

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. 63 - 2011

8
9 AN ORDINANCE AMENDING CHAPTER 1115, TITLE 1, AND
10 SECTION 1131.03 OF CHAPTER 1131, TITLE 3, PART 11 OF
11 THE CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA
12 FALLS (GENERAL DEVELOPMENT CODE), RELATING TO
13 REGULATION OF CREMATORIES, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, on June 7, 2011 the Cuyahoga Falls Planning Commission recommended
17 approval of regulatory text amendments to the Cuyahoga Falls General Development Code as
18 outlined in File P-10-11-RA, relating to crematories,

19
20 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
21 of Summit, and State of Ohio, that:

22
23 Section 1. Chapter 1115, Title 1, Part 11 of the Codified Ordinances of the City of Cuyahoga
24 Falls, is hereby amended to read as follows (new text underlined; deleted text in ~~strikethrough~~):

25 **Chapter 1115 Definitions**

26
27 **A**

28
29 **Addition:** "Addition" means a section added to a structure either through construction, thereby
30 forming one architectural whole, or by joining, as by a passage, so that each section is a
31 necessary adjunct or appurtenance of the other and thus constitutes the same structure.

32 **Adult Day Care:** Provisions of non-medical care on less than a 24-hour basis. Includes adult
33 day care.

34 **Adult Entertainment Business:** See Chapter 1136 Sexually Oriented Businesses for definitions.

35 **Advance Loans:** See Section 1131.03 H 13.

36 **Agent:** A person authorized in writing by a property owner to represent and act for the property
37 owner in contacts with City employees, committees, Commissions, and the Council, regarding
38 matters regulated by this Code.

39 **Agriculture:** "Agriculture" means the production, keeping or maintenance, for sale, lease or
40 personal use, of plants and /or animals useful to humans, including but not limited to: forages
41 and crops; dairy, poultry and livestock including products breeding and grazing thereof; trees and
42 forest products; or lands devoted to a soil conservation of forestry management program.

43 **Airport:** A tract of leveled land where aircraft can take off and land, usually equipped with hard-
44 surfaced landing strips, a control tower, hangars, aircraft maintenance and refueling facilities,
45 and accommodations for passengers and cargo.

46 **Alteration, Structural:** "Structural alteration" means any change in the supporting members of a
47 structure such as a bearing wall, column, lintel or beam or girder; or a change in the floor
48 construction.

49 **Amusement Arcade:** See Electronic Game Centers.

50 **Anchor Buildings or Anchor Tennant:** A building or tenant of a building, in a compact mixed-
51 use or retail center, whose use is of the nature that generates significant patronage for the center
52 but also requires substantially more gross leasable space than the other buildings or tenants in
53 the center. Applied in a limited fashion and subject to the overall design standards of the district,
54 these uses and buildings do not disrupt the overall scale of the center and create a critical mass
55 of activity for other smaller-scale uses.

56 **Animal Services, Small:** An animal no larger than the largest breed of dogs. This term includes
57 fish, birds, and mammals customarily kept as domestic pets within a dwelling unit.

- 58 1. **Boarding:** The provision of shelter and care for domestic or small animals for recreation,
59 profit or personal use (e.g., feeding, exercising, grooming, and incidental medical care).
- 60 2. **Grooming:** The provision of bathing and trimming services for small animals on a commercial
61 basis. These uses include boarding of domestic animals for a maximum period of 48 hours.
- 62 3. **Hospital:** Establishments where small animals receive medical and surgical treatment.
- 63 4. **Retail Sales:** The retail sales and boarding of small animals within an entirely enclosed
64 building. These uses include grooming, if incidental to the retail use, and boarding of animals
65 not offered for sale for a maximum of 48 hours.

66 **Animal Services, Large:** Domestic animals, such as cattle or horses, raised for home use or for
67 profit, especially on a farm.

68 1. **Boarding:** The provision of shelter and care for farm animals for recreation, profit or
69 personal use.

70 2. **Hospital:** Establishments where farm animals receive medical and surgical treatment.

71 **Applicant:** "Applicant" means a person, corporation or other legal entity submitting an
72 application to the City for legislative or administrative approval including, but not limited to,
73 division of land applications, zoning map amendments, conditional zoning certificates, site
74 development plans, special overlay district, landscape plans, sign applications, variances and
75 administrative appeals. The applicant shall be the owner of the property for which action is being
76 sought or be its representative who shall have express written authority to act on behalf of the
77 owner.

78 **Arcade:** A continuous pedestrian passage way covered by a canopy or other permanent roof
79 structure, bounded by the building façade on one side and substantially opens on the other side.

80 **Architectural Detail:** Structural and non-structural elements whose variation in texture, color,
81 or dimension has the most refined scale, proportion, and rhythm, that is perceptible to the
82 human eye, providing decorative and artistic accents to the building.

