

CODIFIED ORDINANCES OF SYLVANIA
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EDITOR'S NOTE: The City Zoning Ordinance codified as Chapters 1101 to 1165 of this Part Eleven - Planning and Zoning Code was adopted by Ordinance 55-2011, passed July 18, 2011. Subsequent amendments to Ordinance 55-2011 will be indicated by legislative histories placed at the end of the affected sections.

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- Flood plain definitions - see P. & Z. 1139.02, 1149.01
- Special uses defined - see P. & Z. 1153.01
- Planned development defined - see P. & Z. 1155.02
- Off-street parking space defined - see P. & Z. 1157.02

1101.01 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.

1101.02 ADULT ARCADE.

"Adult Arcade" means any establishment offering adult material as a substantial portion of its stock-in-trade, to which the public is permitted or invited for any form of consideration and wherein coin operated, slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or display of specified sexual activities or specified sexual anatomical areas.

1101.03 ADULT BOOKSTORE.

"Adult Bookstore" means any establishment that offers adult materials for retail sale or rental as a substantial portion of its stock-in-trade, for any form of consideration, including printed matter, visual representations, instruments, devices or paraphernalia.

1101.04 ADULT CABARET.

"Adult Cabaret" means a nightclub, bar, restaurant, or other similar establishment that features, as a substantial portion of its business, live performances characterized by the exposure of specified sexual anatomical areas or by the depiction of specified sexual activities, and by films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material characterized by the emphasis upon the depiction or description of specified sexual activities or specified sexual anatomical areas.

1101.05 ADULT MATERIALS.

"Adult Materials" means media, matter, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities. Adult materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, or any service capable of arousing prurient interest through sight, sound or touch.

1101.06 ADULT MOTEL.

"Adult Motel" means a hotel, motel, or similar commercial establishment that offers accommodation to the public for any form of consideration, provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities, or adult material, and:

- (a) Has a sign visible from the public right-of-way that advertises the availability of adult and/or sexually explicit materials along with room rentals, or
- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours, or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

1101.07 ADULT MOTION PICTURE THEATER.

"Adult Motion Picture Theater" means an establishment where, for any form of consideration, films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the description of specified sexual activities or specified sexual anatomical areas.

1101.08 ADULT-ONLY ENTERTAINMENT ESTABLISHMENT.

"Adult-Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee and where the establishment features entertainment or services, such as exhibitions, dance routines, gyrational choreography, lingerie modeling, lingerie dancers, strippers (male or female), female impersonators, or similar entertainment, performed by persons who exhibit specified sexual anatomical areas, depict specified sexual activities, or which otherwise involves or constitutes "adult materials" as previously defined.

1101.09 ADULT THEATER.

"Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment that features, as a substantial portion of its stock-in-trade, persons or live performances that are characterized by the exposure of specified sexual anatomical areas or specified sexual activities.

1101.10 AGRICULTURE.

"Agriculture" means plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting and facilities related to agricultural processing plants or facilities), and roadside stands. Agriculture as defined herein does not include raising of farm animals, whether used for personal enjoyment or for commercial purposes. Horses are not defined as farm animals provided they do not exceed three in number and are kept on parcels of land that are 5 acres or more.

1101.11 ART EDUCATION FACILITY, PRIVATE.

"Art Education Facility, Private" means a place where classes in the various arts (e.g. dance, painting, sculpting, music and singing lessons) are taught to individual persons or groups of persons.

1101.12 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.

1101.13 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. A billboard is also a board, panel, or tablet used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

1101.14 BOARD.

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

1101.15 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.

1101.16 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.

1101.17 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.

1101.18 BUILDING, MAIN.

"Building, Main" means a building in which is conducted the principal or primary use of the zoning lot on which it is situated.

1101.19 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.

1101.20 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.

1101.21 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.

1101.22 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.

1101.23 COMMISSION.

"Commission" means the Sylvania Municipal Planning Commission.

1101.24 COPY OR BUSINESS CENTER.

"Copy or Business Center" means a retail establishment that provides primarily photocopying services, along with incidental business support services such as document binding, computer work stations with internet access, overnight shipping of materials less than 150 pounds and the incidental sale of office supplies.

1101.25 CULTURAL CENTERS AND MUSEUMS.

"Cultural Centers and Museums" mean places such as, but not limited to museums, art galleries, and libraries by a public or private, nonprofit facility.

1101.26 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.

1101.27 DRIVE-THROUGH WINDOW SERVICE.

"Drive-Through Window Service" means a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

1101.28 DWELLING.

"Dwelling" means a building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. A dwelling includes a permanently sited manufactured home and an industrialized unit, as separately defined, but does not include a mobile home.

1101.29 DWELLING, ATTACHED.

"Dwelling, Attached" means a dwelling which is joined to one other dwelling at one or more sides by a party wall or walls. Attached dwellings may also be structures where one or more of the building's sides rests directly on a lot line and attaches to a neighboring dwelling (sometime also called zero lot line).

1101.30 DWELLING, DETACHED.

"Dwelling, Detached" means a dwelling which is entirely surrounded by open space on the same lot.

1101.31 DWELLING, SINGLE-FAMILY.

"Dwelling, Single-Family" means a residence designed for or occupied by one family only. A single-family dwelling may include an industrialized unit, as separately defined, a permanently sited manufactured home, as separately defined, or a conventional site-built structure.

1101.32 DWELLING, SINGLE-FAMILY IN A MIXED USE BUILDING.

"Dwelling, Single-Family, in a Mixed Use Building" means a residence designed for or occupied by one family only, and located within a structure containing non-residential uses otherwise permitted in the applicable zoning district. Single family dwellings may often be located above the ground floor of an institutional, office, commercial, or retail use.

1101.33 DWELLING, TWO-FAMILY.

"Dwelling, Two-Family" means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

1101.34 DWELLING, MULTIPLE.

"Dwelling, Multiple" means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

1101.35 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.

1101.36 EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY.

"Educational Facilities, College/University" means an educational institution authorized by the state of Ohio to award associate, baccalaureate, or higher degrees.

1101.37 EDUCATIONAL FACILITIES, ELEMENTARY SCHOOL.

"Educational Facilities, Elementary School" means a facility that serves students between the kindergarten and high school levels.

1101.38 EDUCATIONAL FACILITIES, HIGH SCHOOL.

"Educational Facilities, High School" means ninth, tenth, eleventh, and twelfth grades.

1101.39 EDUCATIONAL FACILITIES, JUNIOR HIGH SCHOOL.

"Educational Facilities, Junior High School" means a school which provides educational instruction for not more than the first year of high school and not more than the upper two elementary grades.

1101.40 EDUCATIONAL FACILITIES, NURSERY SCHOOL OR PRESCHOOL.

"Educational Facilities, Nursery or Preschool" means a school that is primarily educational in nature oriented toward the needs of a child of three to five years of age. This definition also includes any day care center which receives children between the ages of two and six years and which is established and professionally operated primarily for educational purposes to meet the developmental needs of the children served. Preschools are facilities that provide day care with or without educational services for children not yet attending elementary school.

1101.41 EDUCATIONAL FACILITIES, VOCATIONAL OR TRADE SCHOOL.

"Educational Facilities, Vocational or Trade School" means a school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition includes schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling, school, etc.).

1101.42 ENTERTAINMENT FACILITY, COMMERCIAL.

"Entertainment Facility, Commercial" means any use which is generally related to the entertainment field, such as theaters and nightclubs, concert halls and similar entertainment activities, but excludes an adult entertainment center or establishment, as separately defined.

1101.43 ESCORT AGENCY.

"Escort Agency" means a person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. The escort is a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

1101.44 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.

1101.45 FARM ANIMALS.

"Farm Animals" means horses, ponies, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, turkeys, pigeons, pheasants, ostrich, emu, rhea, llamas, or similar animals not normally considered a domestic animal or customary household pet.

1101.46 FENCE.

"Fence" means a tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

1101.47 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.

1101.48 FLOOR AREA RATIO (FAR).

"Floor Area Ratio" means the area of all buildings or structures on a lot divided by the area of said lot.

1101.49 FRATERNITY OR SORORITY HOUSE.

"Fraternity or Sorority House" means a house occupied by a college or university fraternity containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining area maintained exclusively for members of the fraternity and their guests or visitors.

1101.50 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.

1101.51 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.)

1101.52 HOME OCCUPATION.

"Home Occupation" means an occupation, profession, activity, or use that is clearly a customary, secondary, and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation is also defined as being a use that:

- (a) Is carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building.
- (b) Does not employ persons on the premises, other than residents of such dwelling.
- (c) Is not reasonably objectionable to adjacent residences due to noise, hours of operation, traffic, electrical interference, etc.
- (d) The physical on-site activity associated with the home occupation is conducted wholly within the dwelling or an accessory structure.

1101.53 HOTEL.

An establishment providing sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of bed linens, and telephone and desk service for a fee. Related ancillary uses may include but shall not be limited to conference and meeting rooms, banquet halls, restaurants, bars, and recreational facilities. Hotels commonly provide a central lobby that provides primary access to elevators and guest rooms.

1101.54 HOTEL, EXTENDED STAY.

"Extended Stay Hotels" mean any building containing six or more units intended or designed to be rented to guests containing kitchen facilities for food preparation. Extended-stay lodging facilities may contain lobbies, conference rooms, meeting rooms, child play areas, or restaurants.

1101.55 INDUSTRIAL UNIT.

"Industrial Unit" means a building unit or assembly or closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity.

1101.56 INSTITUTION.

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

1101.57 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.

1101.58 KENNEL.

"Kennel" means any lot or premises on which four or more dogs, older than four months of age, are kept.

1101.59 LIVE WORK AREAS.

"Live Work Areas" are places or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Examples of live work areas include, but are not limited to, artist and craft studios and various types of offices. The living space is dedicated to one or more persons who work at the associated commercial activity.

1101.60 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.

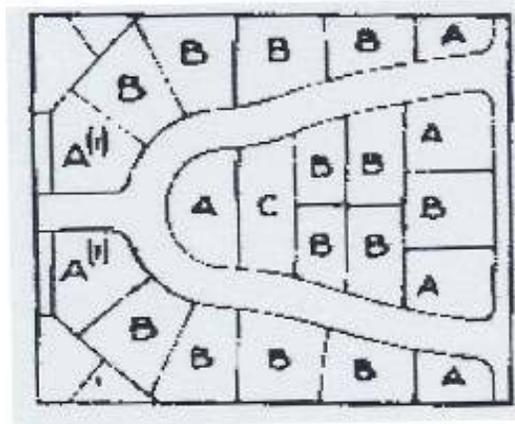
1101.61 LOT OF RECORD.

"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.

1101.62 LOT TYPES.

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

- (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.



1101.63 LOT WIDTH.

"Lot Width" means the horizontal distance between side lot lines measured at a point equal to the required front setback.

1101.64 MANUFACTURED HOME.

"Manufactured Home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 5401, 5403 and that has permanent label or tag affixed to it, as specified in 5415, certifying compliance with all applicable federal construction and safety standards.

1101.65 MANUFACTURED HOME, PERMANENTLY SITED.

"Manufactured Home, Permanently Sited" means a manufactured home affixed to a permanent foundation (permanent masonry, concrete, or a footing or foundation) and connected to appropriate facilities. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches or attachments, of at least nine hundred square feet. The structure also has minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhand, including appropriate guttering, and was manufactured after January 1, 1995.

1101.66 MANUFACTURING.

"Manufacturing" means the making of anything by any agency or process.

1101.67 MASSAGE.

"Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

1101.68 MASSAGE PARLOR.

"Massage Parlor" means an establishment offering massage and/or body work by a person or persons not licensed under Ohio R.C. 4731.16 or under the direct supervision of a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. A massage parlor is not a massage studio as separately defined herein.

1101.69 MASSAGE STUDIO.

"Massage Studio" means an establishment offering massage therapy and/or body work by a massage therapist licensed under ORC 4731.16 or under the direct supervision of a licensed physician, or other licensed medical professional. A massage studio does not include a massage parlor.

1101.70 MASSAGE THERAPY.

"Massage Therapy" means the profession in which a State of Ohio certified massage therapist applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobblies, and (iii) instruct self care and stress management. 'Manual' means by use of hand or body.

1101.71 MICROBREWERY.

"Microbrewery" means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

1101.72 MOBILE HOME.

"Mobile Home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three-hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in divisions (C)(3) of section 3781.06 of the Revised Code.

1101.73 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.

1101.74 MOTEL.

"Motel" means a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

1101.75 NUDE MODEL STUDIO.

"Nude Model Studio" means any place where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure provided such institution meets all of the following criteria:

- (a) There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
- (b) In order to participate in a class, a student must enroll at least three days in advance of the class; and
- (c) No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.

1101.76 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.

1101.77 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".

1101.78 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.

1101.79 PRINTING PLANT.

"Printing Plant" means a high volume commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. Raw materials and finished products are commonly shipped into and out of a printing plant via semi trucks. A "Print Shop" is distinct from a "printing Plant" as separately defined.

1101.80 PRINT SHOP.

"Print Shop" means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing. A "Print Shop" is distinct from a "Printing Plant" or "Copy or Business Center" as separately defined.

1101.81 RECREATIONAL EQUIPMENT.

"Recreational Equipment" includes the following words and phrases:

- (a) "Boats" and "boat trailers" include boats, floats, personal watercraft, rafts and snowmobiles plus the normal equipment to transport the same on the highway.
- (b) "Folding tent trailer" means a folding canvas structure mounted on wheels and designed for travel and vacation uses.
- (c) "Motor home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) "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, recreation and a 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) "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.

1101.82 RESTAURANT.

"Restaurant" means a structure in which the principal use is the preparation and sale of food and beverages. A restaurant is an establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service using no more than two delivery vehicles.

1101.83 RESTAURANT, DRIVE IN.

A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Food service is provided primarily while patrons remain in their vehicles.

1101.84 RESTAURANT, WITH DRIVE-THROUGH WINDOW SERVICE.

"Restaurant, with Drive-Through Window Service" means a restaurant where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

1101.85 RESTAURANT, WITH OUTDOOR CUSTOMER DINING AREA.

"Restaurant, with Outdoor Customer Dining Area" means a restaurant with a dining area located outdoors of a food service establishment. The outdoor dining area is commonly a seating area with tables and chairs for restaurant patrons. This outdoor seating may be in addition to the indoor seating or it may be the only seating available in the restaurant.

1101.86 RETAIL SALES ESTABLISHMENT.

"Retail Sales Establishment" means an establishment engaged in sale or rental of merchandise with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition. Establishments are typically engaged in selling commodities or goods in small quantities to ultimate customers or consumers.

1101.87 SATELLITE DISH RECEIVING STATION.

"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.

1101.88 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.

1101.89 SEXUALLY-ORIENTED BUSINESS.

"Sexually-Oriented Business" means an establishment where a substantial portion of the use is related to adult materials, visual representations, performances, or services characterized by an emphasis upon specified sexual activities or specified sexual anatomical areas, including an: adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult-only entertainment establishment, adult theater, escort agency, nude model studio, massage parlor, sexual encounter center, or sexually-oriented spa more specifically defined hereunder by this Zoning Code.

1101.90 SEXUAL ENCOUNTER CENTER.

"Sexual Encounter Center" means a business or commercial enterprise that for any form of consideration offers activities or physical contact, including wrestling or tumbling, between male and female persons and/or persons of the same sex when one or more of the persons exhibits or displays specified sexual anatomical areas for the purpose of specified sexual activities.

1101.91 SEXUALLY-ORIENTED SPA.

"Sexually-Oriented Spa" means a place or structure that provides bathing, saunas, showers or hot tubs, and engages in or offers to engage patrons in specified sexual activities or activities commonly associated with a sexual encounter center, for any form of consideration.

1101.92 SIDEWALK CAFÉ.

"Sidewalk Café means a portion of an eating or drinking place, located on a public sidewalk that provides wait staff and is either an enclosed or unenclosed sidewalk cafe as defined. No portion of a sidewalk café shall be used for any purpose other than dining and circulation therein.

1101.93 SPECIFIED SEXUAL ANATOMICAL AREAS.

"Specified Sexual Anatomical Areas" means the showing of less than completely and opaquely covered human: genitals; pubic region; vulva; buttocks; anus; anal cleft; or human male genitals in a discernible turgid state even if completely and opaquely covered. The showing of the lower portion of the female breast below a horizontal line across the top of the areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

1101.94 SPECIFIED SEXUAL ACTIVITIES.

"Specified Sexual Activities" includes any of the following as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Sexual activity, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, sadomasochistic activities, or bestiality;
- (c) Actual or simulated masturbation, or the penetration of an orifice with a sex toy;
- (d) Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.

