Director of Public Service.

(d) All storm water collection systems shall be designed to include, but not limited to, storm water treatment for the removal of sediment. The type of storm water treatment shall be in accordance to the applicable best management practice(s) (BMPs) as listed in the City's current SWMP. All construction and maintenance of storm water collection system shall be in accordance to the Ohio Environmental Protection Agency's Permit No. OHC000002, or more current permit update. All construction details, involving storm water treatment and maintenance, shall be shown on the Erosion Control Plan for the site, which shall be submitted with the site grading plans subject to review and approval from the Director of Public Service. All developers or property owners shall maintain any post-construction structural BMPs according to the maintenance requirements of said BMP. All post-construction structural BMPs will be inventoried and subject to inspection by the Department of Public Service. Failure to properly maintain the BMP will result in penalties according to subsection (f) hereof.

(e) Notification of Violation; Time Limit. Any person found to be violating any provisions of subsection (d) hereof shall be served by the City with a written notice, stating the nature of the violation, sent by first class mail to the person apparently guilty of the violation. This notice shall be deemed sufficient, in the event of violation, if sent to the address of that person as shown on the Lucas County tax records or water account records. The notice shall, in all cases, set forth a time limit during which all noted violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply, the provisions of subsection (f) hereof shall then apply.

(f) Violation Beyond Time Limit; Penalty. Any person who continues any violation beyond the time limit provided for in subsection (d) hereof is guilty of a misdemeanor of the second degree and shall be punished as provided in Section 501.99 of the General Offenses Code.

- (g) (1) Drainage ditches shall be enclosed to accommodate the estimated ten year storm when the enclosure is equivalent in capacity to forty-eight inches in diameter or less. Such enclosures shall be constructed, installed and paid for by the developer. All other drainage ditches in or abutting the development shall be realigned, widened and/or deepened to accommodate the estimated storm water run-off. All structures shall be enclosed within new street right of way. Such enclosures shall be adequate to handle the storm drainage and shall be constructed, installed and paid for by the developer. Where flood plains are being reduced or eliminated by the site grading of the proposed development, approval shall be obtained from the applicable agency as to the watercourse's adequacy to handle the additional water due to the altered land use condition.
- (2) Storm hydraulic grade lines shall be based on estimated run-off conditions in watershed ten years from the time the improvement is made. (Ord. 6-2008. Passed 2-20-08.)

1181.07 SIDEWALKS.

Sidewalks not less than four feet wide shall be provided on both sides of the new streets within the subdivision and on the abutting side of any existing street contiguous to the subdivision. Installation may be deferred for a period of three years by posting bond, as provided in Section 1181.09, to permit the building of dwellings prior to the installation of sidewalks provided that no such deferment shall be continued in effect or granted as to a particular block in a subdivision after seventy percent or more of the lots in such blocks have dwellings constructed thereon. Sidewalks shall be installed or provisions made to defer installation before occupancy permits are issued. (Ord. 25-70. Passed 5-4-70.)

1181.08 MONUMENTS.

A monument shall be placed at each change in direction on the boundary of the plat, and one such monument shall be placed on the centerline of right of way of each street intersection, and at the beginning and end of all street curves. A monument as defined in Section 1173.01(19)(a) shall be placed in all unpaved areas. A monument as defined in Section 1173.01(19)(b) shall be placed in all paved areas. (Ord. 25-70. Passed 5-4-70.)

1181.09 BOND IN LIEU OF IMPROVEMENTS.

In lieu of the installation of the above improvements prior to the approval and recording of the plat, the subdivider may file a surety bond or escrow agreement. In the event the surety bond or escrow agreement is furnished, the requirements set forth in Section 1181.10 shall be complied with as a condition precedent to the release of the bond or escrow agreement so furnished. (Ord. 25-70. Passed 5-4-70.)

1181.10 DESIGN AND CONSTRUCTION STANDARDS.

The required improvements outlined herein are to be designed, constructed and installed in conformance with the standards and specifications of the following designated appropriate agency or agencies:

REQUIRED IMPROVEMENTS**APPROPRIATE AGENCY**

Monuments

Sylvania Service Director

Grading

Streets

Street drainage

Sidewalks

Storm drainage, except natural
watercourse, any part of
which lies outside the
corporate limits.Street alignment relative
to major thoroughfares

Water lines

Sylvania Service Director

Sanitary sewer lines

Ohio Department of Health

Sanitary treatment plant

Septic tanks

Wells

Natural watercourse, any
part of which lies outside
the corporate limits.Sylvania Service Director
Lucas County Engineer

(Ord. 25-70. Passed 5-4-70.)