83 **Area, Lot or Site:** The horizontal area within the property lines of a lot. If a street dedication is
84 required, the lot or site area shall be calculated using the size of the lot prior to the street
85 dedication.

86 **Association:** "Association" means a legal entity operating under recorded land agreements or
87 contracts through which each unit owner in a development is a member and each unit is subject
88 to charges for a proportionate share of the expenses of the organization's activities such as
89 maintaining common open space and other common areas and providing services needed for the
90 development. An association can take the form of a homeowners' association, a community
91 association, a condominium association, or similar entity.

92 **Attention-Getting Display:** A visual display such as festoons that is not a sign but that is
93 designed and/or used to attract attention to a premise or to a sign.

94 **Automated Teller Machines (ATM):** A pedestrian-oriented machine used by bank and financial
95 service patrons for conducting transactions including deposits, fund transfers, and withdrawals
96 without contact with financial institution personnel. The machines may be located at or within a
97 bank, or in other locations.

98 **Automotive Repair Garage:** "Automotive Garage Repair" means the repair or restoring of motor
99 vehicles, including repair, reconditioning or rebuilding of engines and/or transmissions; collision
100 services (such as body, frame or fender straightening or repair); and the overall painting,
101 undercoating or steam cleaning of vehicles. All activities must be conducted within a completely
102 enclosed building. Persons working on vehicles owned by themselves or family are not included.

103 **Automotive Service Station:** "Automotive service station" means a building or part of a
104 building, structure or space where the retail sale of lubricants and motor vehicle accessories, the
105 routine maintenance and service of vehicles and/or the making of repairs to motor vehicles are
106 conducted. Repairs described, as major repairs in "automotive repair garage" shall not be
107 permitted. Persons working on vehicles owned by themselves or family are not included.

108 **Automotive Sales and Rental:** "Automotive sales and rental" means the use of any building,
109 land area or other premise for the display and sale, lease or rental of new or use motor vehicles,
110 and which may include the display and sale, lease or rental of new or use motorcycles, light

111 trucks and vans, trailers or recreational vehicles that are used primarily for personal needs.
112 Vehicles for sale by owner are not included, if less than 3 vehicles are for sale at any one time.

113 **Awning:** A projected or suspended roof-like cover, that is temporary or adjustable in nature,
114 placed over the sidewalk portion of the building frontage to provide protection for pedestrians
115 from the sun or rain, or placed over windows and doors.

116 **b**

117 **Balcony:** An exterior platform accessible to persons from inside the building and projecting,
118 supported, or suspended from the façade on upper stories of the building and aligned horizontally
119 and vertically with other balconies.

120 **Bay:** When referring to a principal structure, a U-shaped or bowed enclosure extending outward
121 from the facade and providing cantilevered interior space.

122 **Bed-and-Breakfast:** "Bed and Breakfast" means a residential building, other than hotel, motel or
123 boarding house, where overnight lodging, together with breakfast, is offered for hire.

124 **Best Management Practices:** A state-of-the-art technology applied to a specific problem to
125 achieve optimal performance levels through physical, institutional, or strategic methods.

126 **Block:** A parcel of land or group of lots bounded by rights-of-way (except access alleys or lanes
127 internal to the block) on all sides, or where rights-of-way for some reason are not provided
128 through logical extensions, bounded by the intervening physical feature that interrupts the
129 pattern of rights-of-way extensions.

130 **Block Area:** The area of land within all block faces. Where a boundary formed by a street, this
131 area is measured by the centerline of that street

132 **Block Face:** The portion of a block that face a common block boundary, typically the frontage of
133 a group of lots on a street.

134 **Block Perimeter:** The linear distance formed by all boundaries of the block. Where a street
135 forms boundary, this distance is measured by the centerline of that street.

136 **Board of Zoning Appeals, or Board:** The Board of Zoning Appeals of the City of Cuyahoga Falls,
137 Ohio.

138 **Boat:** When referring to parking or storage on a residential lot, any water vessel that requires a
139 trailer for transport on land.

140 **Brownfield:** Any industrial or commercial property that is abandoned or underused and often
141 environmentally contaminated, especially one considered as a potential site for redevelopment.

142 **Building:** A structure having a roof supported by columns or walls and intended to shelter
143 persons, animals, goods, or equipment.

144 **Building Area:** The sum in square feet of the area of the horizontal projections of all buildings on
145 a lot excluding buttresses, chimneys, cornices, eaves, open pergolas, patios, steps, unenclosed
146 and unroofed terraces, unenclosed private balconies not used for access, and minor ornamental
147 features projecting from the walls of a building which are not directly supported by the ground.

148 **Building Elements:** Architectural elements intended to enhance a building's appearance
149 including upper floor loggias or pergolas recessed within a building, roofed balconies, exterior
150 wooden or masonry stairs with closed risers, and tile or masonry fountains.