1101.95 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.

1101.96 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.

1101.97 STREET LINE.

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

1101.98 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, towers, billboards and poster panels.

1101.99 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.

1101.100 TEA HOUSE.

"Tea house" means an owner-occupied residential single-family structure wherein tea and other non-alcoholic beverages and light refreshments and appetizers are served.

1101.101 TEMPORARY OUTDOOR RETAIL OPERATIONS.

"Temporary Outdoor Retail Operations" means farmer's markets; seasonal sales of Christmas trees, pumpkins, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales.

1101.102 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.

1101.103 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.

1101.104 YARD, SIDE.

"Yard, Side" 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.

1101.105 YARD, REAR.

"Yard, Rear" 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.

1101.106 WINE BAR.

"Wine Bar" means an establishment devoted to the sampling and sales of wine or liquors produced on or off the premises. Sale of food or incidental provision of food with or without compensation may also be involved.

1101.107 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.

CHAPTER 1103
Administration, Enforcement and Penalty

<p>1103.01 Administration and enforcement.</p> <p>1103.02 Zoning certificate required.</p> <p>1103.022 Zoning certificates for demolition of structures constructed more than sixty-five years prior to the request for zoning certificate for demolition.</p> <p>1103.03 Compliance with subdivision rules and regulations required.</p> <p>1103.04 Application for Zoning Certificate.</p> <p>1103.05 Issuance of building permit; time requirement.</p> <p>1103.06 Zoning Certificates for existing conforming uses.</p>	<p>1103.07 Zoning Certificates required for nonconforming uses.</p> <p>1103.08 Construction and use to be as provided in permits and Zoning Certificates.</p> <p>1103.09 Removal of materials from building site; denial of permits.</p> <p>1103.10 Schedule of fees.</p> <p>1103.11 Complaints regarding violations.</p> <p>1103.12 Violation may be enjoined.</p> <p>1103.13 Illegal uses under original Zoning Ordinance or in annexed areas.</p> <p>1103.14 Appeal procedure.</p> <p>1103.15 Minimum requirements.</p> <p>1103.99 Penalty.</p>
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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.

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 therefore 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.)

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

(a) No zoning certificate for demolition of any structure in Sylvania constructed more than sixty-five 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.

(b) 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; Ord. 42-2012. Passed 7-6-2012.)

1103.03 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.

1103.04 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; easement locations; 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.

1103.05 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.

1103.06 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.

1103.07 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.

1103.08 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 applications, 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.

1103.09 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.

1103.10 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 or 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 the cash payments required by this subsection (b) hereof are hereby repealed.

1103.11 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.

1103.12 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.

1103.13 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.

1103.14 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 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.

1103.15 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.

1103.99 PENALTY.

(a) Whoever violates any provision of this Zoning Ordinance or fails to comply with any of its requirements shall be fined not more than one thousand dollars (\$1,000.00) 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.

(b) 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.

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

CHAPTER 1105
Board of Zoning Appeals

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

CROSS REFERENCES

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.

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 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.

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.

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.

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.

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.

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.
(Ord. 55-2011. Passed 7-18-11.)

(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.

And after considering the above, the Board thereafter finds that:

- (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. 64-2011. Passed 9-19-11.)

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 therefore, 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.

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.

**CHAPTER 1107
Amendments**

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

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.

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.

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.

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.

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.

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.

1107.07 ZONING UPON ANNEXATION.

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

- (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.

CHAPTER 1109
Site Plans and Development Plans

<p>1109.01 Site plan required.</p> <p>1109.02 Site plan submission requirements, in general.</p> <p>1109.03 Site plans and variances.</p> <p>1109.04 Site plan submittal requirements.</p> <p>1109.05 Action on site plans.</p> <p>1109.06 Outside assistance and expertise.</p> <p>1109.07 Concurrent reviews.</p> <p>1109.08 Site plan compliance.</p>	<p>1109.09 Amendments to approved site plans.</p> <p>1109.10 Site plan review criteria.</p> <p>1109.11 Development plan required.</p> <p>1109.12 Development plan submission requirements, in general.</p> <p>1109.13 Action on development plans.</p> <p>1109.14 Development plan compliance.</p>
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CROSS REFERENCES

Subdivision Regulations - see P. & Z. TITLE SEVEN

Architectural standards - see P. & Z. TITLE NINE

1109.01 SITE PLAN REQUIRED.

(a) Site Plans are required when construction projects involve individual buildings on individual sites, and when the proposed construction, alteration, relocation, or change of use involves any of the following elements:

- (1) The proposed land use involves a Special Use in the zoning district.
- (2) The development involves construction of five (5) or more new or additional parking spaces in off-street parking areas.
- (3) The construction of any number of housing units in a multifamily structure(s).
- (4) The construction of a new industrial building, or the expansion of an existing industrial structure by more than 5,000 square feet of gross floor area.
- (5) The construction, or expansion, of a commercial, office or public building that involves more than 5,000 square feet of gross floor area.
- (6) Any proposed development that involves the preparation of a Traffic Impact Study pursuant to Chapter 1110.

- (b) Site Plans may be approved administratively unless any of the following conditions exist:
- (1) The proposed development involves a Special Use pursuant to Chapter 1153.
 - (2) The proposed development involves the need for a variance pursuant to Section 1105.07.
 - (3) The proposed development is located within an Overlay District that requires design review approval.
 - (4) The proposed development involves the need to prepare a Traffic Impact Study pursuant to Chapter 1110.
- (c) In such instances, other associated procedures and review requirements shall be followed.

1109.02 SITE PLAN SUBMISSION REQUIREMENTS, IN GENERAL.

The purpose of Site Plan review procedures is to provide a mechanism to review proposed construction projects with potentially greater impacts upon the community, ensure compliance with development standards and aid in the implementation of land use planning policies. Applicants have the option of requesting that the submittal of one or more of the required elements of a Site Plan be deferred. The request to defer is made by the applicant and the decision to grant this request rests with the Service Director or his/her designee. Before any Site Plan is approved all of the required elements must be submitted before a decision is rendered. The applicant may also request a two-step Site Plan review and seek preliminary approval of a Site Plan without a full submittal of all required material. The request for a two step review process is made by the applicant and the Service Director or his/her designee. The Planning Commission and/or City Council may take action on an incomplete Site Plan as deemed appropriate to offer guidance toward full approval. A preliminary approval of a Site Plan does not guarantee final approval.

1109.03 SITE PLANS AND VARIANCES.

If a proposed Site Plan includes a request for a variance, such variance must first be approved by the Board of Zoning Appeals.

1109.04 SITE PLAN SUBMITTAL REQUIREMENTS.

Site Plans shall meet the following requirements:

- (a) All Site Plan drawings shall be prepared by a professional engineer or architect and shall bear their professional seal, unless it is determined by the Service Director or his/her designee, that due to the simplicity of the project, a professional seal is not required at this stage of the project development. The Service Director or his/her designee may also waive any submission requirement by determining that such information is not needed or relevant to making a determination regarding compliance with requirements of this Zoning Ordinance.
- (b) The cover letter shall indicate the applicant name, address, and phone number; the owner name, address, and telephone number; and provide an overview of the project being proposed.
- (c) Site Plan drawings should include the following information:
 - (1) Name, address, telephone number and State of Ohio registration number of the registered surveyor, city planner, landscape architect or professional engineer who prepared the Site Plan;
 - (2) Name, address and telephone number of the owner/developer;
 - (3) Proposed name of the site, original lot or section number, sub-lot number, street address;

- (4) Proposed use of structure or site;
- (5) North arrow, legend, date prepared, and scale.
- (6) Scale. Site Plan drawings shall be drawn to a scale so that all features required to be shown on the plans are readily discernible, preferably one inch equals twenty feet (1" = 20'), but no smaller than one inch equals fifty feet (1"=50').
- (7) Vicinity Map. The map shall show the relationship of the proposed development site to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map shall be at a scale of 1" = 400' and must illustrate major intersecting streets, water features and political boundaries.
- (8) Architectural drawings shall include floor plans and exterior elevations for existing and proposed buildings with proposed design guidelines that express common architectural themes in buildings, and other improvements. If exterior elevations are not available, reasonable graphic representations may be submitted.
- (9) Existing features on maps should be clearly distinguished from proposed features.
- (10) Format. Site plan drawings shall be submitted in a hard copy format on 11" x 17" or 24" x 36" paper (plan sizes greater than 24" x 36" in size shall not be excepted), or in an electronic media format acceptable to the Zoning Administrator.
- (11) Legal features: A property boundary line survey, as surveyed by a registered surveyor, showing bearings and distances including the geometric layout of the site showing complete dimensions of existing and proposed buildings, roads, drives, parking areas, utilities, landscaping and other site elements with adequate detail and dimensions to allow construction without the need to scale from the plan to determine the designer's intended location property lines, easements (and their purpose), and street right-of-way lines in the vicinity or adjacent to the subject property. Indicate street centerline stationing and pavement edges and walks for adjacent road(s). Bearing and distance dimensions shall be shown on property lines and to property corners. Property pins or other approved markers shall be set and shown at all property corners and property line stakes shall be set and shown where, due to topography, length of line or obstructions, the location of the property line cannot be determined by sighting from property corner to property corner.
- (12) Zoning of the property, including zoning district lines where applicable, and lot size and front, rear, and side yard setback requirements;
- (13) Location of all public and private above ground and underground utilities on the site including but not limited to; natural gas, electric, cable TV, telephone, steam, water, sanitary sewer and storm sewer.
- (14) Proposed location of accessory structures, buildings, and uses including, but not limited to, all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method of screening where applicable;

- (15) Existing and proposed topographical features. Ground elevations shall be shown as contour lines with no larger than five-foot contour intervals if ground slope is in excess of four percent in any area and two-foot intervals if ground slope is less than four percent. The location of areas with existing slopes in excess of twelve percent (12%) shall be designated as such. Existing grades 50 feet beyond the site property lines may also be deemed necessary.
- (16) Location and elevations of existing watercourses and water bodies, including natural and/or man-made surface drainage ways, flood plains, and wetlands;
- (17) When a Storm Water Pollution Control Plan (SWP3) is required in accordance with Ohio EPA regulations, a copy of such plan shall be submitted with the Site Plan.
- (18) Landscaping Plan detailing the location and specifications for all significant existing, and proposed perimeter and internal landscaping or construction of other devices (such as walls, fences, etc.) to comply with the landscaping, buffering, and shading requirements of this Zoning Ordinance (See Chapter 1160).
- (19) All existing and proposed on-site uses, structures, buildings, decks, porches, storage sheds, dumpsters, fences and walls, landscape beds, power lines and poles, telecommunication towers, flagpoles, bulkheads, docks, transformers, air conditioners, generators and such similar equipment.
- (20) Dimensions of each structure footprint as well as any roof or floor overhangs or wall or window projections; the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines; and the method of applicable screening.
- (21) Location and type of existing trees on the site with a diameter of eight inches (8") or more at four and one-half feet (4-1/2') feet above grade. Included with the location of the tree should be the associated "drip line;"
- (22) The total square footage of all existing and proposed impervious area on the site;
- (23) The Site Plan shall show the locations and dimensions of all proposed streets and sidewalks, pedestrian connections, thoroughfares, roadways, service roads, driveways and parking areas.
- (24) An Access Plan and Traffic Impact Study, if required pursuant to Chapter 1110.
- (25) Refuse storage and pick-up facilities shall be indicated on the Site Plan illustrating the steps taken provide to an adequate visual barrier from locations both on- and off-site.
- (26) Location, size, and characteristics of all loading and unloading areas.
- (27) A Utilities Plan shall show the location, purpose, and dimensions of all existing (dashed lines) and proposed (continuous lines) utility easements, lines, service laterals, and other facilities, including, but not limited to water, sewer, electric power lines and poles, natural gas, telephone, cable television, and telecommunications/data transfer facilities.
- (28) Lighting Plan. Location of existing and/or proposed exterior lighting locations and poles, with area of illumination and type of fixtures illustrated, demonstrating compliance with applicable Zoning Standards.
- (29) An implementation plan providing specific dates for the expected completion of all building construction, site work and landscape installation.

1109.05 ACTION ON SITE PLANS.

Unless the proposed development is reviewed by the Planning Commission and/or City Council, the Service Director or his/her designee shall take one of the following actions:

- (a) Approval - An officially approved Site Plan shall expire within one (1) year of its date of approval, unless a longer period of completion is granted along with such original approval. Extensions may also be granted upon petition of the applicant when an original period of approval expires.
- (b) Disapproval - In the event that the Site Plan is not approved, the Service Director or his/her designee shall notify the applicant in writing of its decision and describe what modifications must be made bring it into conformance with the Sylvania Zoning Ordinance. All resubmitted applications shall follow the application requirements set forth in this Chapter.

1109.06 OUTSIDE ASSISTANCE AND EXPERTISE.

The applicant may be requested or may volunteer to provide additional information or re-study all or part of a Site Plan or to have additional studies done. The costs of securing expert advice or studies shall be borne by the applicant.

1109.07 CONCURRENT REVIEWS.

The Sylvania Planning Commission and/or City Council may concurrently consider a Design Plan, Site Plan and Special Use. If a proposed development involves a Special Use, the Special Use Approval Procedures Defined in Chapter 1153 shall be followed and the Planning Commission shall offer consideration and a report to the Sylvania City Council in terms of both Site Plan Review and Special Use Approval.

1109.08 SITE PLAN COMPLIANCE.

After a Site Plan has been approved, no zoning certificate may be issued by the Service Director or his/her designee, except in compliance with such approved Site Plan.

1109.09 AMENDMENTS TO APPROVED SITE PLANS.

Amendments to approved Site Plans may be made in the same manner as an original Site Plan approval except that an applicant need not resubmit information that has already been submitted as part of a previous Site Plan review process.

1109.10 SITE PLAN REVIEW CRITERIA.

All Site Plans shall be reviewed on the basis of uniform criteria that advance the principals of good site design to provide safe vehicular access and pedestrian movement. Site plans shall also be reviewed on the basis of achieving site designs that will promote a healthy natural and built environment for residents and will advance principles defined in applicable community planning documents and this Zoning Code. Specific approval criteria include the following:

- (a) The Site Plan shall show (consistent with the findings of a Traffic Impact Study if included) that a proper relationship will exist between thoroughfares, service roads, driveways, sidewalks, bike lanes and parking areas to encourage pedestrian, bicyclist and vehicular traffic safety on both public and private lands.
- (b) All development features, including the principal buildings, open spaces, service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.
- (c) Building location and placement shall be developed with consideration given to minimizing removal of large trees (in accordance with change of topography).

- (d) Visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences and walls, landscaping, topography, and open space.
- (e) Parking area landscaping and screening shall channel traffic flow in a safe manner, and on-site traffic circulation shall be designed to provide adequate access for fire and police protection, and minimize interference with the traffic carrying capacity of adjacent streets.
- (f) Refuse storage and pick-up facilities shall be indicated on the Site Plan and shall be fenced, screened, or landscaped to prevent blowing or scattering of refuse, and to provide an adequate visual barrier from locations both on- and off-site.
- (g) All utilities on-site shall be located underground.
- (h) Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, and to minimize the possibility of erosion in a manner consistent with the requirements of a Storm Water Pollution Prevention Plan (SWP3).
- (i) The design and construction standards of all private roads, driveways, and parking areas, shall conform to the provisions of this Zoning Code and/or as may be recommended through engineering review. All private streets, driveways, and parking areas are to be of a useable shape and improved with asphalt, concrete, or other durable and dustless pavement or surface.
- (j) The design of the site and physical structures advances applicable community planning principles expressed in the Sylvania Land Use Plan and any area or neighborhood-specific planning documents.

1109.11 DEVELOPMENT PLAN REQUIRED.

Development Plans are required when projects involve multiple buildings on multiple sites, common ownership of property within a proposed development and the allocation of private or public open spaces. Development Plans are also required when development activity will be phased in over time. Development Plans are specifically required for all Planned Developments proposed pursuant to Chapter 1155 and may be required in the B-4 District where multiple properties are involved or the project is proposed to be phased in.