1181.11 ADMINISTRATION.

The rules and regulations of this chapter, adopted by the City shall be administered by the Planning Commission which is also the Platting Commission, and may be modified by such Commission in specific cases where unusual or exceptional factors or conditions require such modifications. The Commission shall receive and consider the advice and recommendations of the Service Director.
(Ord. 25-70. Passed 5-4-70.)

1181.12 TELEPHONE AND ELECTRIC UTILITIES.

- (a) Street lighting at approved modern intensities shall be installed in all new subdivisions.
- (b) After January 1, 1970, in all new subdivisions, all distribution wires and cables including electrical distribution and telephone and cablevision wires and cables, and those wires and cables used for street lighting, shall be installed underground in accordance with standards and regulations promulgated by the Public Utilities Commission of Ohio and by the public utility supplying such service, which shall be consistent with those promulgated by such Commission.
- (c) The regulations contained herein may be partly or wholly waived in case of excessive removal of trees or other aesthetic reasons.
(Ord. 56-69. Passed 12-3-69.)

TITLE NINE - Architectural Standards
Chap. 1187. Architectural Districts.

CHAPTER 1187
Architectural Districts

- 1187.01 Purposes.
- 1187.02 District boundaries.
- 1187.03 Application and notice for
Regulated Architectural District.
- 1187.04 Board of Architectural Review.
- 1187.05 Standards for review;
certificate of appropriateness.
- 1187.06 Preservation of property upon demolition of a structure in the
Regulated Architectural District.
- 1187.07 Repair or maintenance
exception.
- 1187.08 Application and notice for
Unregulated Architectural District.
- 1187.09 Standards for review;
recommendation of
appropriateness.
- 1187.10 Zoning approval and building
permit prohibited without
compliance with this chapter.
- 1187.11 Preservation of property upon
demolition of a structure in the
Unregulated Architectural District.
- 1187.12 Appeals.

1187.01 PURPOSES.

The purposes of this chapter are to maintain a high character of community development, to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structures throughout the hereinafter defined Regulated Architectural District and by making recommendations as to the exterior architectural characteristics of structures throughout the hereinafter defined Unregulated Architectural District.

These purposes will be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Regulated Architectural District and by recommendations as to exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Unregulated Architectural District.
(Ord. 49-86. Passed 5-6-86.)

1187.02 DISTRICT BOUNDARIES.

(a) There is hereby established a Regulated Architectural District and an Unregulated Architectural District.

(b) The Regulated Architectural District is comprised of the following described area:
Beginning at the intersection of the centerline of the Consolidated Rail Corporation with the centerline of Erie Street; thence in an easterly direction along the said centerline of Erie Street and said centerline of Erie Street extended to the West line of Haverford Subdivision; thence in a southerly direction along the said West line of Haverford Subdivision to the extension of the centerline of Firth Road; thence in an easterly direction along the said extension of the centerline of Firth Road and the centerline of Firth Road to the East right-of-way line of U.S. 23; thence in a northerly direction along the said East right-of-way line of U.S. 23 to the extension of the centerline of Randall Street; thence in an easterly direction along the said extension of the centerline of Randall Street and the centerline of said Randall Street to the centerline of Acres Road; thence in a southerly direction along the said centerline of Acres Road to the centerline of Alexis Road; thence in an easterly direction along the said centerline of Alexis Road to the East line of a parcel of land as described in Volume 1810, Page 217 Lucas County Deed Records; thence in a southerly direction along the said East line of a parcel of land as described in Volume 1810, Page 217 Lucas County Deed Records to an angle point in the said East line of a parcel of land as described in Volume 1810, Page 217 Lucas County Deed Records; thence in a southwesterly direction along the said East line of a parcel of land as described in Volume 1810, Page 217 Lucas County Deed Records and the East line of a parcel of land as described in Microfiche 86-579-C01 Lucas County Deed Records to the southerly right-of-way line of Monroe Street; thence in a northwesterly direction along the said southerly right-of-way line of Monroe Street to the said East right-of-way line of U.S. 23; thence in a southwesterly direction along the said East right-of-way line of U.S. 23 to the center of the Ten Mile Creek (AKA Ottawa River); thence in a westerly direction along the said center of the Ten Mile Creek (AKA Ottawa River) to the intersection of the East line of Lot 212 in Block 34 of the Plat of Sylvania (now vacated); thence in a southerly direction along the said East line of Lot 212 in Block 34 of the Plat of