151 **Building Envelope:** The horizontal area of a lot enclosed by the front setback line or build-to
152 line, side setback lines, and rear setback lines.

153 **Building Footprint:** The horizontal area within the exterior walls of the foundation or ground
154 floor of the building.

155 **Building Height:** The vertical distance measured from the average elevation of the finished lot
156 grade at the front building line to:

- 157 • The highest point of the roof deck in the case of a flat roof;
- 158 • The deck line of a mansard roof; and
- 159 • The average height between the plate and ridge of a gable, hip, or gambrel roof.

160

160
161
162
163
164
165
166
167

- **Building Line:** The actual line at which the forward most part of a building is constructed, including the extension of that line to the edge of the lot, or beyond if context so indicates. (See Figure in Building Envelope definition.)

168
169
170
171
172
173
174
175
176

Building Line: The line parallel to a street or lot line touching the part of the building that is closest to the lot line. Building lines may be front-, side-, or rear-, depending on which portion of the lot it is referencing. Building line is distinguished from setback line because it represents where physical construction has actually occurred.

177
178

Building Site: An area of land in a site condominium, site cooperative, land lease development, or the like consisting of:

179
180
181
182
183
184
185

- The land occupied either by a single condominium unit or by the building or unit than an individual coop shareholder or lessee has the exclusive right to use and;
- The land area contiguous thereto that the condo owner or coop shareholder or lessee also has the exclusive right to use;
- The land leased to the owner of a building sited thereupon, or
- The land occupied by a single Principal Use building together with contiguous land the building occupant has the exclusive right to use

186
187

Building, Accessory: A building that is subordinate to the principal building or use in terms of size and use, and located on the same lot as the principal building or use.

188

Building, Principal: A building that supports the predominant use on the lot or parcel

189
190
191
192
193
194

Build-to Line: The line specified as a distance from the right-of-way line, easement or other public or private access way if the context so indicates, at which a building shall be located within an accuracy of one foot. No encroachment into the right-of-way, easement, or other public or private access way shall be inferred unless specifically stated. Build-to lines, where established create a consistent building line along a block face contributing to a better streetscape.

195

c

196
197
198

Canopy: A projected or suspended roof-like cover, permanent in nature and constructed out of the primary or accent materials of the building, placed over the sidewalk portion of the building frontage to provide protection for pedestrians from the sun or rain.

199
200

Carpport: An open-sided shelter for an automotive vehicle, usually formed by a roof projecting from the side of a building.

201

Car Wash: See Vehicle Washing/Detailing.

202
203
204
205

Changeable Copy Area: A sign or part thereof designed for frequent and easy changes of message copy, other than changing copy areas, such as message boards with removable letters or frames designed to for changes of placards but not including surfaces to which bills or posters are attached.

206
207
208

Changing Copy Area: A message copy or other display on a sign that is capable of being periodically changed electronically or electrically, such as a time and temperature sign or electronic message center.

209

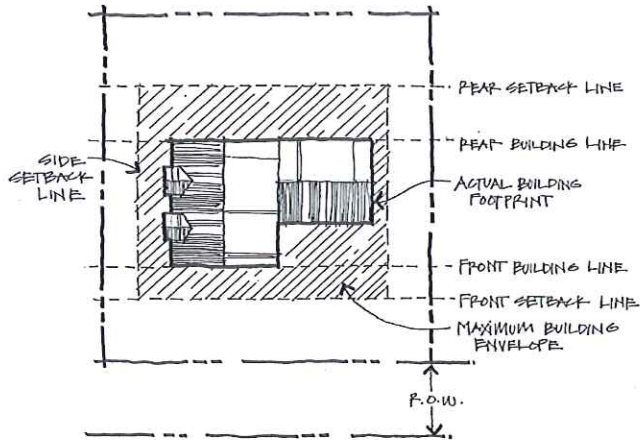
Child Day Care:

210
211
212

Child Day-Care Centers: A child day-care facility other than a family day-care home, which includes infant centers, preschools and extended day-care facilities. A day-care center is considered a business, not a residential use, and may provide 24-hour service.

213
214
215

Child/Day Care Home (Type B): A permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at on time. In counting children for the purposes of



216 this division, any children under six years of age who are related to the provider and who
217 are on the premises of the type B home shall be counted. "Type B family day-care home"
218 does not include a residence in which the needs of the children are administered to, if
219 all of the children whose needs are being administered to are siblings of the same
220 immediate family and the residence is the home of the siblings. "Type B family day-care
221 home" and type B home" do not include any child day camp.

222 **City Council, or Council:** The City Council of the City of Cuyahoga Falls, Ohio.

223 **Civic:** The term defining not-for-profit organization dedicated to the arts, culture, education,
224 recreation, government, transit, and municipal buildings.