1109.12 DEVELOPMENT PLAN SUBMISSION REQUIREMENTS, IN GENERAL.

Development Plans shall include all applicable elements required for Site Plans as related to areas that will be developed in an initial phase. When Development Plans involve future development phases and specific uses are unknown, some required Site Plan elements may be waived, but the applicant shall provide the following additional requirements:

- (a) The location of building footprints or envelopes within which dwelling units are to be constructed in later development phases. Future building envelopes or footprints shall illustrate that building locations will be in compliance with applicable development and site planning standard requirements. Proposed land uses shall be defined and information regarding future land uses, building sizes, residential density, internal pedestrian and vehicular mobility architectural design elements is expected to be sufficient to determine how an area is proposed for future development will look and function as an urban area.
- (b) Development phasing plan and schedule for build-out.
- (c) Legal documentation establishing homeowners associations or other legal entities responsible for control over any required common areas and facilities.

- (d) Copies of proposed deed restrictions and covenants that will be applicable to future property owners.

When a Development Plan indicates future development phases, no Zoning Certificate may be issued for construction activity in accordance with Chapter 1103 unless all information normally required for a Site Plan has been submitted and approved for individual buildings.

1109.13 ACTION ON DEVELOPMENT PLANS.

Development Plans may be approved by the Sylvania City Council in the same manner as a Special Use, pursuant to Chapter 1153. Before action is taken on any Development Plan, such Development Plan shall be referred to the Sylvania Planning Commission for consideration and report. A Development Plan may not be officially considered until it has been deemed fully complete by the Service Director or his/her designee. The Planning Commission shall review the Development Plan and take one of the following actions:

- (a) Recommend Approval - The Sylvania Planning Commission may recommend approval of a proposed Development Plan as submitted, or approval with recommended modifications. If modifications are recommended, the Planning Commission shall provide a written and specific description of recommended modifications.
- (b) Recommend Disapproval - The Sylvania Planning Commission may recommend disapproval of a Development Plan and provide a written description of why this decision was reached in meeting minutes. The applicant may re-submit a Development Plan to the Sylvania Planning Commission if he or she wishes to amend all or part of the Development Plan to obtain a favorable recommendation.

1109.14 DEVELOPMENT PLAN COMPLIANCE.

After a Development Plan has been approved by the Sylvania City Council, no zoning certificate may be issued by the Service Director or his/her designee, except in compliance with such approved Development Plan. Individual Site Plans are required for construction of subsequent development phases and must conform to a previously approved Development Plan.

CHAPTER 1110
Traffic Impact Studies/Access Management

1110.01 Purpose.	1110.05 Review elements.
1110.02 Requirements - Access Management Plan.	1110.06 Access drives.
1110.03 Requirements - Traffic Impact Study.	1110.07 Curb cuts, signals.
1110.04 Traffic Impact Study - content.	

CROSS REFERENCES

Site and Development Plans - see P. & Z. Ch. 1109

1110.01 PURPOSE.

These access management regulations are intended to provide for efficient access to and from property and to maintain a safe level of service on all roads and highways in the City of Sylvania.

It is further the purpose of these regulations to ensure that new development or redevelopment generating significant vehicular trips occurs with careful consideration as to how to balance access needs with the need to maintain the capacity of existing roadways to carry existing and future traffic volumes.

1110.02 REQUIREMENTS - ACCESS MANAGEMENT PLAN.

An Access Management Plan shall accompany any Site Plan submitted pursuant to Chapter 1109. This Access Management Plan shall illustrate proposed and/or existing driveways, parking areas, and drive aisles, along with road details, such as public right-of-way, vehicular traffic lanes, bike lanes, traffic signal locations and traffic control signs, such as "STOP" and "YIELD," along with anticipated daily and peak hour traffic volumes at site access points.

1110.03 REQUIREMENTS - TRAFFIC IMPACT STUDY.

A Traffic Impact Study shall accompany any Site Plan submitted pursuant to Chapter 1109, when any development, expansion, or change of use is proposed and generates one hundred (100) or more peak hour trips (as defined by the Institute of Transportation Engineers (ITE) Trip Generation Manual). This Traffic Impact Study shall document the development's impact on internal and external vehicular and pedestrian circulation and safety. Based on the findings and recommendations of the Traffic Impact Study, an access drive, shared driveway approach for adjoining parcels, signal improvements, pedestrian walks, bike lanes, turn lanes, and limited direction driveways may be required as part of Site Plan approval.

1110.04 TRAFFIC IMPACT STUDY - CONTENT.

The Traffic Impact Study shall be prepared by a Professional Engineer at the expense of the property owner or developer and include all elements of an Access Management Plan. The study shall also investigate and recommend the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations to protect the safety and welfare of the traveling public. The Traffic Impact Study analysis shall include descriptions for the following:

- (a) Site and area within limits of the traffic impacts.
- (b) Roadway network within the limits of the traffic impact area; the proposed site, adjacent roadway and the nearest major intersection in each direction; shall include traffic volumes, levels of service, and physical features such as number and type of lanes and traffic control devices.
- (c) Existing development adjacent to and surrounding the subject site and a description of future development as proposed by the Sylvania Land Use Plan.
- (d) Trip generation consistent with the current ITE Trip Generation and distribution, including a description of all assumptions/predictions used to generate findings of trip distribution.
- (e) Projected future traffic conditions within limits of the traffic impacts, including opening day of proposed development; ten (10) year and twenty (20) year projections.
- (f) Evaluation of the effects the proposed development will have on the existing level of service for site driveways, public rights-of-way, roadways and adjacent intersections in each direction including traffic volumes.
- (g) Recommendations for site access and transportation improvements needed to mitigate site-generated traffic within the limits of the traffic impacts, to at least the level of service that currently exists.
- (h) Signal warrant analysis and highway capacity analysis shall be conducted, consistent with the current Ohio Manual of Uniform Traffic Control Devices (OMUTCD) and Transportation Research Boards (TRB), Highway Capacity Manual (HCM) and associated software, at all multi-movement driveways. Determination of a signal installation will be based on the signal warrant analyses with consideration for system capability and signal spacing.
- (i) When questions arise concerning the development of Access management and Traffic Impact Studies, Ohio Department of Transportation (ODOT) standards shall provide guidance.

1110.05 REVIEW ELEMENTS.

Review of Access Management and Traffic Impact Studies shall include consideration of:

- (a) The potential for existing or future access drives (front or rear)
- (b) The need for reciprocal easement agreements (on-site only)
- (c) Adequacy of proposed driveway geometry serving proposed development
- (d) Limitation on the number of driveways
- (e) Necessary turn lane improvements
- (f) Limited left/right turn direction driveways
- (g) Restricted left/right turn
- (h) Reduction/elimination/shared driveways
- (i) Road/drive alignment (including alignments with drives and roads on opposite sides of the street or road.
- (j) Traffic control devices associated with site access
- (k) Right turn deceleration lanes

1110.06 ACCESS DRIVES.

(a) The preferred type of access to a lot is a drive that is located in the rear of a property and which connects adjoining parcels. In those instances where a rear access drive is not feasible, a front access drive to connect adjoining parcels may be considered. An access drive may be a publicly dedicated right-of-way, constructed at the owner's expense and built to City of Sylvania standards. If a private access road is proposed, requirements such as curbing, width of rights-of-way, and road width may be modified or approved by the Service Director or his/her designee. If a private access road is permitted pursuant to this Section, reciprocal easement agreements between adjoining parcels are required.

(b) The distance between the adjacent road and an access drive shall be subject to the recommendations of a Traffic Study that addresses local conditions and considerations. When a front access drive is permitted, the required landscape area may be located between the existing roadway and the front access drive. The access drive shall be constructed before any occupancy or use is permitted. A bond, escrow or other assurance may be provided to guarantee the completion of the access drive. Where access drives are not appropriate, driveway sharing and/or cross access between parking areas of adjacent parcels may be approved.

1110.07 CURB CUTS, SIGNALS.

As part of the Site Plan review process, The Service Director or his/her designee may approve a Site Plan with a specific driveway location on condition that an agreement be made between the property owner and the City requiring that such driveway(s) be closed when specific conditions are met. Such conditions may include the completion of an access drive or shared drive approach on adjacent lots or for other road specific circumstance. When public roadway improvements are required by a proposed development such as the construction of left or right turn lanes or installation of traffic signals, completion of such improvements shall be assured by the owner by posting a bond or escrow.

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. 1150. Neighborhood Conservation Overlay District.
- Chap. 1151. Downtown Overlay District.

CHAPTER 1113 Zoning Maps Adopted

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

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.

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 of Council, 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 Zoning Administrator'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.

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 Zoning Administrator's office or other location convenient to the public. Each map shall be identified by the signature of the Mayor attested by the Clerk of Council, 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."

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.

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 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 of Council, 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.

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 shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. 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.

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.

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 maximum 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 less than the minimum 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).

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

<p>1117.01 Purpose.</p> <p>1117.02 Minimum requirements.</p> <p>1117.03 Lot of record; exception.</p> <p>1117.04 Maximum height.</p> <p>1117.05 Off-street parking and loading.</p>	<p>1117.06 Permitted uses.</p> <p>1117.07 Accessory buildings and uses.</p> <p>1117.08 Fences and hedges.</p> <p>1117.09 Signs.</p> <p>1117.99 Penalty.</p>
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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.

1117.02 MINIMUM REQUIREMENTS.

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

- | | |
|---|--|
| <p>(a) Lot area</p> <p>(b) Lot width</p> <p>(c) Front yard*</p> <p>(d) Side Yards*</p> <p>(e) Rear yard*</p> <p>(f) Ground floor area</p> <p>(g) Total floor area</p> | <p>10,000 square-feet (see Section 1117.03 hereof)</p> <p>70 feet (see Section 1117.03 hereof)</p> <p>25 feet</p> <p>7 feet</p> <p>30 feet</p> <p>960 square feet</p> <p>1,200 square feet</p> |
|---|--|

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

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.

1117.04 MAXIMUM HEIGHT.

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

1117.05 OFF-STREET PARKING AND LOADING.

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

1117.06 PERMITTED USES.

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

- (a) Accessory uses
- (b) Agriculture
- (c) Educational facilities, college/university
- (d) Educational facilities, elementary school
- (e) Educational facilities, high school
- (f) Educational facilities, junior high school
- (g) Educational facilities, nursery school or preschool
- (h) Home Occupations
- (i) Parks, playgrounds and community buildings owned or operated by public agencies.
- (j) Single-family dwellings, detached.
- (k) Special uses, as indicated in Chapter 1153.
- (l) Utility facilities necessary for local service to the adjacent area.

1117.07 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:

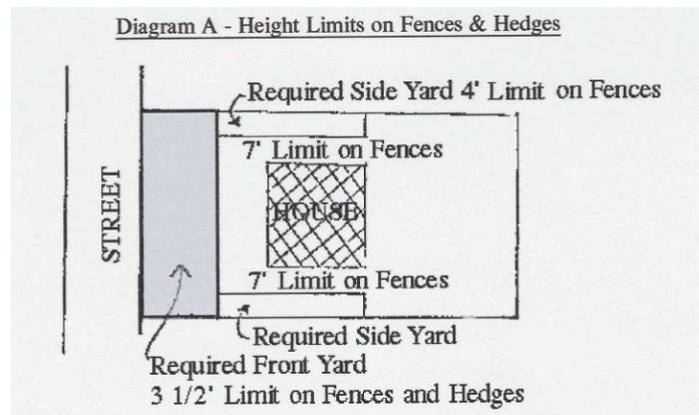
- (a) Roadside stands for sale of agricultural products raised on the premises only.
- (b) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (c) Swimming pools provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than ten feet. This includes all decks, mechanical equipment, slides, diving boards, deck material, etc.
- (d) Recreational Vehicle, Utility Trailers and Equipment Storage.
 - (1) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) No recreational vehicles shall be parked or stored on a property unless it is title to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle is located.

- (3) Only one travel trailer or one pleasure boat shall be parked to the rear of a point which is five feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street, except that such recreational equipment may be parked on the driveway or paved portions of a side or front yard for the purpose of loading and unloading for a period of time not to exceed forty-eight hours within any consecutive seven day period only by permission granted upon request to the Zoning Administrator.
- (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (5) Recreational equipment which is so parked shall not be used for living or housekeeping purposes.
- (6) Recreational equipment which is so parked shall not reduce the number of parking spaces as required in Section 1157.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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 if 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.

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.

**1117.09 SIGNS.**

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations).

1117.99 PENALTY.

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

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

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

CROSS REFERENCES

Two-family dwelling defined - see P. & Z. 1101.33
 Lot of record defined - see P. & Z. 1101.61
 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.

1119.02 MINIMUM REQUIREMENTS.

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

- | | | |
|-----|---------------------|---|
| (a) | Lot area | 10,000 square feet (see Section 1119.03 hereof) |
| (b) | Lot width | 70 feet (see Section 1119.03 hereof) |
| (c) | Front yard* | 25 feet |
| (d) | Side yards* | 6 feet |
| (e) | Rear yard* | 30 feet |
| (f) | Ground floor area | 960 square feet per unit |
| (g) | Total floor area | 1,200 square feet per unit |
| (h) | Lot area per family | 5,000 square feet |

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

1119.03 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 residential lot in any R-1-A Residential District be smaller than 9,000 square feet.

1119.04 MAXIMUM HEIGHT.

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

1119.05 OFF-STREET PARKING AND LOADING.

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

1119.06 PERMITTED USES.

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

- (a) Accessory uses
- (b) Agriculture
- (c) Educational facilities, elementary school
- (d) Educational facilities, high school
- (e) Educational facilities, junior high school
- (f) Educational facilities, nursery school or preschool
- (g) Home Occupations
- (h) Parks, playgrounds and community buildings owned or operated by public agencies.
- (i) Single-family dwellings, detached.
- (j) Single-family dwellings, attached.
- (k) Special uses, as indicated in Chapter 1153.
- (l) Two-family dwellings
- (m) Utility facilities necessary for local service to the adjacent area.

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) Roadside stands for sale of agricultural products raised on the premises only.
- (b) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (c) 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. This includes all decks, mechanical equipment, slides, diving boards, deck material, etc.
- (d) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked in any of the required yards; provided, however, that:
 - (1) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) No recreational vehicles shall be parked or stored on a property unless it is title to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle is located.

- (3) Only one travel trailer or one pleasure boat shall be parked to the rear of a point which is five feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street, except that such recreational equipment may be parked on the driveway or paved portions of a side or front yard for the purpose of loading and unloading for a period of time not to exceed forty-eight hours within any consecutive seven day period only by permission granted upon request to the Zoning Administrator.
- (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (5) Recreational equipment which is so parked shall not be used for living or housekeeping purposes.
- (6) Recreational equipment which is so parked shall not reduce the number of parking spaces as required in Section 1157.
- (e) 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.
- (f) 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 there from 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.
- (g) 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.
- (h) 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 if 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.

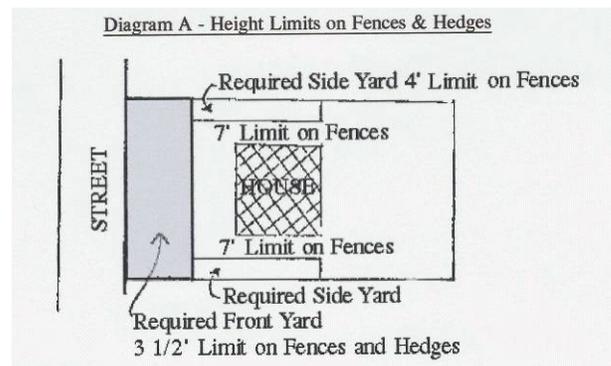
1119.08 FENCES AND HEDGES.

(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.

**1119.09 SIGNS.**

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

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

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

CROSS REFERENCES

Single-family dwelling defined - see P. & Z. 1101.32
 Lot of record defined - see P. & Z. 1101.61
 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.

1121.02 MINIMUM REQUIREMENTS.

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

- | | | |
|-----|-------------------|---|
| (a) | Lot area | 7,200 square feet (see Section 1121.03 below) |
| (b) | Lot width | 60 feet (see Section 1121.03 below) |
| (c) | Front yard* | 25 feet |
| (d) | Side yards* | 6 feet |
| (e) | Rear yard* | 25 feet |
| (f) | Ground floor area | 624 square feet |
| (g) | Total floor area | 864 square feet |

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

1121.03 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 residential lot in any R-2 Residential District be smaller than 6,480 square feet.

1121.04 MAXIMUM HEIGHT.

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

1121.05 OFF-STREET PARKING AND LOADING.

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

1121.06 PERMITTED USES.

Permitted uses in R-2 Residential Districts shall be as follows:

- (a) Accessory uses
- (b) Agriculture
- (c) Educational facilities, elementary school
- (d) Educational facilities, high school
- (e) Educational facilities, junior high school
- (f) Educational facilities, nursery school or preschool
- (g) Home Occupations
- (h) Parks, playgrounds and community buildings owned or operated by public agencies.
- (i) Single-family dwellings, detached
- (j) Special uses, as indicated in Chapter 1153.
- (k) Utility facilities necessary for local service to the adjacent area.