Sylvania (now vacated) to the South line of said Lot 212 in Block 34 in the Plat of Sylvania (now vacated); thence in a westerly direction along the said South line of Lot 212 in Block 34 of the Plat of Sylvania (now vacated) and said South line of Lot 212 extended to the West line of Main Street; thence in a southerly direction along the said West line of Main Street to the South line of a parcel of land as described in Volume 1490, Page 480 Lucas County Deed Records; thence in a westerly direction along the said South line of a parcel of land as described in Volume 1490, Page 480 Lucas County Deed Records and said South line extended westerly to the said centerline of the Consolidated Railway Corporation; thence in a northerly direction along the said centerline of the Consolidated Railway Corporation to the said centerline of Ten Mile Creek (AKA Ottawa River); thence in a westerly direction along the said centerline of Ten Mile Creek (AKA Ottawa River) to the centerline of Silica Drive; thence in a northerly direction along the said centerline of Silica Drive and the centerline of so-called "School Drive" to the centerline of Maplewood Avenue; thence in an easterly direction along the said centerline of Maplewood Avenue to the said centerline of the Consolidated Rail Corporation; thence in a northerly direction along the said centerline of the Consolidated Rail Corporation to the point of beginning. Excepting therefrom all parcels zoned R-1 and R-2.

(c) The Unregulated Architectural District is comprised of the area within the boundaries of the Fire District as set forth in Section 1313.02 excepting therefrom the area comprising the Regulated Architectural District as set forth in subparagraph (b) of this section. (Ord. 104-94. Passed 10-3-94.)

1187.03 APPLICATION AND NOTICE FOR REGULATED
ARCHITECTURAL DISTRICT.

(a) Whenever a structure, as defined by this Zoning Ordinance, whether public or private, within the Regulated Architectural District is proposed to be constructed or erected and whenever an existing structure within such Regulated Architectural District is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstruction, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a certificate of appropriateness shall be filed with the Clerk-Auditor together with a fee based upon the following schedule:

- (1) If the cost of the proposed project is to be two thousand dollars (\$2,000) or less the applicant shall pay a fee of two dollars (\$2.00).
- (2) If the cost of the proposed project is to exceed two thousand dollars (\$2,000) a fee of one dollar (\$1.00) for each one thousand dollars (\$1,000) or fraction thereof of the estimated total cost shall be paid. In no case shall such fee be less than two dollars (\$2 00) or more than two hundred dollars (\$200.00) .

(b) The application shall be accompanied by a line drawing indicating at a minimum, the lot dimensions, size, shape, and dimensions of the structure, the location and orientation of the structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Except in single-family residential zoning districts, application for structures to be constructed or remodeled, which

remodeling would increase or decrease the total gross building area by fifty percent (50%) or more, shall be accompanied by a colored elevation showing at a minimum, the design, use of materials, finish grade line, landscaping and orientation of buildings. In addition, the Board of Architectural Review may require the submission of colored perspectives or architectural renderings.

(c) Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Clerk-Auditor shall refer the application to the Board of Architectural Review at its next regular meeting not more than thirty days from the date the application is filed and the chairperson of the Board may call a special meeting to consider such application. The applicant shall be notified by mail of the date and time of the meeting, unless such notice is waived. The Board shall consider and grant or deny the certificate of appropriateness within thirty days from the date of the filing of the application therefor or the certificate shall be deemed granted as applied for. The thirty-day limit within which such application must be considered and granted or denied may be extended by any amount of time consented to by applicant, in writing.
(Ord. 49-86. Passed 5-6-86.)

1187.04 BOARD OF ARCHITECTURAL REVIEW.

(a) The Municipal Planning Commission shall constitute the Board of Architectural Review for all purposes under this chapter.

(b) The Board of Architectural Review shall adopt its own rules of procedure and provide for regular and special meetings in order to carry out the purposes of this chapter. (Ord. 49-86. Passed 5-6-86.)

1187.05 STANDARDS FOR REVIEW; CERTIFICATE OF APPROPRIATENESS.

(a) The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves and enhances the architectural character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the Regulated Architectural District as set forth in Section 1187.01. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:

- (1) Height.
- (2) Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective.
- (3) Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings.

- (4) Exterior detail and relationships, which shall include all projecting and and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements.
- (5) Roof shape, which shall include type, form and materials.
- (6) Materials: texture and color, which shall include a consideration of material compatibility among various elements of the structure.
- (7) Compatibility of design and details, which shall include the appropriateness of the use of exterior design details.
- (8) Landscape design and plant materials, which shall include, in addition to requirements of this Zoning Ordinance, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views.
- (9) Pedestrian environment, which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.
- (10) Signage, which shall include the appropriateness of signage to the building.

(b) In conducting its inquiry and review, the Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it.

(c) When its review is concluded, the Board will determine by a vote of its members, whether the application for a certificate of appropriateness shall be approved or denied. If approved by a majority of its members, the Board shall return the application and appended material to the Clerk-Auditor with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit, if applicable, are met. If not approved, the Board shall return the application and appended material to the Clerk-Auditor with instructions that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.
(Ord. 49-86. Passed 5-6-86.)