225 **Clubs, Lodges, Private Meeting Halls:** A meeting, recreational, or social facility of a private or
226 nonprofit organization primarily for use by members or guests.

227 **Commercial:** The term collectively defining workplace, office or retail function.

228 **Commercial Nurseries:** A horticulture establishment that sells plants, seeds, shrubs, and
229 various gardening equipment. This includes garden centers. All merchandise other than the
230 plants are kept within an enclosed structure or fully screened. Fertilizers of any type are stored
231 and sold in package form only.

232 **Commercial Recreation – Indoor:** Provision of indoor participant or spectator recreation that is
233 operated as a business and open to the public for a fee. This classification includes billiard
234 parlors, bowling alleys, and ice- or roller-skating rinks and Karaoke uses.

235 **Commercial Recreation – Outdoor:** Provision of outdoor participant or spectator recreation that
236 is operated as a business and open to the public for a fee. This classification includes amusement
237 parks, batting cages, golf courses, miniature golf courses, outdoor swimming pools and volleyball
238 courts.

239 **Commercial Vehicle:** When referring to parking or storage on a residential lot, a vehicle licensed
240 as a commercial vehicle in the State of Ohio, or any vehicle that promotes or advertises a
241 business for which it is used on the exterior of the vehicle.

242 **Conditional Use:** Allowed subject to a conditional zoning certificate.

243 **Cornice:** The upper most projecting portion of a façade, associated with the roof line and
244 containing architectural details, decorative brackets, or other similar prominent features

245 **Curb Level:** The height of the established street curb abutting a street line measured at the
246 midpoint of such line. Where no curb has been established, the curb level shall be considered to
247 be the established level of the surface of the centerline of the street opposite the midpoint of the
248 street line. On lots or building sites abutting more than one street line, the mean average of the
249 measurements at the midpoints of all such street lines shall determine the curb level.

250 **Curb radius:** The radius of a circle formed by completing the curve of the curb at the corner of
251 the street.

252 **d**

253 **Deck:** A horizontal platform, unenclosed with no roof, providing access for persons from within
254 or outside of the building, attached to or functionally related to the principal structure and not
255 constructed on a foundation.

256 **Density:** The number of dwelling units within a standard measure of land area, usually given as
257 units per acre. If a street dedication is required, density shall be calculated using the size of the
258 lot prior to the street dedication.

259 **Design and Historic Review Board or DHR:** The Design and Historic Review Board of the City
260 of Cuyahoga Falls, Ohio.

261 **Design Speed:** The speed selected by planners for determining the various geometric design
262 features for a planned street.

263 **Development Pattern:** The pattern of streets, blocks, and lots that determine the scale and
264 connectivity of the land uses within the vicinity. Examples of development patterns are nodes,
265 corridors, neighborhoods, or districts.

266 **Directional Expression:** The orientation of different elements as determined by their height and
267 width, which can generally be horizontal, vertical, or square. The consistent directional
268 expression of different elements can be used to convey a proportional scale.

269 **District, Less Restrictive:** A district with the same initial letter(s) (such as R) as the subject
270 district and a higher number, or a district that allows as Permitted and Conditional Uses all the
271 same uses as the subject district plus one or more additional uses.

272 **District, More Restrictive:** A district that the subject district is a less restrictive district, as
273 defined herein, than.

274 **District, Residential:** Any single-, two-, or multi-family district established in the City Zoning
275 Regulations.

276 **Dormer:** Small roofed structures containing windows that project from the plane of a sloped roof
277 creating interior space and creating intersecting roof planes in the overall roof structure.

278 **Drip Line:** The perimeter formed by the points furthest from the trunk of a tree where
279 precipitation falling from its branches lands on the ground.

280 **Drive-Through Establishments:** An establishment other than a public use or public utility that
281 sells products or provides services to occupants in vehicles with or without shutting off the engine
282 thereof while being served, except establishments specifically exempt herein and including drive-
283 in or drive-up windows and drive-through services. Drive-through establishments do not include
284 drive-up public telephones or mail deposit boxes, filling or service stations, drive-in theatres, or
285 facilities that qualify as Temporary Uses under City regulations.

286 **Drive-Through Businesses, Non-Restaurants:** A drive-through business that serves a use not
287 related to a restaurant, fast food restaurant or formula fast food restaurant. This use includes the
288 operation of drive-up or a drive-through service at a bank or financial institution, food sales (for
289 off-site preparation or consumption only), personal services (e.g., dry cleaner, car wash, film
290 developing), and retail sales (e.g., pharmacy).

291 **Drive-Through Businesses, Restaurants:** A drive-through business that operates in
292 conjunction with a restaurant, fast food restaurant or formula fast food restaurant.

293 **Driveway:** Any impervious, semi-permeable or otherwise stabilized surface that provides vehicle
294 access to lots and parcels from streets or internal access streets.