1121.07 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) Roadside stands for sale of agricultural products raised on the premises only.
- (b) Private automobile garages, provided that garages accessory to single-family dwellings shall be limited in width to three parking stalls.
- (c) 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. This includes all decks, mechanical equipment, slides, diving boards, deck material, etc.
- (d) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked in any of the required yards; provided, however, that:
 - (1) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) No recreational vehicles shall be parked or stored on a property unless it is title to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle is located.

- (3) Only one travel trailer or one pleasure boat shall be parked to the rear of a point which is five feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street, except that such recreational equipment may be parked on the driveway or paved portions of a side or front yard for the purpose of loading and unloading for a period of time not to exceed forty-eight hours within any consecutive seven day period only by permission granted upon request to the Zoning Administrator.
- (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (5) Recreational equipment which is so parked shall not be used for living or housekeeping purposes.
- (6) Recreational equipment which is so parked shall not reduce the number of parking spaces as required in Section 1157.
- (e) 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.
- (f) 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 there from 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.
- (g) 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.
- (h) 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 if 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.

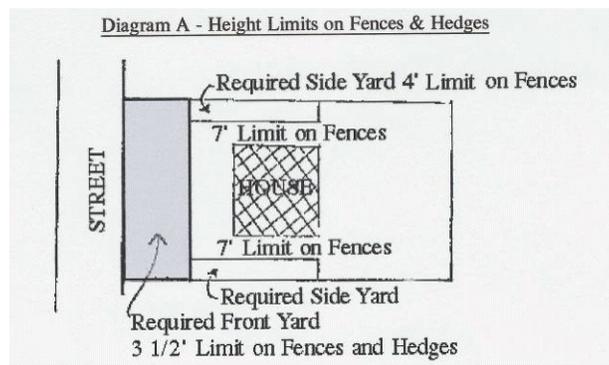
1121.08 FENCES AND HEDGES.

- (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.



1121.09 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

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

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

CROSS REFERENCES

Two-family dwelling defined - see P. & Z. 1101.33

Lot of record defined - see P. & Z. 1101.61

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.

1123.02 MINIMUM REQUIREMENTS.

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

- | | | |
|-----|---------------------|--|
| (a) | Lot area | 10,000 square feet (see Section 1123.03 below) |
| (b) | Lot width | 60 feet (see Section 1123.03 below) |
| (c) | Front yard* | 25 feet |
| (d) | Side yards* | 6 feet |
| (e) | Rear yard* | 25 feet |
| (f) | Ground floor area | 624 square feet per unit |
| (g) | Total floor area | 864 square feet per unit |
| (h) | Lot area per family | 5,000 square feet per unit. |

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

1123.03 LOT OF RECORD; EXCEPTIONS.

(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 residential lot in any R-2-A Residential District be smaller than 9,000 square feet.

1123.04 MAXIMUM HEIGHT.

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

1123.05 OFF-STREET PARKING AND LOADING.

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

1123.06 PERMITTED USES.

Permitted uses in R-2-A Residential Districts shall be as follows:

- (a) Accessory uses
- (b) Agriculture
- (c) Educational facilities, elementary school
- (d) Educational facilities, high school
- (e) Educational facilities, junior high school
- (f) Educational facilities, nursery school or preschool
- (g) Home Occupations
- (h) Parks, playgrounds and community buildings owned or operated by public agencies.
- (i) Single-family dwellings, detached
- (j) Single-family dwellings, attached
- (k) Special uses, as indicated in Chapter 1153.
- (l) Two-family dwellings
- (m) Utility facilities necessary for local service to the adjacent area.

1123.07 ACCESSORY BUILDINGS AND USES.

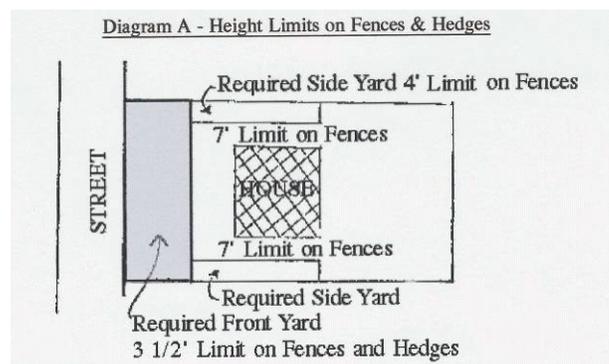
Accessory buildings and uses, as defined in Chapter 1101, are permitted, including but not limited to the following and meeting the specified restrictions:

- (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) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked in any of the required yards; provided, however, that:
 - (1) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) No recreational vehicles shall be parked or stored on a property unless it is title to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle is located.

- (3) Only one travel trailer or one pleasure boat shall be parked to the rear of a point which is five feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street, except that such recreational equipment may be parked on the driveway or paved portions of a side or front yard for the purpose of loading and unloading for a period of time not to exceed forty-eight hours within any consecutive seven day period only by permission granted upon request to the Zoning Administrator.
- (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (5) Recreational equipment which is so parked shall not be used for living or housekeeping purposes.
- (6) Recreational equipment which is so parked shall not reduce the number of parking spaces as required in Section 1157.
- (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.

1123.08 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.



1123.09 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

CHAPTER 1125
R-3 Multiple Dwelling Medium Density District

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

CROSS REFERENCES

Multiple dwelling defined - see P. & Z. 1101.34
 Lot of record defined - see P. & Z. 1101.61
 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.

1125.02 LOCATION.

The boundaries of the R-3 District are shown on the Official Zoning Map. R-3 zoning is generally 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.

1125.03 MINIMUM REQUIREMENTS.

- (a) Lot area 9,600 square feet
- (b) Lot width 80 feet
- (c) Front yard* 25 feet
- (d) Side yards* 10 feet
- (e) Rear yard* 25 feet

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

1125.04 MAXIMUM DENSITY.

The number of dwelling units shall not exceed fifteen per 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.

1125.05 FLOOR AREA.

No dwelling unit in the R-3 District shall have less than 624 square feet of floor area.

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)

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)

1125.08 MAXIMUM HEIGHT.

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

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.

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.

1125.11 PERMITTED USES.

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

- (a) Accessory uses
- (b) Educational facilities, elementary school
- (c) Educational facilities, high school
- (d) Educational facilities, junior high school
- (e) Educational facilities, nursery school or preschool
- (f) Home Occupations
- (g) Multiple dwellings.
- (h) Parks, playgrounds and community buildings owned or operated by public agencies.
- (i) Single-family dwellings, detached
- (j) Single-family dwellings, attached
- (k) Special uses, as indicated in Chapter 1153.
- (l) Two-family dwellings.
- (m) Utility facilities necessary for local service to the adjacent area.

1125.12 ACCESSORY BUILDINGS AND USES.

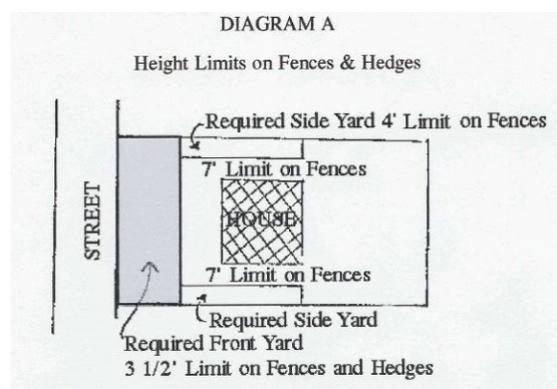
Accessory buildings and uses, as defined in Chapter 1101 and meeting the specified restrictions, are permitted in the R-3 District including, but not limited to the following:

- (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) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked in any of the required yards; provided, however, that:
 - (1) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
 - (2) No recreational vehicles shall be parked or stored on a property unless it is title to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle is located.

- (3) Only one travel trailer or one pleasure boat shall be parked to the rear of a point which is five feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street, except that such recreational equipment may be parked on the driveway or paved portions of a side or front yard for the purpose of loading and unloading for a period of time not to exceed forty-eight hours within any consecutive seven day period only by permission granted upon request to the Zoning Administrator.
- (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (5) Recreational equipment which is so parked shall not be used for living or housekeeping purposes.
- (6) Recreational equipment which is so parked shall not reduce the number of parking spaces as required in Section 1157.
- (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.

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.



1125.14 SCREENING.

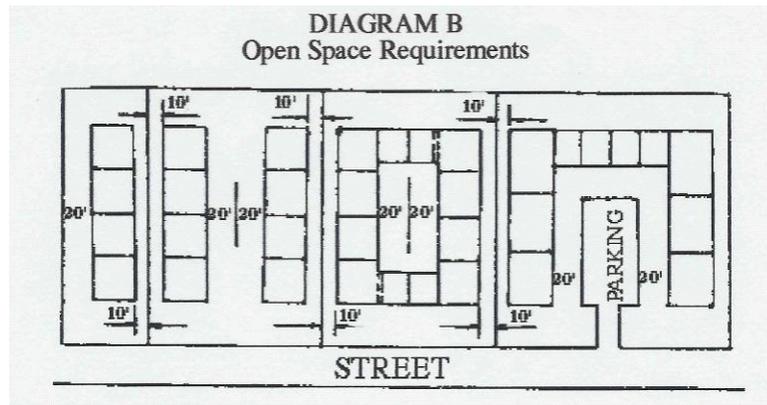
Screening shall be effective and suitable for the purpose intended. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening 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.

1125.15 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

1125.16 ROW OR MOTEL-TYPE DWELLING UNITS.

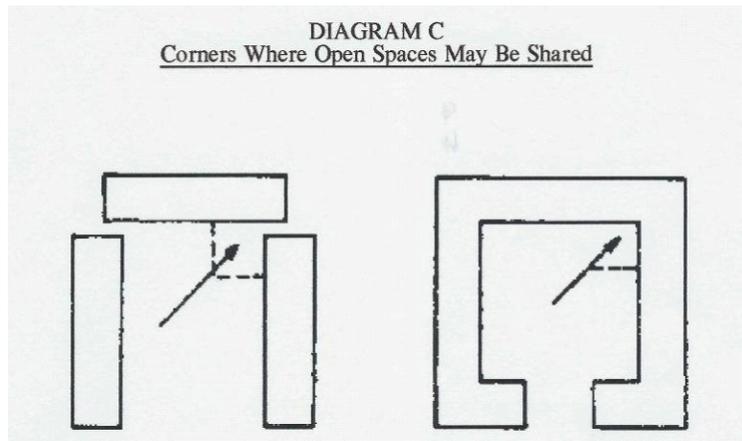
In two-family and multiple -dwelling buildings with attached dwelling units, which are of a row house nature with party walls between dwelling units and private or semiprivate entrances, each dwelling unit shall have provided adjacent to one exterior face an open space extending twenty feet horizontally 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.)



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.)



CHAPTER 1127
R-4 Multiple Dwelling Medium High Density District

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

CROSS REFERENCES

Multiple dwelling defined - see P. & Z. 1101.34

Lot of record defined - see P. & Z. 1101.61

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.

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.

1127.03 MINIMUM REQUIREMENTS.

- (a) Lot area 12,000 square feet
- (b) Lot width 100 feet
- (c) Front yard* 25 feet**
- (d) Side yard* 10 feet***
- (e) Rear yard* 25 feet**

*See Chapter 1161 for special requirements.

**Front and rear yards shall be thirty 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.

1127.04 MAXIMUM DENSITY.

The number of dwelling units shall not exceed fifteen per 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.

1127.05 FLOOR AREA.

No dwelling unit within the R-4 District shall have less than 624 square feet of floor area.

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)

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)

1127.08 MAXIMUM HEIGHT.

No building or structure shall be erected or enlarged to exceed three stories or thirty-five feet in height.

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.

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.

1127.11 PERMITTED USES.

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

- (a) Accessory uses
- (b) Educational facilities, elementary school
- (c) Educational facilities, high school
- (d) Educational facilities, junior high school
- (e) Educational facilities, nursery school or preschool
- (f) Home Occupations
- (g) Multiple dwellings.
- (h) Parks, playgrounds and community buildings owned or operated by public agencies.
- (i) Single-family dwellings, detached
- (j) Single-family dwellings, attached
- (k) Special uses, as indicated in Chapter 1153.
- (l) Two-family dwellings.
- (m) Utility facilities necessary for local service to the adjacent area.

1127.12 ACCESSORY BUILDINGS AND USES.

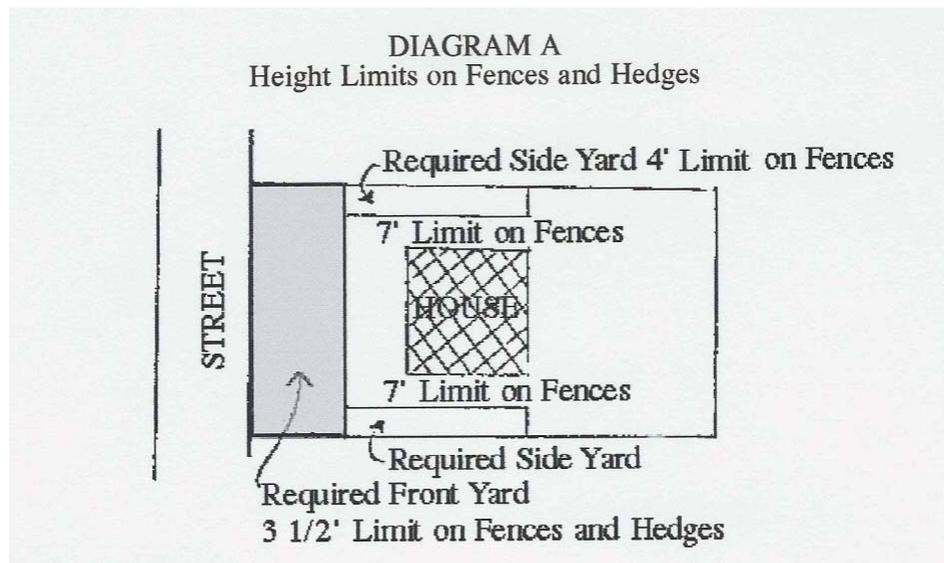
Accessory buildings and uses, as defined in Chapter 1101 and meeting the specified restrictions, are permitted in the R-4 District including, but not limited to the following:

- (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) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked or maintained in a R-4 District for a period of time not to exceed (72) 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.

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.



1127.14 SCREENING.

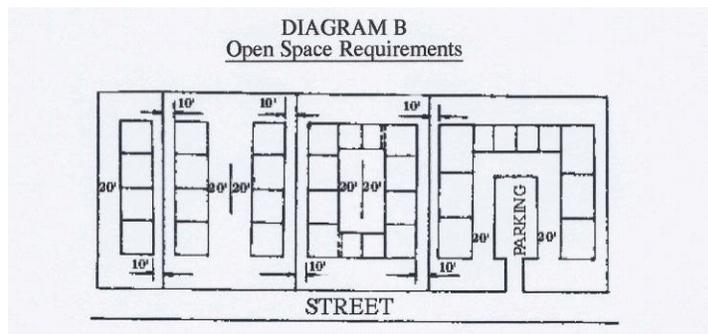
Screening shall be effective and suitable for the purpose intended. Such screening shall be esthetically attractive, compatible with the surrounding "R" properties, and have year-round screening value. Deciduous trees and shrubs are not acceptable for screening purposes. Acceptable for such screening 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.

1127.15 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations).

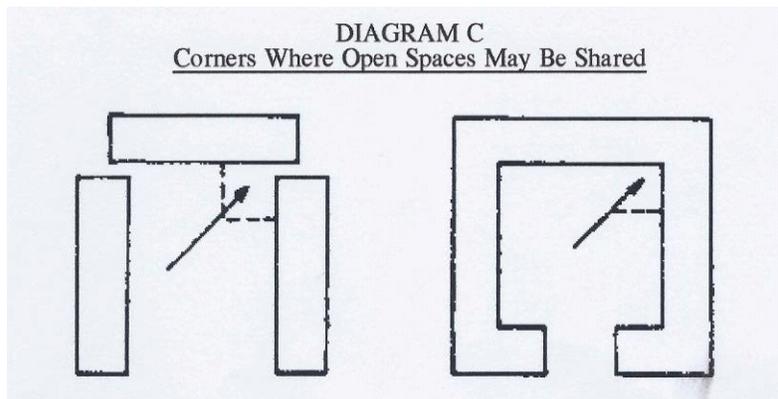
1127.16 ROW OR MOTEL-TYPE DWELLING UNITS.