1187.06 PRESERVATION OF PROPERTY UPON DEMOLITION OF A STRUCTURE IN THE REGULATED ARCHITECTURAL DISTRICT.

(a) Whenever a structure within the Regulated Architectural District is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the Clerk-Auditor as provided in this chapter. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

(b) Nothing in this chapter shall be construed to prevent the demolition of a structure whether public or private, within the Regulated Architectural District.
(Ord. 49-86. Passed 5-6-86.)

1187.07 REPAIR OR MAINTENANCE EXCEPTION.

Nothing in this chapter shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting and landscaping now in the Regulated Architectural District or the Unregulated Architectural District.
(Ord. 49-86. Passed 5-6-86.)

1187.08 APPLICATION AND NOTICE FOR UNREGULATED ARCHITECTURAL DISTRICT.

(a) Whenever a structure, as defined by this Zoning Ordinance, whether public or private, within the Unregulated Architectural District is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstruction, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a recommendation of appropriateness shall be filed with the Clerk-Auditor together with a fee based upon the following schedule:

- (1) If the cost of the proposed project is to be two thousand dollars (\$2,000) or less the applicant shall pay a fee of two dollars (\$2.00).
- (2) If the cost of the proposed project is to exceed two thousand dollars (\$2,000), a fee of one dollar (\$1.00) for each one thousand dollars (\$1,000) or fraction thereof of the estimated total cost shall be paid. In no case shall such fee be less than two dollars (\$2.00) or more than two hundred dollars (\$200.00) .

(b) The application shall be accompanied by a line drawing indicating at a minimum, the lot dimensions, size, shape and dimensions of the structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Except in single-family residential zoning districts, applications for structures to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by fifty percent (50%) or more, shall be accompanied by a colored elevation showing, at a minimum, the design, use of materials, finish grade line, landscaping and orientation of buildings. In addition, the Board of Architectural Review may require the submission of colored perspectives or architectural renderings.

(e) Upon receipt of an application for a recommendation of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Clerk-Auditor shall refer the application to the Board of Architectural Review at its next regular meeting not more than thirty days from the date the application is filed and the chairperson of the Board may call a special meeting to consider such application. The applicant shall be notified by mail of the date and time of the meeting, unless such notice is waived. The Board shall consider and make its recommendations of appropriateness within thirty days from the date of the filing of the application therefor or the recommendation of appropriateness shall be deemed granted as applied for. The thirty-day limit within which such application must be considered and such recommendation of appropriateness made may be extended by any amount of time consented to by applicant, in writing.
(Ord. 49-86. Passed 5-6-86.)

1187.09 STANDARDS FOR REVIEW; RECOMMENDATION OF APPROPRIATENESS.

(a) The Board of Architectural Review, in making a recommendation of appropriateness, shall determine whether the application under consideration promotes, preserves and enhances the architectural character of the community and whether it would be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the Unregulated Architectural District as set forth in Section 1187.01. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to those elements mentioned in Section 1187.05(a)(1) to (10).

(b) In conducting its review, Section 1187.05(b) shall apply.

(c) When its review is concluded, the Board, by a majority vote of its members, shall make a recommendation of appropriateness. Whether positive or negative, the recommendation of appropriateness shall be issued forthwith and a copy thereof served by mail or hand delivered on such applicant and the applicant may then apply for zoning approval and a building permit.
(Ord. 49-86. Passed 5-6-86.)

1187.10 ZONING APPROVAL AND BUILDING PERMIT PROHIBITED WITHOUT COMPLIANCE WITH THIS CHAPTER.

No zoning permit incidental to the issuance of a building permit and no building permit shall be issued for property in either architectural district unless the applicant has first complied with the provisions of this chapter.
(Ord. 49-86. Passed 5-6-86.)

1187.11 PRESERVATION OF PROPERTY UPON DEMOLITION
OF A STRUCTURE IN THE UNREGULATED
ARCHITECTURAL DISTRICT.

(a) Whenever a structure within the Unregulated Architectural District is proposed to be demolished, an application for a recommendation of appropriateness shall be filed with the Clerk-Auditor as provided in this chapter. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

(b) Nothing in this chapter shall be construed to prevent the demolition of a structure whether public or private, within the Unregulated Architectural District.
(Ord. 49-86. Passed 5-6-86.)

1187.12 APPEALS.

Appeals from decision of the Board of Architectural Review shall be heard and decided by the Zoning Board of Appeals in accordance with the procedure set forth in Section 1105.06 and recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.
(Ord. 49-86. Passed 5-6-86.)