295 **Dwelling Unit:** One or more rooms with no more than one kitchen, designed for occupancy by
296 one family or single housekeeping unit for living and sleeping purposes, with all rooms (except an
297 attached garage or carport) accessible from the interior of the dwelling unit.

298 **e**

299 **Easement:** A grant of one or more of the property rights by the property owner to and/or for the
300 use by the public, a corporation, or another person or entity.

301 **Eave:** The projecting lower edges of a roof overhanging an exterior wall of a building

302 **Electronic Game Centers:** An establishment that provides more than eight amusement devices,
303 whether or not the devices constitute the primary use or an accessory or incidental use of the
304 premises. Amusement devices mean an electronic or mechanical equipment, game, or machine
305 that is played or used for amusement, which, when so played or used involves skill and which is
306 activated by coin, key, or token, or for which the player or user pays money for the privilege of
307 playing or using.

308 **Electronic Message Center:** A message copy or other sign display made up of small internally
309 illuminated components that change the display periodically. See also Sign, Flashing.

310 **Equal or Better:** When used in reference to exterior building materials means any material, in
311 the sole determination of the Director, Commission, or Council, that has identical physical
312 characteristics and appearance as the material it is used in reference to, as perceived from any
313 public spaces surrounding the property. In making the determination, the Director, Commission,
314 or Council may consider things such as maintenance, durability, performance, color, and texture
315 of the material, and may make the determination using objective building industry reviews and
316 commentaries, or the lack of such performance reviews and commentaries. Use of equal or better
317 materials may be conditioned upon compliance with all application and manufacturer
318 specifications.

319 **f**

320 **Façade:** The vertical exterior surface of a building.

321 **Façade, Discrete:** Any façade that is not a primary or secondary façade, and which is generally
322 not perceptible from the areas off-site which are most encountered by the general public. Often
323 this is the facade is the rear of a building oriented to the rear of the lot, however it can also be a
324 side or interior of sites depending on street-frontages and building layouts.

325 **Façade, Primary:** The most significant façade of the building considering the street-frontage,
326 main entrance to the building, relationship to public or common space, orientation of the lot, and
327 general visibility of the facade. In most cases this façade will be the front façade. However, a
328 building may have more than one primary façade.

329 **Façade, Secondary:** Any façade that faces a prominent public area, which is not significant
330 enough to be a primary façade. Examples include a façade facing a side street on a corner
331 building or a façade facing an internal courtyard.

332 **Family:** A single individual, a group of persons related based upon birth, marriage, adoption or
333 other domestic bond, or up to five individuals not so related, living together on the premises as a
334 single housekeeping unit. This definition shall additionally include any other similar living
335 arrangement required to be recognized by the City by any applicable state or federal law.

336 **Festoons:** A string of light bulbs not shaded or hooded to prevent their being visible at the
337 boundary of the lot or building site or of ribbons, tinsel, streamers, pinwheels, pennants, or
338 similar devices that is hung in the open.

339 **Floor Area:** The sum of the actual gross horizontal area of all floors, mezzanine space and
340 interior balconies located at or above the established grade of the lowest abutting street,
341 excluding:

- 342 • Attic space having less than 7 feet of head room, and which is not a half story;
- 343 • Any space devoted to off-street parking or loading; and
- 344 • A utility room or furnace room.

345 **Floor Area Ratio or FAR:** The ratio of floor area to lot area. For example, a floor area ratio of
346 2:1 means that there are 2 square feet of floor area for every one square foot of lot area.

347 **Floor Area, Gross:** The sum of the gross horizontal area of space contained on all floors
348 measured in square feet from the exterior faces of the exterior walls of each building on a lot or
349 building site, or from the center lines of party walls separating two buildings. Gross floor area
350 includes floor area in cellars, basements, attics, and accessory buildings but excludes:

- 351 • Areas devoted to off-street parking or off-street loading, including aisles, ramps, and
352 maneuvering space
- 353 • Attic or half-story space having headroom of 7.5 feet or less
- 354 • Exterior balconies
- 355 • Space on a roof used for mechanical equipment
- 356 • Space occupied by atriums except any floor space beneath or projecting into the
357 atrium.

358 **Floor Area, Net:** The total floor area of a structure, but excluding garages, hallways, lobbies,
359 elevators and other common spaces.

360 **Form:** The relationship of buildings, structures or other elements and areas void of buildings,
361 structures, or other elements. This relationship is used to define spaces, both interior and
362 exterior, by creating real or perceived boundaries and spaces.