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.)



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).



CHAPTER 1131
B-1 Limited Business and Office District

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

CROSS REFERENCES

Business defined - see P. & Z. 1101.19
 Lot of record defined - see P. & Z. 1101.61
 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.

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.

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) Outdoor uses and activities are permitted outside buildings, but all merchandise shall be removed at the close of business each day. No outside storage of merchandise, equipment or fixtures is 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 to the public later than 11:00 p.m., or open before 5:00 a.m., local time.

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.

1131.05 MAXIMUM HEIGHT.

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

1131.06 OFF-STREET PARKING AND LOADING.

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

1131.07 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Commercial parking lots and garages.
- (c) Copy or Business Center
- (d) Educational facilities, elementary school
- (e) Educational facilities, high school
- (f) Educational facilities, junior high school
- (g) Educational facilities, nursery school or preschool
- (h) Funeral homes.
- (i) Home Occupations
- (j) Lodges and fraternal organizations.
- (k) Multiple dwellings.
- (l) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (m) Parks, playgrounds and community buildings owned or operated by public agencies.
- (n) 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.
- (o) Professional activities including medical, dental, optical, accounting, law, architectural and engineering (office only).
- (p) Restaurant
- (q) Restaurant, with outdoor customer dining area
- (r) Retail bakeries.
- (s) Retail stores meeting the performance standards set forth in Section 1131.03.
- (t) Sales rooms.
- (u) Single-family dwellings, in a mixed use building
- (v) Special uses, as indicated in Chapter 1153.
- (w) Two-family dwellings.
- (x) Utility facilities necessary for local service to the adjacent area.

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.

1131.09 SCREENING.

(a) 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 residentially-zoned 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.

(b) 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.

1131.10 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

CHAPTER 1133
Professional, Research and Office District

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

CROSS REFERENCES

Lot of record defined - see P. & Z. 1101.61
 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-0 District compatible with R-3 and R-4 Districts and all B Districts.

1133.02 LOCATION.

The boundary of the P-R-O District is illustrated on the Official Zoning Map and is located on, and served by, at least one arterial street or road.

1133.03 PERFORMANCE STANDARDS.

- (a) The following rules shall apply to all uses in this District:
- (b) All uses and activities shall be inside the structure, with no outside storage or activity permitted.
- (c) No office or facility shall remain open to the public later than 10:00 p.m., or open before 5:00 a.m., local time.
- (d) There shall be no noise carrying beyond a lot upon which the structure is located, except for normal automobile and pedestrian activity.

1133.04 LOT REQUIREMENTS.

- (a) Lot size 24, 000 square feet
- (b) Lot width 120 feet

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.

1133.06 YARD REQUIREMENTS.

- (a) Front yard 30 feet*
- (b) Side yard 10 feet**
- (c) 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 lot line abuts a residential lot, the rear-most part of the building shall not be located nearer than forty feet from the rear lot line.

1133.07 MAXIMUM HEIGHT.

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

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.

1133.09 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Coffee shop primarily serving building tenants and their clients.
- (c) Commercial offices, including administrative and sales offices. However, tangible merchandise may not be offered for sale on the premises.
- (d) Copy or Business Center
- (e) Design and development of computer hardware and software, data communications, information technology, data processing, and other computer-related services.
- (f) Educational facilities, college/university
- (g) Educational facilities, elementary high school
- (h) Educational facilities, high school
- (i) Educational facilities, junior high school

- (j) Educational facilities, nursery school or preschool
- (k) Educational facilities, vocational or trade school
- (l) Electronic computing facilities.
- (m) Laboratories and research facilities not involved with mechanical testing, or requiring animals other than mice, guinea pigs or rabbits.
- (n) Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.
- (o) Limited light manufacturing of prototypes and related research & development, where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and no outside storage of raw material or finished products are involved.
- (p) Medical pharmacy limited to medical type merchandise only.
- (q) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (r) Parks, playgrounds and community buildings owned or operated by public agencies.
- (s) Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies.
- (t) Special uses, as indicated in Chapter 1153.
- (u) Utility facilities necessary for local service to the adjacent area

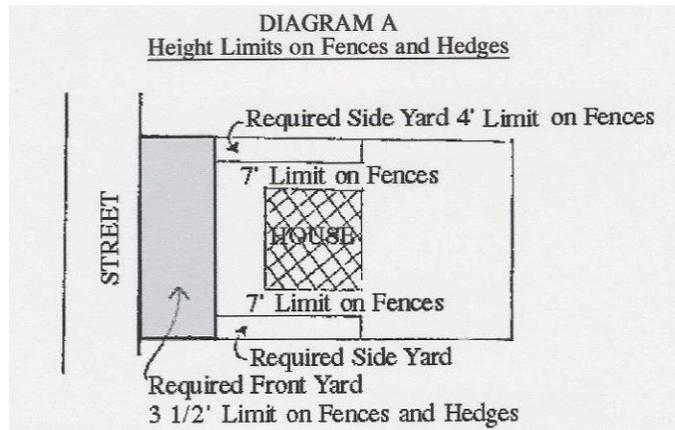
1133.10 SCREENING.

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.

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.



1133.12 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

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

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

CROSS REFERENCES

Business defined - see P. & Z. 1101.19
 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.

1135.02 LOCATION.

This District applies to commercial service locations close to residential areas. The districts should be located in reference to major streets, accessibility and service to residential areas.

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 to the public later than 1:00 a. m., or open before 5:00 a.m., local time.

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.

1135.05 MAXIMUM HEIGHT.

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

1135.06 OFF-STREET PARKING AND LOADING.

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

1135.07 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Commercial parking lots and garages.
- (c) Copy or Business Center
- (d) Educational facilities, elementary school
- (e) Educational facilities, high school
- (f) Educational facilities, junior high school
- (g) Educational facilities, nursery school or preschool
- (h) Educational facilities, vocational or trade school
- (i) Funeral homes.
- (j) Home Occupations
- (k) Lodges and fraternal organizations.
- (l) Multiple dwellings.
- (m) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (n) Parks, playgrounds and community buildings owned or operated by public agencies.
- (o) 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.
- (p) Restaurant
- (q) Restaurant, with outdoor customer dining area
- (r) Restaurants with drive-through window service
- (s) Retail bakeries.
- (t) Retail stores meeting the performance standards set forth in Section 1135.03.
- (u) Sales rooms.
- (v) Single-family dwellings, in a mixed use building
- (w) Special uses, as indicated in Chapter 1153.
- (x) Two-family dwellings.
- (y) Utility facilities necessary for local service to the adjacent area.

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.

1135.09 SCREENING.

(a) 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.

(b) 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 therefore shall control.

1135.10 SIGNS.

Signs must conform to requirements defined in Chapter 111 (Sign Regulations.)

**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. 1101.19
 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.

1137.02 LOCATION.

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

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.

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.

1137.05 MAXIMUM HEIGHT.

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

1137.06 OFF-STREET PARKING AND LOADING.

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

1137.07 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Animal hospitals and veterinary offices where there are no outside runs or kennels.
- (c) 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.
- (d) Art Education Facility, Private
- (e) Bars, cocktail lounges or any business serving alcoholic beverages.
- (f) Building material sales and contractors' offices if conducted wholly within an enclosed building.
- (g) Cabinet shop conducted wholly within an enclosed building.
- (h) Commercial offices, including administrative and sales offices. However, tangible merchandise may not be offered for sale on the premises.
- (i) Commercial parking lots and garages.
- (j) Commercial recreation businesses including bowling alleys, dance halls, miniature golf courses, etc.
- (k) Copy or Business Center
- (l) Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.
- (m) Educational facilities, elementary school
- (n) Educational facilities, high school
- (o) Educational facilities, junior high school
- (p) Educational facilities, nursery school or preschool
- (q) Educational facilities, vocational or trade school
- (r) Funeral homes.
- (s) Home Occupations
- (t) Hotels
- (u) Hotels, Extended Stay
- (v) Lodges and fraternal organizations.
- (w) Medical pharmacy limited to medical type merchandise only.
- (x) Microbrewery
- (y) Mobile home and travel trailer sales and service.
- (z) Monument works having retail outlet on premises.
- (aa) Motels
- (bb) Multiple dwellings.
- (cc) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (dd) Parks, playgrounds and community buildings owned or operated by public agencies.
- (ee) 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.
- (ff) Print shop.
- (gg) Repair services and businesses.
- (hh) Restaurant
- (ii) Restaurant, with outdoor customer dining area
- (jj) Restaurants with drive-through window service
- (kk) Restaurants, Drive-in

- (ll) Retail bakeries.
- (mm) Retail Sales Establishments
- (nn) Sales rooms.
- (oo) Single-family dwellings, in a mixed use building
- (pp) Special uses as indicated in Chapter 1153.
- (qq) Two-family dwellings.
- (rr) Utility facilities necessary for local service to the adjacent area.

1137.08 RESIDENTIAL USES.

Residential uses are only permitted in a structure that also includes retail, services or other non-residential permitted uses.

1137.09 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

CHAPTER 1139
B-3 Central Business District

1139.01 Purpose.	1139.08 Maximum building size.
1139.02 Location.	1139.09 Transparency.
1139.03 Permitted uses.	1139.10 Doors and entrances.
1139.04 Residential uses.	1139.11 Off-street loading.
1139.05 Performance standards.	1139.12 Signs.
1139.06 Yard requirements.	
1139.07 Maximum height.	

CROSS REFERENCES

Business defined - see P. & Z. 1101.19
 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.

1139.02 LOCATION.

The B-3 Central Business District applies to the downtown area of Sylvania as more specifically identified on the Official Zoning Map.

1139.03 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Art Education Facility, Private
- (c) Bars, cocktail lounges or any business serving alcoholic beverages.
- (d) Cabinet shop conducted wholly within an enclosed building.
- (e) Commercial parking lots and garages.

- (f) Copy or Business Center
- (g) Cultural Centers and Museums
- (h) Educational facilities, elementary school
- (i) Educational facilities, high school
- (j) Educational facilities, junior high school
- (k) Educational facilities, nursery school or preschool
- (l) Entertainment Facility, Commercial
- (m) Funeral homes.
- (n) Home Occupations
- (o) Hotels
- (p) Hotels, Extended Stay
- (q) Live/Work Areas
- (r) Lodges and fraternal organizations.
- (s) Medical pharmacy limited to medical type merchandise only.
- (t) Microbrewery
- (u) Multiple dwellings.
- (v) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (w) Outdoor Retail Operations (temporary and subject to Zoning Administrator approval.)
- (x) Parks, playgrounds and community buildings owned or operated by public agencies.
- (y) 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.
- (z) Print shop.
- (aa) Restaurant
- (bb) Restaurant, with outdoor customer dining area
- (cc) Retail bakeries.
- (dd) Retail sales establishments
- (ee) Sales rooms.
- (ff) Sidewalk Café
- (gg) Single-family dwellings, attached
- (hh) Single-family dwellings, detached
- (ii) Single-family dwellings, in a mixed use building.
- (jj) Special uses as indicated in Chapter 1153.
- (kk) Two-family dwellings.
- (ll) Utility facilities necessary for local service to the adjacent area.
- (mm) Wine Bar

1139.04 RESIDENTIAL USES.

No dwelling in a B-3 Zoning District shall have less than 750 square feet of floor area and the total number of dwelling units may not exceed 20 per gross acre of land.

1139.05 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, except for outside dining and other uses expressly 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 uses may include drive through window service

1139.06 YARD REQUIREMENTS.

No yards are required in the in the B-3 District. However, whenever a parcel, or parcels under common ownership are zoned B-3 and have frontage on the north side of Monroe Street, or along Main Street between Maplewood Ave., and Monroe Street, the yard requirement shall be such that no building may be located more than twelve feet from the right of way line. Further, no off-street parking lot, or individual off-street parking space may be located closer to the right-of-way line than ten feet and the area between parking spaces and the right-of-way shall be landscaped in accordance with requirements defined in Chapter 1160.

1139.07 MAXIMUM HEIGHT.

No building or structure shall be erected or enlarged to exceed sixty feet in height. (See Chapter 1161 for height exceptions.)

1139.08 MAXIMUM BUILDING SIZE.

No maximum building size exists, but any building that includes a ground floor size of more than 15,000 square feet, or continuous façade that is greater than 75 feet in length, shall be designed with more than one entrance and shall incorporate measures to mirror the scale and appearance of other downtown buildings. Adopted design guidelines may address this issue more fully with illustrated examples.

1139.09 TRANSPARENCY.

A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this transparency standard may not be more than 4 feet above the adjacent sidewalk.

1139.10 DOORS AND ENTRANCES.

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

1139.11 OFF-STREET LOADING.

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

1139.12 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

CHAPTER 1141
B-4 Shopping Center District

1141.01 Purpose.	1141.04 Procedure.
1141.02 Permitted uses.	1141.05 Requirements.
1141.03 Location.	1141.06 Design standards.

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 purpose of this District is to encourage the development and redevelopment of a commercial mixed-use urban environment. Areas zoned B-4 generally includes existing structures and land uses that may undergo redevelopment, alteration and new construction in response to changing consumer demands and preferences. Given this anticipated change, the B-4 Zoning District is intended to provide a regulatory framework for new mixed-use development creative adaptive reuse of existing buildings and development sites. The list of permitted uses is intentionally broad, but development standards and review procedures are designed to support and stimulate economic development.

1141.02 PERMITTED USES.

Permitted uses in the B-4 District shall be as follows:

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Animal hospitals and veterinary offices where there are no outside runs or kennels.
- (c) 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.
- (d) Bars, cocktail lounges or any business serving alcoholic beverages.
- (e) Building material sales and contractors' offices if conducted wholly within an enclosed building.
- (f) Cabinet shop conducted wholly within an enclosed building.
- (g) Commercial offices, including administrative and sales offices. However, tangible merchandise may not be offered for sale on the premises.
- (h) Commercial parking lots and garages.

- (i) Commercial recreation businesses including bowling alleys, dance halls, miniature golf courses, etc.
- (j) Copy or Business Center
- (k) Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.
- (l) Educational facilities, college/university
- (m) Educational facilities, elementary school
- (n) Educational facilities, high school
- (o) Educational facilities, junior high school
- (p) Educational facilities, nursery school or preschool
- (q) Educational facilities, vocational or trade school
- (r) Electronic computing facilities.
- (s) Funeral homes.
- (t) Home Occupations
- (u) Hotels
- (v) Hotels, extended stay
- (w) Lodges and fraternal organizations.
- (x) Medical pharmacy limited to medical type merchandise only.
- (y) Microbrewery
- (z) Mobile home and travel trailer sales and service.
- (aa) Monument works having retail outlet on premises.
- (bb) Motels
- (cc) Multiple dwellings.
- (dd) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (ee) Parks, playgrounds and community buildings owned or operated by public agencies.
- (ff) 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.
- (gg) Print shop.
- (hh) Repair services and businesses.
- (ii) Restaurant
- (jj) Restaurant, with outdoor customer dining area
- (kk) Restaurants, drive-in
- (ll) Restaurants, with drive-through window service
- (mm) Retail bakeries.
- (nn) Retail sales establishments
- (oo) Retail stores meeting the performance standards set forth in Section 1135.03.
- (pp) Sales rooms.
- (qq) Single-family dwellings, in a mixed use building
- (rr) Special uses as indicated in Chapter 1153.
- (ss) Two-family dwellings.
- (tt) Utility facilities necessary for local service to the adjacent area.

1141.03 LOCATION.

This District is generally intended to apply to areas east of U.S. 23, between Alexis and Monroe Streets.

1141.04 PROCEDURE.

When the owner or owners of a tract of land wish to develop or redevelop property in the B-4 Zoning District, such owner, owners or agent thereof shall submit a Site Plan and/or Development Plan for review and consideration as described in Chapter 1109. A Site Plan or Development Plan is not necessary when the proposed actions involve only a change of use in an existing building, and such proposed actions do not involve the provision of additional parking or other exterior building modifications other than signage.

1141.05 REQUIREMENTS.

(a) Floor to Area Ratio: The maximum Floor to Area Ratio shall be 1.5 for mixed-use buildings and 1.0 for all other buildings.

(b) Building Setbacks and Heights: No interior side setbacks are required in the B-4 District, except when B-4 zoned property abuts property in another zoning district. In such case, the minimum setback required in the C-4 district shall be the same as required for the adjacent zoning district. The maximum building height shall be 45 feet.

(c) Residential Density: The maximum residential density is 15 dwelling units per acre.