363 **Fractions:** When calculations result in fractions, the results shall be rounded as follows:

- 364 1. **Minimum Requirements:** When a regulation is expressed in terms of a minimum
365 requirement, any fractional result shall be rounded up to the next consecutive whole
366 number. For example, if a minimum requirement of one tree for every 30 feet is applied
367 to a 40-foot strip, the resulting fraction of 1.33 shall be rounded up to 2 required trees.
- 368 2. **Maximum Amounts:** When a regulation is expressed in terms of a maximum amount,
369 any fractional result shall be rounded down to the next lower whole number. For
370 example, if a maximum of one dwelling unit for every 3,000 square feet is applied to an
371 8,000-square-foot site, the resulting fraction of 2.67 shall be rounded down to 2 dwelling
372 units.

373 **Frieze:** A horizontal building material extending across nearly the entire facade, differentiated
374 from the primary material differentiating stories on the façade or differentiating the top story and
375 the roof structure.

376 **Frontage, Building:** The linear length of:

- 377 • The wall of a building that contains the principal entrance to the building, excluding
378 canopies and roof overhang and non-bearing decorative walls, or
- 379 • An individual unit of a multi-unit building such as a shopping center measured
380 between the party wall centerlines.

- 381 • If the principal building entrance is at a building corner, the length of the longer
382 adjacent wall shall be considered the building frontage.

383 **g**

384 **General Plan, or Plan:** The formal, adopted plan for the use of land and transportation systems
385 in the City, and any specific plan or program officially adopted or initiated under the general
386 guidance of the City's General Plan.

387 **Grade, Existing:** The surface of the ground or pavement at a stated location as it exists before
388 disturbance in preparation for a project regulated by this Zoning Code.

389 **Grade, Finished:** The elevation of the surface of the ground adjoining the building at the
390 completion of a project regulated by this Zoning Code. Where the finished grade is below the level
391 of the existing grade, the existing grade shall be used for this purpose.

392 **Grade, Street:** The top of the curb, or the top of the edge of the pavement or traveled way where
393 no curb exists.

394 **Greenfield:** A piece of usually semirural property that is undeveloped except for agricultural use,
395 especially one considered as a site for expanding urban development.

396 **Greyfield:** An area includes older, economically obsolescent retail or commercial areas.

397 **Gross Leasable Area:** The area contained within building intended to be leased, rented, or used
398 for non-residential purposes, including storage, retail area, shipping and offices and all other
399 areas for the sole use of that business or commercial enterprise. Areas that are occupied or
400 operated by the owner of the building, and therefore not actually leased or rented are not
401 excluded from this definition.

402 **h**

403 **Height, Fence:** The vertical distance between the highest point and the lowest point of a fence,
404 screening, or other applicable object. The lowest point, as used in this definition, shall be:

- 405 • The lowest grade level on the same lot or building site for ground mounted objects, or
406 • The lowest roof level for roof-mounted objects, or
407 • The lowest level of the support structure or surface for other objects.
408 • The lowest level shall in each case be the lowest level within 3 feet of any side of the
409 object or its support structure.
410 • The highest point, as used in this definition, shall exclude fence posts, gates, and
411 incidental decorative embellishments that extend no more than 6 inches above what
412 is otherwise the highest point of the object.

413 **Helipport (Vertiport):** A place for helicopter to land and take-off. Usually equipped with hard
414 surface. A facility may also have support facilities such as fuel, hangars and attendants.

415 **Helistop (Vertiport):** An area that accommodates helicopter take-offs and landings. It has no
416 support facilities and when not in use as a helistop it is used for other uses.

417 **Home Occupation:** Home Occupation means a secondary use of a dwelling unit, carried on by
418 persons, who are all residents of the household. The use is conducted entirely within the
419 dwelling unit. The home occupation is clearly incidental and secondary to the use of the dwelling
420 unit and does not change the character thereof or adversely affect the uses permitted in the
421 zoning district of which it is part of. Home occupations do not include personal services as
422 defined in Chapter 1115.

423 **Horizontal Expression Line:** A continuous limited projection, architectural detail, or other
424 segregating element of the façade such as a material change, molding, awning, or balcony, that
425 runs horizontally along nearly the entire façade.

426 **i**

427 **Illumination, Direct:** Illumination by means of light that travels directly from its source to the
428 viewer's eye.

429 **Illumination, Indirect:** Illumination only by means of light cast upon an opaque surface from a
430 concealed source.

431 **Impervious Surface:** Any surface material that prevents or substantially limits the absorption of
432 storm water into the ground immediately below the surface.

433 **Impound Lot:** An open area to which towed motor vehicles are taken for purposes of
434 impoundment and that is used for their temporary storage.

435

J

436 No technical terms beginning with the letter "J" are defined at this time.

437 **k**

438 No technical terms beginning with the letter "K" are defined at this time.

439 **l**

440 **Laboratories:** An establishment providing dental or medical laboratory services; or an
441 establishment providing analytical, photographic, or testing services.

442 **Landscaping:** The planting and maintenance of some combination of trees, shrubs, vines,
443 ground covers, flowers or lawns. In addition, the combination of design may include natural
444 features (e.g., rock and stone) and structural features, including fountains, reflecting pools,
445 artwork, screens, walls, fences, and benches.

446 **Live Entertainment:** Music, comedy, readings, dancing, acting, or other entertainment
447 performed on a site three or more days during a calendar year. This includes dancing by patrons
448 to live or recorded music.

449 **Lodging, Bed and Breakfast Inns:** An establishment offering lodging on less than a weekly basis
450 in a converted single-family or multi-family dwelling, with incidental eating and drinking service
451 for lodgers only provided from a single kitchen on the premises.

452 **Lodging, Hotels, Motels:** A commercial establishment offering overnight visitor accommodations,
453 but not providing room rentals on an hourly basis. These uses include facilities available to the
454 general public, including without limitation meeting and dining facilities, provided these are an
455 integral part of the hotel or motel operations.

456 **Long-term Temporary Storage Container:** Any enclosed or contained area that can not be
457 located within the principal or accessory building and is intended for the storage of goods and
458 materials, whether for processing as waste or for future use.

459 **Lot:** A division of land under the same ownership or control (whether or not subdivided as one or
460 more contiguous parcels or parts of parcels) located within a single block, normally occupied or
461 suitable for occupancy by one principal building and fronting on a street.

462 1. **Lot Area:** The area of a horizontal plane bounded by the vertical planes through front,
463 rear and side lot lines.

464 2. **Lot line, front:** This is the lot line contiguous to the right-of-way line. On a corner lot,
465 the front lot line is resumed to be the lot line along the street on which the lot has the
466 least dimension. An exception may be made for a corner lot whose longer street-side lot
467 line is clearly the primary street and where the orientation of the lot and buildings should
468 face the street, based on the context and orientation of the surrounding lots.

469 **Lot line, rear:** Any lot line opposite to, parallel or nearly parallel with, and most distant from the
470 front line. In the case of a triangular lot, or other similarly irregular shaped lots, where no lot line
471 is nearly parallel with the front lot line, the rear lot line shall be interpreted as a line 10 feet in
472 length, entirely within the lot, parallel to and at a maximum distance from the front lot line.

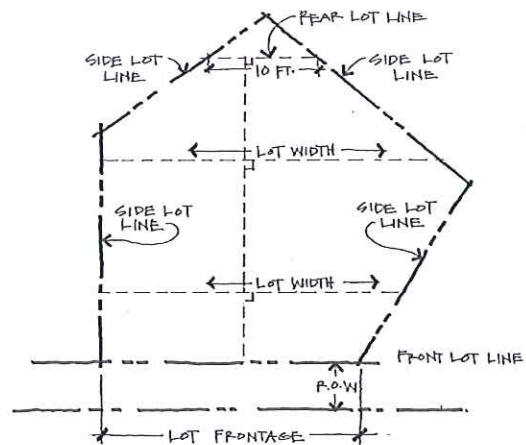
473 **Lot line, side:** Any lot line other than a front or rear lot line.

474 **Lot of Record:** A lot that is part of a subdivision plat recorded with the Summit County Auditor
475 Division, or a parcel of land the deed to which was so recorded, prior to the effective date of the
476 applicable City regulation or amendment.

477 **Lot, corner:** A lot abutting upon two or more streets at
478 their intersection or upon two parts of a street

479 **Lot, coverage:** When measuring lot coverage, the following
480 three measures shall apply:

- 481 • **Building coverage, or principal building**
- 482 **coverage:** The percentage of the lot or
- 483 other specified dimension covered by the
- 484 principle building excluding the following:
 - 485 ▪ Eaves or bays projecting less than
 - 486 three feet from a building;
 - 487 ▪ Trellises and similar structures
 - 488 which do not have solid roofs; and



- 489 ▪ The portion of any uncovered and unenclosed deck, porch, landing,
- 490 balcony, planter or stairway.
- 491 • **Accessory building coverage:** The percentage of the lot or other specified
- 492 dimension covered by an accessory building.
- 493 • **Total surface:** The portion of the lot covered by any structure or constructed
- 494 element, which impedes infiltration of storm water into the ground or disrupts
- 495 vegetated surfaces. For purposes of lot coverage standards, structures or
- 496 constructed elements that allow some infiltration, such as decks, patios and
- 497 driveways, porous pavers or concrete, or other elements that disturb ground
- 498 cover shall be counted towards the total surface coverage.

499 **Lot, depth:** The horizontal distance between the front and rear lot lines measured at right angles
500 to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the
501 lot depth shall be the average when measured from at least three different points along the front
502 lot line, including the two corners at the front lot line.

503 **Lot, double frontage:** A lot or plot that abuts on two streets, but is not a corner lot, so that the
504 street edges of the lot are not contiguous boundaries of the lot.