1141.06 DESIGN STANDARDS.

More specific design standards may be developed by the City of Sylvania to augment planning policies expressed in the Land Use Plan and this Zoning Ordinance. At a minimum, both individual Site Plans and Development Plans shall advance the following development standards.

(a) Architectural Design:

- (1) The architectural features and treatments on a building shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest. Architectural features such as windows, awnings, projections, reveals, changes in pattern, and trellises should be used on all sides for visual interest.
- (2) The first floor of all buildings should provide for a pedestrian-friendly environment, with human-scale and natural building materials; extensive storefront windows for display and views into the business; and access directly from adjacent sidewalks. When transparency is in conflict with internal functions of the building, other means should be used to activate the street facing facades such as public art, architectural ornamentation or details, or color patterns.
- (3) Architectural scaling elements, such as banding, belt coursing, sills, lintels, mullions, and changes in texture, material module and pattern, should be used to break down the appearance of large building forms. Building facades should include a combination of details to enhance the architectural interest.
- (4) Exterior walls greater than 40 feet in length should break any flat, monolithic façade with discernible architectural elements. Building facades oriented to the street or public space should provide architectural variety and scale by incorporating elements such as bay windows, recessed entrances and windows, display windows, balconies, cornices, columns, vertical plane breaks, and other types of architectural detailing to provide visual interest

- (5) Building designs should provide varied rooflines in order to create interesting skylines are encouraged. Roof shapes should be an integral part of the building architecture and create interesting and varied appearances. Sloped roof forms are encouraged to be a minimum of 6/12 pitch. Design elements for flat roof buildings should include parapets with variable height and/or changes in setback.
 - (6) Exterior building facades should exhibit high levels of design, detailing, and material quality. A mix of quality, compatible materials is strongly encouraged on all facades facing streets, or other public spaces or areas. Buildings should be constructed of combinations of durable, high-quality materials such as: brick, stone, architectural pre-cast concrete, architecturally cast concrete, cast stone, integrally colored split or ground face concrete masonry units, terra-cotta, stucco or EIFS (exterior insulated finishing system), architectural metal, or any combination of the materials listed.
- (b) Parking.
- (1) Shared parking is permitted and is encouraged, subject to approval of a shared parking study. Parking requirements may be met on-site, or at a distance of up to 300 feet from the subject use.
 - (2) At least 10 percent of the area of surface parking lots shall include trees and shrubs surface parking areas should also use landscaping and pedestrian walkways to divide the lot into smaller modules.
 - (3) On-site street and parking areas shall be lit with full cutoff type lighting fixtures no more than 25 feet tall. Parking lot lighting should be integrated into landscape islands wherever possible, should minimize light trespass and glare, and should be compatible with the overall design of the associated project.
- (c) Lighting.
- (1) Private sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff lighting fixtures no more than 16 feet tall and providing consistent illumination. Pedestrian area lighting should be human-scaled and also reflect the overall character or design of the project to which it is associated.
 - (2) Building lighting should be full cutoff fixtures and should reflect the architectural characteristics of the overall building. Building lighting should complement the overall building architecture in design and nighttime illumination. Building lighting should primarily be used to light pedestrian ways adjacent to the building.

CHAPTER 1145
M-1 Light Industrial District

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

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.

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.

1145.03 YARD REQUIREMENTS.

- (a) Front yard* 25 feet
- (b) Side yards* 6 feet
- (c) Rear yard* No rear yard is required except that a twenty-five foot rear yard is required adjacent to a residential zoning district.

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

1145.04 MAXIMUM HEIGHT.

There shall be no limitation of height, except that any building or structure shall be set back from a required yard line one foot for each foot of building or structure 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.)

1145.05 OFF-STREET PARKING AND LOADING.

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

1145.06 PERMITTED USES.

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

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Agriculture
- (c) Automobile repair garages, provided that outdoor storage of materials or items being repaired are not within required front yards.
- (d) Automobile sales and service businesses including used car lots and repair garages
- (e) Billboards.
- (f) Bottling works.
- (g) Building material sales and contractors' offices
- (h) Carpenter or cabinet workshop
- (i) Carting, express or hauling establishments.
- (j) Commercial dry cleaning plants.
- (k) Contractors' establishments and construction equipment dealers, provided that material or equipment is not stored in required front yards.
- (l) Copy or Business Center
- (m) Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.
- (n) Educational facilities, vocational or trade school
- (o) 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.
- (p) Kennels, animal hospitals and veterinary offices provided that outside runs and kennels are not within 400 feet of any residential zoning district.
- (q) Lodges and fraternal organizations.
- (r) Mobile home and travel trailer sales and service.
- (s) Monument works with or without retail outlet on premises.
- (t) Offices and activities of an office nature including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- (u) 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.
- (v) Parks, playgrounds and community buildings owned or operated by public agencies.
- (w) Plant nurseries and greenhouses.

- (x) Print shop.
- (y) Printing Plant
- (z) Radio and television broadcasting stations and towers.
- (aa) Repair services and business
- (bb) Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies.
- (cc) Sales rooms.
- (dd) Special uses as indicated in Chapter 1153.
- (ee) Utilities, including railroad terminal facilities.
- (ff) Utility facilities necessary for local service to the adjacent area.
- (gg) Warehouses.

1145.07 SIGNS.

Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)

**CHAPTER 1147
M-2 Heavy Industrial District**

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

CROSS REFERENCES

Junk yard defined - see P. & Z. 1101.57
 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.

1147.02 LOCATION AND PERFORMANCE STANDARDS.

Uses permitted in this District are more intensive industrial uses. For this reason these uses are grouped in areas where similar industrial uses are now located, or in areas separate from residential and commercial activities.

1147.03 YARD REQUIREMENTS.

Same as M-1 Light Industrial District, Section 1145.03.

1147.04 MAXIMUM HEIGHT.

Same as M-1 Light Industrial District, Section 1145.04.

1147.05 OFF-STREET PARKING AND LOADING.

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

1147.06 PERMITTED USES.

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

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.

- (a) Accessory uses, provided that no accessory buildings shall be located in any required yard.
- (b) Agriculture
- (c) Asphalt mixing plant.
- (d) Automobile repair garages, provided that outdoor storage of materials or items being repaired are not within required front yards.
- (e) Billboards
- (f) Boiler works.
- (g) Bottling works.
- (h) Bulk storage of petroleum products.
- (i) Carting, express or hauling establishments.
- (j) Cement or cinder block manufacture.
- (k) Coal and building material storage and wholesaling, provided that materials are not stored in required front yards.
- (l) Commercial dry cleaning plants.
- (m) Contractors' establishments and construction equipment dealers, provided that material or equipment is not stored in required front yards.
- (n) Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.
- (o) Fat rendering or lard refining.
- (p) Glass manufacture.
- (q) Glucose, dextrin or starch manufacture.
- (r) 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.
- (s) Iron, steel, brass or copper foundry.
- (t) Kennels, animal hospitals and veterinary offices provided that outside runs and kennels are not within 400 feet of any residential zoning district.
- (u) Metal stamping.
- (v) Monument works with or without retail outlet on premises.
- (w) 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.
- (x) Paint, oil, shellac, varnish or turpentine manufacture.
- (y) Paper manufacture.
- (z) Parks, playgrounds and community buildings owned or operated by public agencies.
- (aa) Plant nurseries and greenhouses.
- (bb) Printing Plant
- (cc) Radio and television broadcasting stations and towers

- (dd) Sauerkraut or pickle, etc., manufacture.
- (ee) Special uses, as indicated in Chapter 1153.
- (ff) Stone mill.
- (gg) Utilities, including railroad terminal facilities.
- (hh) Utility facilities necessary for local service to the adjacent area.
- (ii) Warehouses

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.

**CHAPTER 1149
Flood Plain Districts**

1149.001	General provisions.	1149.19	No official base flood elevation.
1149.01	Definitions.	1149.20	Water lines and service systems.
1149.02	Lands to which this chapter applies.	1149.21	Sanitary sewage facilities.
1149.03	Compliance.	1149.22	Issuance of permit.
1149.04	Flood Insurance Study.	1149.221	Map maintenance activities.
1149.05	Base flood water surface elevations.	1149.222	Data use and Flood Map interpretation.
1149.06	Flood protection elevation.	1149.23	Revocation of permit.
1149.07	Establishment of zoning districts.	1149.24	Posting of permit.
1149.08	Warning and disclaimer of liability.	1149.25	Appeals.
1149.09	Local Flood Plain Administrator.	1149.26	Standards for dry floodproofing.
1149.10	Inspections.	1149.27	Critical hydraulic factors.
1149.11	Floodway District (FW).	1149.28	Plans and specifications.
1149.12	Floodway Fringe District (FF).	1149.29	Floodproofing measures.
1149.13	Limited Special Flood Hazard District (LSD).	1149.30	Existing construction; nonconformance.
1149.14	Flood Plain Development permit required; fees.	1149.31	Appeals and variances.
1149.15	Application for permit.	1149.32	Severability.
1149.151	Exemption from filing a development permit.	1149.33	Change in watercourse.
1149.152	Post-construction certifications required.	1149.34	Alteration of community boundaries.
1149.16	Review of applications.	1149.35	Substantial damage determinations.
1149.17	New construction.	1149.36	Use and development standards for flood hazard reduction.
1149.18	Subdivision and other new development proposals.	1149.99	Penalty.

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

1149.001 GENERAL PROVISIONS.

(a) Findings of Fact. The City of Sylvania has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(b) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(c) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(d) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and / or maps are adopted:

- (1) Flood Insurance Rate Map for Lucas County, Ohio and Incorporated Areas and Flood Insurance Study for Lucas County, Ohio and Incorporated Areas both effective August 16, 2011.
- (2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Sylvania as required by Section 1149.36(d) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at 6730 Monroe Street, Sylvania, OH 43560.

(e) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(f) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.
(Ord. 75-2011. Passed 8-15-11.)

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 these regulations the most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (c) "Base flood water surface elevation" (also referred to as "base (100-year) flood elevation" (BFE)) means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
(Ord. 75-2011. Passed 8-15-11.)

- (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.
- (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.
- (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.
- (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).
- (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).
(Ord. 55-2011. Passed 7-18-11.)
- (n) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (o) "Flood Hazard Boundary Map" or "FHBM" is usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (p) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency (FEMA) or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

- (q) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood. (Ord. 75-2011. Passed 8-15-11.)
- (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. 55-2011. Passed 7-18-11.)
- (u) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A "Exhibit B-1" floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces. (Ord. 75-2011. Passed 8-15-11.)
- (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. 55-2011. Passed 7-18-11.)
- (y) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) which is an unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (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. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

- (aa) "Manufactured home park" as specified in Ohio Administrative Code 3701-27-01, a "manufactured home park" means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (bb) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Sylvania's Flood Insurance Rate Map, July 5, 1977, and includes any subsequent improvements to such structures. (Ord. 75-2011. Passed 8-15-11.)
- (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. (Ord. 55-2011. Passed 7-18-11.)
- (dd) "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court. (Ord. 75-2011. Passed 8-15-11.)
- (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. 55-2011. Passed 7-18-11.)
- (ff) "Special flood hazard area" also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30 and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (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.
- (hh) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 improvement to a structure which is considered "new construction;"
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have "Exhibit B-3" 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; or
 - (3) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure."
- (jj) "Variance" is a grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (kk) “Appeal” means a request for review of the Floodplain Administrator’s interpretation of any provision of these regulations or a request for a variance.
(Ord. 75-2011. Passed 8-15-11.)
- (ll) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides. (Ord. 55-2011. Passed 7-18-11.)
- (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 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 City of Sylvania's historic preservation program, which 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 living 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 50 percent 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 these regulations.
- (qq) "Enclosure Below the Lowest Floor." See "Lowest Floor."
- (rr) "Executive Order 11988 (Floodplain Management)," issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect the identified special flood hazard areas, unless there is no practicable alternative.
- (ss) "Fill" means a deposit of earth material placed by artificial means.
- (tt) "Flood Insurance Risk Zones" are Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of the community. Following are the zone definitions:
- (1) "Zone A" means special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - (2) "Zones A1-30 and Zone AE" mean special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - (3) "Zone AO" means special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) "Zone AH" means special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - (5) "Zone A99" means special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) "Zone B and Zone X (shaded)" means areas of 500-year flood; areas subject to 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - (7) "Zone C and Zone X (unshaded)" means areas determined to be outside the 500-year floodplain.
- (uu) "Flood Protection Elevation (FPE)" means the Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

- (vv) "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (ww) "Hydrologic and Hydraulic Engineering Analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (xx) "Letter of Map Change (LOMC)" is an official FEMA determination, by letter, to Amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- (1) "Letter of Map Amendment (LOMA)" means a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) "Letter of Map Revision (LOMR)" means a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) "Conditional Letter of Map Revision (CLOMR)" means a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (yy) "National Flood Insurance Program (NFIP)" is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to building and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (zz) "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of Ohio R.C. 4703.01 to 4703.19.
- (aaa) "Registered Professional Engineer" means a person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (bbb) "Registered Professional Surveyor" means a person registered as a professional surveyor under Chapter 4733 of the Revised Code.
(Ord. 75-2011. Passed 8-15-11.)

1149.02 LANDS TO WHICH THIS CHAPTER APPLIES.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Sylvania as identified in Section 1149.001(d) including any additional areas of special flood hazard annexed by Sylvania.
(Ord. 75-2011. Passed 8-15-11.)

1149.03 COMPLIANCE.

(a) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1149.151.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1149.99.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1149.99.

(Ord. 75-2011. Passed 8-15-11.)

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.

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.

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.

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.

1149.08 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Sylvania, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(Ord. 75-2011. Passed 8-15-11.)

1149.09 LOCAL FLOOD PLAIN ADMINISTRATOR.

(a) The Service Director is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected
(Ord. 75-2011. Passed 8-15-11.)

1149.10 INSPECTIONS.

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
(Ord. 75-2011. Passed 8-15-11.)

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.

(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.
- (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.

(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.
- (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.
- (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.

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.
- (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.
- (4) All new and substantially improved residential and nonresidential nonbasement 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:

- (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.
 - (7) All components of the anchoring system shall be capable of carrying a stress force of no less than 4,800 pounds.
 - (8) Any additions to the manufactured home shall be similarly anchored.
 - (9) Provisions shall be made for adequate surface drainage.
 - (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.
- (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.

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.
 - 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.

1149.14 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED; FEES.

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1149.001(d), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met. 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 (\$5,000.00) 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. 75-2011. Passed 8-15-11.)

1149.15 APPLICATION FOR PERMIT.

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (a) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (b) Elevation of the existing, natural ground where structures are proposed.
- (c) Elevation of the lowest floor, including basement, of all proposed structures.
- (d) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (e) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

- (1) Floodproofing certification for non-residential floodproofed structure as required in Section 1149.36(f).
- (2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1149.36(e)(5) are designed to automatically equalize hydrostatic flood forces.
- (3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1149.36(j).
- (4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1149.36(j)(2).
- (5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1149.36(j)(1).
- (6) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1149.36(d).
(Ord. 75-2011. Passed 8-15-11.)

1149.151 EXEMPTION FROM FILING A DEVELOPMENT PERMIT.

An application for a floodplain development permit shall not be required for:

- (a) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (b) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (c) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (d) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (e) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(Ord. 75-2011. Passed 8-15-11.)

1149.152 POST-CONSTRUCTION CERTIFICATIONS REQUIRED.

The following as-built certifications are required after a floodplain development permit has been issued:

- (a) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (b) For all development activities subject to the standards of Section 1149.221(a), a Letter of Map Revision.

(Ord. 75-2011. Passed 8-15-11.)

1149.16 REVIEW OF APPLICATIONS.

(a) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1149.15 has been received by the Floodplain Administrator.

(b) The Floodplain Administrator shall review all floodplain 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 U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(c) Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
(Ord. 75-2011. Passed 8-15-11.)

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.

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.

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.

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.

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.

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.

1149.221 MAP MAINTENANCE ACTIVITIES.

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Sylvania's flood maps, studies and other data identified in Section 1149.001(d) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(a) Requirement to Submit New Technical Data.

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- A. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- B. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- C. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- D. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1149.36(d).
- (2) It is the responsibility of the applicant to have technical data, required in accordance with Section 1149.221(a), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
- A. Proposed floodway encroachments that increase the base flood elevation; and
- B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1149.221(a)(1).
- (b) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Sylvania, and may be submitted at any time.
- (c) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Sylvania 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 of Sylvania's Flood Insurance Rate Map accurately represent the City of Sylvania boundaries, include within such notification a copy of a map of the City of Sylvania suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Sylvania has assumed or relinquished floodplain management regulatory authority.
(Ord. 75-2011. Passed 8-15-11.)

1149.222 DATA USE AND FLOOD MAP INTERPRETATION.

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (a) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (b) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

- (c) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - (1) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- (d) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1149.31, Appeals and Variances.
- (e) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail. (Ord. 75-2011. Passed 8-15-11.)

1149.23 REVOCATION OF PERMIT.

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 1149.31 of these regulations. (Ord. 75-2011. Passed 8-15-11.)

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.

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.

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.

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.

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.

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.

(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:

- (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.

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.
- (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 exceed twentyfive 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.

1149.31 APPEALS AND VARIANCES.

- (a) Appeals Board Established.
 - (1) The Sylvania Zoning Board of Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by City of Sylvania code.
 - (2) Records of the Appeals Board shall be kept and filed at 6730 Monroe Street, Sylvania, OH 43560.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1149.31(d) of these regulations.

(c) Appeals.

- (1) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within ten (10) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. All applications for a variance shall be accompanied by a Variance Application Fee set in the Schedule of Fees adopted by the City of Sylvania.

- (2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

- (3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
- A. The danger that materials may be swept onto other lands to the injury of others.
 - B. The danger to life and property due to flooding or erosion damage.
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - D. The importance of the services provided by the proposed facility to the community.
 - E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - F. The necessity to the facility of a waterfront location, where applicable.
 - G. The compatibility of the proposed use with existing and anticipated development.
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - K. 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.

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 due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an 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 these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

- (4) Other Conditions for Variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1149.31(d)(3)A. to K. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - C. 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.

- (e) Procedure at Hearings.
- (1) All testimony shall be given under oath.
 - (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
 - (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
 - (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
 - (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
 - (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
 - (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
 - (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Lucas Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 75-2011. Passed 8-15-11.)

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.

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.

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.

1149.35 SUBSTANTIAL DAMAGE DETERMINATIONS.

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (a) Determine whether damaged structures are located in special flood hazard areas;
- (b) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (c) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(Ord. 75-2011. Passed 8-15-11.)

1149.36 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established herein:

- (a) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Sylvania are allowed provided they meet the provisions of these regulations.
- (b) Prohibited Uses.
 - (1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - (2) Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

- (c) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (d) Subdivisions and Large Developments.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1149.221(a)(1)D. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1149.36(d).
- (e) Residential Structures.
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1149.36(e)(1)) and construction materials resistant to flood damage (1149.36(e)(2)) are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) 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 is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1149.36(e).
- (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (f) Nonresidential Structures.
 - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1149.36(e)(1) – (3) and (5) –(7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1149.36(f)(2)A. and B.

- (3) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (g) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (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 flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1149.36(e)(5)C.;
- (h) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of Section 1149.36(e).
- (i) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (j) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in Section 1149.221(a);
 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

5. Concurrence of the Mayor of Sylvania and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
 - A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Section 1149.36(j)(1)B., items 1. and 3.-5.
 - (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
 - A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Sylvania specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

- D. The applicant shall meet the requirements to submit technical data in Section 1149.221(a)(1)C. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 75-2011. Passed 8-15-11.)

1149.99 PENALTY.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Sylvania. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sylvania from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sylvania shall prosecute any violation of these regulations in accordance with the penalties stated herein.
(Ord. 75-2011. Passed 8-15-11.)

CHAPTER 1150
Neighborhood Conservation Overlay District

1150.01	Purpose of the Neighborhood Conservation Overlay Zoning District.	1150.03	Requirements.
1150.02	Application of Neighborhood Conservation Overlay Zoning Districts.	1150.04	Demolition.
		1150.05	Supplemental design guidelines.
		1150.99	Penalty.

CROSS REFERENCES

Downtown Overlay District - see P. & Z. Ch. 1151

1150.01 PURPOSE OF THE NEIGHBORHOOD CONSERVATION OVERLAY ZONING DISTRICT.

(a) The Neighborhood Conservation Overlay Zoning District is created to help maintain the distinctive character of older residential neighborhoods in and near downtown Sylvania. These areas are locally distinctive places which contribute to the overall character and identity of the City of Sylvania. Most buildings are set within a grid pattern of development and are of similar size and height with fairly uniform setbacks and side yards. Generally, older structures depict construction practices and styles evident during early years of Sylvania's development. Most structures in the area are two or three stories, and are less than 2,500 square feet in size. While some structures within this Overlay District have obvious historic qualities, others may lack sufficient historical, architectural or cultural significance to be designated as a more formal Historic District. However, regardless of the age and historic integrity of individual buildings, taken collectively all buildings within the Neighborhood Conservation Overlay District create a distinctive character and sense of place worthy of preservation.

(b) This Neighborhood Conservation Overlay Zoning District is focused primarily on neighborhood character and not on specific architectural details of individual structures. Requirements defined herein promote conservation and preservation of existing buildings, and encourage new construction and remodeling that will complement neighborhood scale, form, massing, and identity to help maintain property values. The establishment of this Neighborhood Conservation Overlay District is aided by local efforts to study local neighborhood character published in Sylvania Historical Survey, prepared by the Historic Preservation Program of Eastern Michigan University for the City of Sylvania, 2002.

1150.02 APPLICATION OF NEIGHBORHOOD CONSERVATION OVERLAY ZONING DISTRICTS.

The requirements of this Neighborhood Conservation Overlay Zoning District apply only to the specific locations illustrated on the Official Zoning Map for the City of Sylvania. Within this overlay district, requirements in addition to those established by the underlying zoning district are imposed to advance the purposes of this overlay district. All standards and regulations of the underlying zoning district shall apply except where specifically modified or supplemented by provision of this overlay district.

1150.03 REQUIREMENTS.

In addition to requirements established within the underlying zoning district, the following requirements shall be met:

- (a) **Building Orientation:** All construction and/or renovation of a principal structure must provide for a single principal entrance, and that principal entrance shall face a public street.
- (b) **Building Height:** No new construction and/or renovation of a principal structure shall be constructed which is more than thirty percent (30%) above or below the average height-to-width ratio of existing residences abutting the lot to be developed on the same block of land. If only one residence abuts the lot to be developed, that residence shall be used to determine the allowable height-to-width ratio.
- (c) **Front Yard Average:** All construction and/or renovation of a principal structure shall meet the required setbacks of the zoning district in which it is located. Further, no principal building, or addition thereto, may be located further away from the street right of way line than the average setback of all structures along the block.
- (d) **Building Materials:** No less than 75 percent of the exterior building materials used for the construction and/or renovation of a principal structure shall be materials also found on the exterior of structures along the same block.
- (e) **Lot Coverage:** The proposed ratio of area occupied by principal and accessory buildings and lot area, may not exceed the average ratio of area occupied by principal and accessory buildings and lot area for all adjacent buildings by more than 1.25 times.
- (f) **Rooflines and Shapes:** Roof shapes and rooflines must be generally compatible with other buildings and structures found along the same block. Where there is a dominant pattern of roof planes along a street, (such as roof planes generally parallel to the right-of-way line, perpendicular to the right-of-way line, or a certain combination of both) such pattern shall be similarly expressed in new construction and/or renovation. Similarly, roof pitches shall be similar to structures found along the same block. Any questions of interpretation of this requirement shall be referred to the Planning Commission for determination.
- (g) **Lot combinations:** To help preserve and protect the historic character of the neighborhood, lot combinations are discouraged. Whenever applications are made to construct a new principal structure, or add to an existing principal structure, on two or more separate or combined parcels, such an application shall be first reviewed by the Planning Commission. This review shall include consideration of proposed building mass and scale in the context of neighboring property. Plan approval may include conditions requiring measures to reduce the visual mass of the building to make it compatible with established residences.

- (h) Garages: Attached garages may not occupy more than thirty percent (30%) of the total linear front façade distance facing the street. Detached garages also may not occupy more than thirty percent (30%) of the total linear façade distance facing the street, unless located wholly behind the main building.

1150.04 DEMOLITION.

help preserve and protect significant buildings and structures within the Neighborhood Conservation Overlay Zoning District, a waiting period of not more than ninety (90) days is required before granting a permit for the demolition of any principal building or structure. This waiting period is provided to encourage owners of buildings or structures to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition and to allow time for other alternatives to be brought forth from interested community groups and/or residents. This requirement shall not apply to applications for demolition due to a threat to public health or to emergency demolition orders lawfully issued. Notices of applications for demolition of a principal building or structure within the Neighborhood Conservation Overlay Zoning District shall be provided to the members of City Council, the Planning Commission and local community groups, such as the Historical Society, that may express interest in such notifications.

1150.05 SUPPLEMENTAL DESIGN GUIDELINES.

The City of Sylvania may develop supplemental design guidelines to provide standards and guidelines that help further define neighborhood context and desirable infill development and redevelopment.

1150.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined as provided in Section 1103.16. Each day during which the violation continues shall constitute a separate offense.

**CHAPTER 1151
Downtown Overlay District**

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| <p>1151.01 Purpose of the Downtown Overlay Zoning District, general.</p> <p>1151.02 Application of Overlay Zoning Districts, general.</p> <p>1151.03 Procedure for Overlay Zoning Districts, general.</p> | <p>1151.04 Action on applications.</p> <p>1151.05 Downtown Design Guidelines.</p> |
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CROSS REFERENCES

Neighborhood Conservation Overlay District - see P. & Z. Ch. 1150

1151.01 PURPOSE OF THE DOWNTOWN OVERLAY ZONING DISTRICT, GENERAL.

The Downtown Overlay Districts is created for the purpose of imposing special requirements in certain areas of the City that present special characteristics and redevelopment opportunities. The Downtown Overlay District herein established is created to advance planning goals established in the Sylvania Land Use Plan and accomplish stated objectives defined in separately adopted and companion Downtown Design Guidelines. The Downtown Overlay District and the Downtown Design Guidelines provide standards and procedures to help ensure that new infill buildings and the renovation of existing buildings will blend with the fabric of the physical environment of Downtown Sylvania, its existing buildings and the overall streetscape and not present a jarring contrast with existing community character and architecture.

1151.02 APPLICATION OF OVERLAY ZONING DISTRICTS, GENERAL.

The requirements of this Downtown Overlay District apply only to the specific locations illustrated on the Official Zoning Map for the City of Sylvania, and impose requirements in addition to those established by the underlying zoning district. All standards and regulations of the underlying zoning district shall apply except where specifically modified or supplemented by provision of this Overlay District.

1151.03 PROCEDURE FOR OVERLAY ZONING DISTRICTS, GENERAL.

(a) Each applicant for a zoning certificate shall submit to the Zoning Administrator an application for a Design Review Permit accompanied by a Design Plan. The submitted Design Plan shall be drawn to a scale of 1"=20 feet and show dimensions, adjacent properties and structures, landscaping, lighting, vehicular ingress or egress, vehicular and pedestrian circulation, grading and drainage plan as applicable. Architectural elevations of all sides of the project and preliminary floor plans shown at a scale of 1/8" or 1/4" scale. Elevations should include adjacent buildings on each side of the proposed project. Material samples, showing actual materials to be used, their color, and details showing how they will be used shall also be provided along with descriptions of the methods of cleaning, maintaining, restoring or improving existing building materials. The Zoning Administrator may waive submission of information if he or she determines that such information is not necessary or otherwise immaterial to demonstrating compliance with applicable requirements.

(b) Upon receipt of a Design Plan, accompanied by all other material required, the Zoning Administrator shall refer the application to the Planning Commission at its next regular meeting not more than thirty-five 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 Design Review Permit within thirty-five days from the date of the filing of the application therefore, or the certificate shall be deemed approved. The thirty-five 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 Design Plan and supporting documents, and the proposed structure or substantial alteration shall be carefully considered in relation to the purpose and objectives of the specific overlay district.

(d) Promptly 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.

1151.04 ACTION ON APPLICATIONS.

After reviewing and considering available information regarding the application for a Design Review Permit, the Planning Commission shall take one of the following actions:

- (a) Approve the application.
- (b) Deny the application.
- (c) Approve the application subject to special modifications that ensure the project meets the purpose and intent of applicable design standards.

1151.05 DOWNTOWN DESIGN GUIDELINES.

The City of Sylvania has adopted Downtown Design Guidelines (July 1995) addressing the overall arrangement of buildings, parking areas and site design, along with desired materials to be used on exterior surfaces of buildings and the overall arrangement and architectural design of buildings and structures. These guidelines establish general principles that should be used by individuals developing construction or alteration projects and by the Planning Commission itself when reviewing applications. Updated guidelines may be prepared from time to time. It is the responsibility of the Sylvania Planning Commission to review these guidelines for completeness and appropriateness and recommend periodic updates of the Downtown Design Guidelines to the Sylvania City Council. Updated guidelines become effective following action by the Sylvania City Council. Design guidelines may divide areas within an Overlay Zone into subareas as appropriate to achieve desired urban design objectives.

TITLE FIVE - Supplemental Zoning Regulations

- Chap. 1153. Special Uses.
- Chap. 1155. Planned Developments.
- Chap. 1157. Off-Street Parking.
- Chap. 1158. Non-Motorized Transportation.
- Chap. 1159. Off-Street Loading.
- Chap. 1160. Landscaping.
- 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.	1153.06 Authority.
1153.02 Special uses.	1153.07 Existing special uses and enlargements.
1153.03 Application for approval.	1153.08 Development.
1153.04 Procedure.	1153.09 Delay in construction.
1153.05 Criteria.	

CROSS REFERENCES

- Commercial parking lot and garage defined - see P. & Z. 1101.22
- Institution defined - see P. & Z. 1101.56
- Mobile home park defined - see P. & Z. 1101.72
- Nursing home defined - see P. & Z. 1101.76
- 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 the 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.

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:

- (a) Amusement park.
- (b) Raising or keeping farm animals
- (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 store.
- (g) Drive-in theaters.
- (h) Fraternity or Sorority House
- (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) Plant nurseries and greenhouses in any R District.
- (p) Day nurseries for preschool children in any R District and any B-1-B District.
- (q) Commercial or industrial parking areas in R Districts adjacent to a business or industrial zoning district, according to the additional procedures and conditions of Chapter 1157.
- (r) Mobile or manufactured home parks in R-3, R-4, B-1 and B-2 Districts
- (s) 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.
- (t) A charitable or public service organization chartered as a nonprofit corporation or organization by the State in any R District any B-I 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 set back from any required yard at least two such feet for each foot of height of that structure located nearest such line.
- (u) 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.

- (v) 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.
- (w) Sexually-oriented businesses subject to the following requirements:
- (1) A sexually-oriented use shall not be permitted in any Zoning District other than the B-3 Central Business District.
 - (2) Because of relevant studies of sexually-oriented businesses which document the potential harmful secondary effects of sexually-oriented businesses, separation distances between sexually-oriented businesses and other sensitive land uses are deemed necessary. Secondary effects studies include those produced in many cities and states and cite the incidence of crime, and the adverse impacts on property values. Also, of concern is the potential that children could be exposed to sexually-oriented material. As a result of these considerations, a sexually-oriented business establishment shall not be located within 250 feet of any property that is zoned as a residential district (R-1, R-1-A, R-2, R-2-A, R-3, R-4), or from any property line associated with a publicly-owned park. Further, a sexually-oriented business may not locate within, 500 feet of the property line of an educational facility (elementary school, junior high school, high school, nursery school or preschool, vocational or trade school), place of religious worship or public library. A sexually-oriented business establishment shall also not be located within 1,000 feet of another existing sexually-oriented business establishment. All measurements referenced herein shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where a sexually-oriented business establishment exists (or is proposed to be established), to the nearest property line of the specific uses referenced herein. For leased spaces in multi-tenant and/or multi-level properties, the measurements shall be from the outer boundaries of the entire building (projected to ground level, if applicable).
 - (3) No person shall knowingly allow a person less than 18 years of age on the premises of a sexually-oriented business.
 - (4) A sexually-oriented business which features persons who appear in a state of nudity or semi-nudity or live performances, shall not allow a patron to have any physical contact with any entertainer on the premises during any performance.
 - (5) Operations at any such center or establishment may not be conducted between hours of 2:30 a.m. and 5:30 a.m local time.
 - (6) 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;

- (7) 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;
 - (8) 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;
 - (9) Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.) and no sign may depict images of specified sexual activities, or specified anatomical areas.
 - (10) 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.
 - (11) 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.
- (x) Solar panels (free standing) supported on racking systems or other structural elements permanently affixed to the ground.
 - (y) Vehicle painting and vehicle body repair in a B-2 District.
 - (z) Wind turbines as a special use in any non-residential district, subject to the following requirements:
 - (1) The maximum height of any turbine shall be 100 feet. The maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower at grade.
 - (2) Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A turbine must be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any accessory buildings or uses.
 - (3) The turbine, including the prop blades, turbine, cowling and tower shall be painted or coated white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.
 - (4) Wind turbines must be maintained in good working order. Turbines that become inoperable for more than six (6) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing turbine.

- (5) Applicant shall provide the City with a report signed by an Professional Engineer, registered in the State of Ohio, illustrating the total size and height of the unit, the size and depth of the unit's concrete mounting pad, the decibel rating for that particular model, a list and/or depiction of all safety measures included such as anti-climb devices, grounding devices and lighting protection, data specifying the kilowatt size and generating capacity of the particular unit and a plan showing the location of the unit in relation to existing structures on the property, color of the unit, identifying logos on the unit, roads and other public rights of way and neighboring properties so that evidence of a "clear fall zone" can be illustrated.
- (aa) 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: Smoke alarms in each unit; 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; First-aid kit; Emergency lighting and/or other safety devices as recommended by the Fire Chief.
 - (3) No more than one 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 of 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.
- (bb) 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, Summit Street, Brint Road, McCord Road, Erie Street, Harroun Road, and Monroe Street west of US 23.
 - (2) The hours of operation shall be 10:00 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:
 - (5) Smoke alarms in each unit;
 - (6) 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;
 - (7) First-aid kit;
 - (8) Emergency lighting and/or other safety devices as recommended by the Fire Chief.
 - (9) 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.

1153.03 APPLICATION FOR APPROVAL.

Application to build or occupy any of the special uses listed in this Chapter shall be filed with the Zoning Administrator 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.

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. A Site Plan, prepared in accordance with the requirements of Section 1109 shall be provided.

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.

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.

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.

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.

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.

CHAPTER 1155
Planned Development

1155.01	Purpose.	1155.05	Design.
1155.02	Definition and description.	1155.06	Amendments/changes.
1155.03	Procedure.		
1155.04	Residential development standards.		

CROSS REFERENCES

Lot defined - see P. & Z. 1101.60 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 creative 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. The Planned Development (PD) is a voluntary procedure that provides an overlay zoning district that encourages innovative urban and architectural design, conservation of significant natural features or consolidation of open space in order to provide for a mixture of uses with an open space in order to provide for a mixture of uses with an integrated design.

1155.02 DEFINITION AND DESCRIPTION.

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. The Planned Development may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. All planned developments shall be platted in accordance with applicable subdivision rules and regulations.

1155.03 PROCEDURE.

Applications for planned developments and the procedures for consideration and approval shall be the same as for Special Uses as described in Chapter 1153. All PD applications shall include a Development Plan prepared in accordance with Chapter 1109. Additional information may also be required to adequately review the proposed development, including environmental assessments and other studies for the development. The expense of providing this information is the responsibility of the applicant.

1155.04 RESIDENTIAL DEVELOPMENT STANDARDS.

Dwelling units may be any single or combination of single family, zero lot line, attached house, duplex, or multi-family housing unit. Housing density may not exceed permitted densities applicable to the existing zoning district by more than one and one half times. Residential areas to be developed adjacent to existing residential areas shall be developed with comparable housing types and at comparable densities.

1155.05 DESIGN.

The applicant for PD approval is encouraged to demonstrate excellence in architectural and site design. Specific development standards are intentionally broad and general to allow maximum flexibility and creativity. It is anticipated that applicants for PD approval will utilize this flexibility to enable the creation of highly attractive and functional urban spaces. The architectural design and materials must however, be compatible with surrounding and internal development. Developers are encouraged to identify local historic elements to build upon in the design process to help create an authentic sense of place and interest. The PD should also advance design concepts that incorporates motorized and non-motorized travel and creates functional and attractive mobility choices. Sidewalks or other approved non-motorized transportation facilities should be provided to link nonresidential areas with residential areas, both inside and outside the PD.

1155.06 AMENDMENTS / CHANGES.

All amendments to approved and existing Planned Development applications require full review and approval in accordance with the original approval procedures.

**CHAPTER 1157
Off-Street Parking**

<p>1157.01 Purpose.</p> <p>1157.02 Off-street parking space.</p> <p>1157.03 Parking areas on applications.</p> <p>1157.04 Central Business District.</p> <p>1157.05 Requirements.</p> <p>1157.06 Computing required spaces.</p> <p>1157.07 Application to existing buildings; change of use.</p> <p>1157.08 Enlargement of existing buildings.</p>	<p>1157.09 Existing parking spaces.</p> <p>1157.10 Location.</p> <p>1157.11 Truck parking.</p> <p>1157.12 Front yard parking prohibited.</p> <p>1157.13 Improvements.</p> <p>1157.14 Parking areas adjacent to residentially zoned land.</p> <p>1157.15 Additional requirements.</p>
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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 promotes 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.

1157.02 OFF-STREET PARKING SPACE.

An off-street parking space shall be defined for the purpose of this Zoning Ordinance as an area that is no less than 9 feet wide and 18 feet deep and at least 162 square feet in size, 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.

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.

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.

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.
- (b) Multiple Dwellings. Two parking spaces for each dwelling unit.
- (c) Retail Store or Personal Service Establishment. Except as otherwise specified herein, one parking space for each two hundred and fifty 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.
- (f) Restaurant, Nightclub, Bar, Café, Tea House, or Similar Recreation or Amusement Establishment. One parking space for each one hundred square feet of floor area.
- (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.
- (i) Hotel, Motel, Tourist Home or Bed and Breakfast. One parking space for each sleeping room, guest room or suite.
- (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 therefore.
- (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.

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.
- (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.

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.

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.

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.

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.

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.

1157.12 FRONT YARD PARKING PROHIBITED.

Off-street parking spaces shall not be permitted in a required front yard in residentially zoned districts.

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.

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.
- (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.
- (e) Lighting facilities where provided shall be so arranged as to reflect light away from adjacent residential districts.

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) Signs must conform to requirements defined in Chapter 1166 (Sign Regulations.)
- (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.

CHAPTER 1158
Non-Motorized Transportation

- | | |
|---|---|
| 1158.01 Purpose. | 1158.03 Bicycle parking. |
| 1158.02 Pedestrian connections from the right-of-way to entrances. | 1158.04 Bicycle network connections. |

1158.01 PURPOSE.

The City of Sylvania has an adopted Land Use Plan and Bike Network Plan that addresses the importance of non-motorized transportation and seeks to develop a system of bike lanes, bike trails and networked streets. This system is intended to provide residents and visitors with transportation alternatives that promote exercise, healthy lifestyles and active living while helping to reduce water, air, and noise pollution associated with automobile use, and diminishing the need for parking spaces.

1158.02 PEDESTRIAN CONNECTIONS FROM THE RIGHT-OF-WAY TO ENTRANCES.

New development and redevelopment should provide and maintain facilities for pedestrians as an integrated part of their new development and redevelopment projects. For principal buildings in any PRO, B-1-B, B-2, B-3, B-4 Zoning District (or Planned Development District) featuring a customer or general public entrance, an internal pedestrian space shall be defined and provided from the public sidewalk to the principal customer entrance. This pedestrian space shall be open and unobstructed by landscaping or signage and, where such spaces cross parking aisles or driveways, such spaces shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.

1158.03 BICYCLE PARKING.

Whenever any proposed development in any B-1, PRO, B-1-B, B-2, B-3 or B-4 Zoning District (or Planned Development District) is greater than 10,000 square feet and abuts an existing or proposed Bike Lane, Bike Path or Bike Trail, as defined by the City of Sylvania's Bike Network Plan, such development shall provide bike rack or locker-type bike parking facility with the capacity for at least one bicycle parking space for each 15 motor vehicle parking spaces. Such bike parking facility shall be located at least 25 feet from the building entrance.

1158.04 BICYCLE NETWORK CONNECTIONS.

Whenever any proposed development in any B-1, PRO, B-1-B, B-2, B-3 or B-4 Zoning District (or Planned Development District) is adjacent to an existing or proposed Bike Path or Bike Trail defined in the City of Sylvania's Bike Network Plan, connection to this network shall be provided for to enable cyclists to directly access the site from the bike trail or bike path.

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.

**CHAPTER 1160
Landscaping**

1160.01	Purpose.	1160.05	Plant materials.
1160.02	Landscaping for vehicular use areas.	1160.06	Landscaping plan.
1160.03	Landscaping for service structures.	1160.07	General requirements for submission of landscaping plan.
1160.04	Vegetated buffers and screening.		

1160.01 PURPOSE.

The purpose of these regulations are to promote the public health, safety, and general welfare of residents by establishing minimum standards for the maintenance of existing natural amenities, and design and installation of landscape improvements. Landscaping is a critical element of the physical environment contributing to development quality and compatibility between land uses by reducing negative physical, visual, noise, and lighting impacts.

1160.02 LANDSCAPING FOR VEHICULAR USE AREAS.

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up, visually, the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is required. All off-street parking areas containing more than 6,000 square feet of area, or 20 or more vehicular parking spaces, whichever is less, shall provide areas of landscaping plantings of grass, shrubs or trees according to the following minimum requirements: (a) An area equal to five percent (5%) of the total area devoted to parking space and parking lanes shall be landscaped and permeable. Parking lots shall also have a perimeter buffer of a minimum

of five feet with a vertical six inch concrete curb on the parking lot side. The perimeter buffer shall contain elements such as mounding, trees, ground cover and shrubs that will achieve an effective, continuous screen of a height of at least three feet at maturity. Mounding shall not exceed a 3 to 1 slope.

(b) Two trees shall be installed for every 6,000 square feet of total ground covered by pavement. To retain visibility, deciduous trees have a clear trunk of at least five feet above the ground. The remaining area shall be landscaped with hardwood mulch, shrubs, and/or ground cover, not to exceed two feet in height. Trees shall be planted at least four feet from the edge of pavement where vehicles overhang.

1160.03 LANDSCAPING FOR SERVICE STRUCTURES.

Service structures shall be screened in all zoning districts. Service structures shall include but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults and other equipment or elements providing service to a building or a site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures. A continuous planting of evergreen, fence, wall or earthen mound must enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be established on three sides and shall be at least one foot taller than the height of the enclosed structure, but shall not be required to exceed ten feet in height in any case. If the fourth side is visible from the public right-of-way, it shall be gated and screened. Plant material used to screen a service structure shall be an evergreen species that retains its needles throughout the year. Deciduous plant material cannot be used to fulfill this screening requirement. The height of the evergreen plant material at installation must be equal to, or greater than, two-thirds of the height of the service structure(s) and meet the height and one hundred percent (100%) opacity requirement within four years. All plant material shall be nursery grown, installed, and maintained in accordance with good horticultural practices. Plant material shall meet current standards set by the American Association of Nurserymen and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Code may be approved if adequate evidence is presented that alternative means of screening will be equally effective.

1160.04 VEGETATED BUFFERS AND SCREENING.

(a) Buffers and screening may be required help mitigate impacts associated when different land use types are located next to each other and to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Physical buffers and visual screens between different, adjoining land uses are critical design elements that should be utilized to reduce undesirable visual impacts. In highly developed urban areas, visual screens should be a combination of structural elements (walls and fences) and non-structural, natural elements (berms and plantings). Structural screens should appear as extensions of a building's design repeating architectural features including building materials, textures and colors. Screening walls should not be painted, but constructed from high quality, long-lasting materials (such as brick, stone, and decorative block). A combination of structural screens and natural landscape plant materials should be provided between parking lots and sidewalks or other pedestrian use areas.

(b) Screening shall be required when nonresidential buildings or incompatible uses are proposed to be located next to land that is zoned with a residential category.

1160.05 PLANT MATERIALS.

Whenever in this Zoning Code a planting is required, it shall be installed within six (6) months from the date of issuance of a Zoning Certificate and shall thereafter be reasonably maintained with permanent, live plant materials. The use of a variety of plant materials is encouraged to create visual interest and the use of plant material native to the Sylvania area is encouraged.

1160.06 LANDSCAPING PLAN.

Preparation and approval of a Landscaping Plan is required when a Site Plan or Development Plan involves development or redevelopment of a single structure, or groups of structures that exceed 5,000 square feet in gross floor area collectively or individually. The Sylvania Department of Parks and Forestry shall also be consulted for recommended plant materials when Landscape Plans are to be prepared.

1160.07 GENERAL REQUIREMENTS FOR SUBMISSION OF LANDSCAPING PLAN.

Landscaping Plans required pursuant to Section 1160.06 shall be prepared by a Landscape Architect, registered in the State of Ohio.

CHAPTER 1161
Yards, Projections and Height Exceptions

1161.01	Exception for established front yards.	1161.04	Height exceptions.
1161.02	Front yards.	1161.05	Solar panels.
1161.03	Building projections.		

CROSS REFERENCES

Lot defined - see P. & Z. 1101.60 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
 Nonconforming signs - see P. & Z. 1166.16

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.

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.

(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 therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

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.

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.

1161.05 SOLAR PANELS.

Solar panels are allowed in any zoning district when located on a roof surface and do not protrude more than 12 inches above the roof surface it is attached to. Solar panels that are free-standing structures, supported on racking systems or other structural elements permanently affixed to the ground are considered to be a Special Uses pursuant to Chapter 1153.

CHAPTER 1163
Nonconforming Uses and Structures

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

Structure defined - see P. & Z. 1101.98
 Structural alterations defined - see P. & Z. 1101.99
 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.

(a) 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.

(b) 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.

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.

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.

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.

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.

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.

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.

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.

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.

CHAPTER 1165
Satellite Dish Receiving Stations

1165.01 Size requirements and location.
1165.02 Inspection of installation.

1165.03 Support structures.

1165.01 SIZE REQUIREMENTS AND LOCATION.

(a) A satellite dish of less than 39 inches in diameter, television/radio broadcast receiving antennas, and amateur "HAM" radio antennas is permitted as an accessory structure in all zoning districts. In residential districts, such dishes and antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In this case such dish or antenna may be placed anywhere on the lot except within an easement of record.

(b) A satellite dish that is 39 inches or larger, but less than 79 inches, is permitted as an accessory structure in any residential zoning district except that it may not be located in a in a required side yard or front yard and must be completely screened from view of the street or adjoining residential property with an opaque fence, extensions of building walls or dense landscaping.

(c) A satellite dish 79 inches or greater is not allowed in any Residential district.

1165.02 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.

1165.03 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.

CHAPTER 1166
Sign Regulations

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

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 percent (35%) of the total banner area.
 - c. Street banners must have a minimum of four (4) “tie downs”, which shall be of nonconducting 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 banner 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 or civic event.
 - 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 (\$1,000,000.00) combined single limit per occurrence, one million dollars (\$1,000,000.00) 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 seek to hold the City, its officials, agents, and/or employees liable.
(Ord. 36-2010. Passed 4-19-10.)
 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.)

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.)

Footnotes to Signs Permitted in B-1 and B-1-B Business 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 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.)

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.)

Footnotes to Signs Permitted in P-R-O 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 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.)

Footnotes to Signs Permitted in the B-2 General Business District:	
# 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.	–	–	

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

Footnotes to Signs Permitted in the B-3 Central Business District:	
#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.)

Footnotes to Signs Permitted in the B-4 Shopping Center District:	
# 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.)

	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.)

- (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(l).
- (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.

- (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.	1175.03	Preliminary drawing.
1175.02	Sketch 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.	1177.03 Contents.
1177.02 Recording of approved plat.	

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.

Lucas County Recorder

(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.	1179.06	Public spaces.
1179.02	Intensity of land use.	1179.07	Building lines.
1179.03	Streets.	1179.08	Easements.
1179.04	Blocks.	1179.09	Commercial areas.
1179.05	Lots.	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.	1181.07	Sidewalks.
1181.02	Grading.	1181.08	Monuments.
1181.03	Streets.	1181.09	Bond in lieu of improvements.
1181.04	Water	1181.10	Design and construction standards.
1181.05	Sanitary waste disposal.	1181.11	Administration.
1181.06	Storm sewers.	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
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

Sylvania Service Director

Water lines
Sanitary sewer lines
Sanitary treatment plant
Septic tanks
Wells

Sylvania Service Director
Ohio Department of Health

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.	1187.09	Standards for review; recommendation of appropriateness.
1187.02	District boundaries.	1187.10	Zoning approval and building permit prohibited without compliance with this chapter.
1187.03	Application and notice for Regulated Architectural District.	1187.11	Preservation of property upon demolition of a structure in the Unregulated Architectural District.
1187.04	Board of Architectural Review.	1187.12	Appeals.
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.		

1187.01 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 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.)