505 **Lot, frontage:** The horizontal distance between side lot lines, measured at the front lot line.

506 **Lot, interior:** A lot other than a corner lot.

507 **Lot, width:** The horizontal distance between the side lot lines, measured at front setback line
508 and to the front lot line. Where a minimum lot width is specified, it shall be applied at all points
509 in the building envelope of a lot.

510 **m**

511 **Mass:** A combination of size, shape, and scale of a building that contributes to its form. Mass is
512 related to, but slightly different than actual volume in that the context, shape, and scale of the
513 building form also contribute to the perception of the building mass.

514 **Medical Services - Extended Care:** An establishment providing care on a 24-hour basis for
515 persons requiring regular medical attention, but excluding facilities providing surgical or
516 emergency medical services.

517 **Medical Services - Hospital:** A facility providing medical, surgical, psychiatric, or emergency
518 medical services to sick or injured persons, primarily on an inpatient basis. This use includes
519 incidental facilities for outpatient treatment, as well as training, research, and administrative
520 services for patients and employees.

521 **Mixed-Use Projects:** The combination of commercial and residential uses in the same structure,
522 where the residential component is located either above (vertical mixed-use) or behind (horizontal
523 mixed-use) the nonresidential component. Nonresidential uses are typically commercial uses.

524 **Mortuaries, Funeral Homes:** The provision of services including preparing human remains for
525 burial, and arranging and managing funerals. ~~This use does not include cemeteries,~~
526 ~~erematoriums, and columbariums.~~

527 **Multi-family Residential:** Two or more dwelling units on a lot. This use includes mobile homes
528 and factory-built housing.

529 **n**

530 **Near Side:** The side(s) of an intersection of a street with another street, alley, or driveway that
531 motor traffic on the same side of the street approaches the intersection from.

532 **Net Floor Area:** Floor Area Net.

533 **Nightclubs:** A bar, tavern, or similar establishment that provides live entertainment (music,
534 comedy, etc.) that may serve alcoholic beverage for sale, where the performance area exceeds 75
535 square feet, or customer dancing occurs. See "Commercial Entertainment".

536 **Node:** A development pattern where more compact development occurs and where transportation
537 patterns to all areas within the node take priority over all other transportation patterns entering
538 the node.

539 **Nonconformity:** Any characteristic of a use, building, structure, sign, or lot or building site that
540 was lawful under regulations in effect immediately prior to the effective date of the applicable
541 current City regulation or of any applicable amendment thereto but that does not conform to all
542 requirements of such current regulation or amendment. A nonconformity is considered lawful
543 and not a violation subject to the provisions of Chapter 1114. It shall be the responsibility of the

544 owner of a property with a Nonconformity to provide proof satisfactory to the Planning Director
545 that a departure from Code requirements is a legal Nonconformity and not a violation.

546 **Nonconformity, Non-Quantitative:** Any Nonconformity that is not Quantitative Nonconformity.

547 **Nonconformity, Quantitative:** A Nonconformity with a quantitative or numerical standard
548 mandated by this Code.

549 **Nonconformity, Use:** A Non-Quantitative Nonconformity consisting of an activity or function
550 carried on at a premises that is not allowed by the Permitted, Conditional, or Accessory Uses
551 allowed in the current zoning district classification thereof. Temporary Uses in conformance with
552 City regulations applicable thereto shall not be considered Use Nonconformities. A classification
553 of sign not allowed on a property shall be considered a Use Nonconformity.

554 **o**

555 **Occupancy:** Each separate use of property conducted on a lot or within a building or any portion
556 thereof.

557 **Off-Site:** An activity or accessory use that is related to a specific primary use, but is not located
558 on the same site as the primary use.

559 **Off-Street Loading Facility:** A site or portion of a site reserved for the loading or unloading of
560 motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

561 **Off-Street Parking Facility:** A site or portion of a site outside of a public right-of-way reserved
562 for the parking of motor vehicles, including parking spaces, aisles, access drives and landscaped
563 areas.

564 **On-Site:** An activity or accessory use that is related to a specific primary use, and is located on
565 the same site as the primary use.

566 **Opacity:** The percentage of vision-obscuring materials visible between the top of the object and
567 grade level--or the level of the roof at the base of the object in the case of a roof-mounted object--
568 when the object is viewed horizontally.

569 **Open Sales Lot:** Open land used or occupied primarily for the display of motor vehicles, boats,
570 lawn tractors, trailers, manufactured homes, recreational vehicles, cemetery monuments, nursery
571 plants, or other merchandise available for sale, lease, exchange, or other distribution.

572 **Open Space:** "Open Space" means land devoted to conservation or recreational purposes and/or
573 land designated by the city to maintained undeveloped. Open Space may also be described at
574 "Preserved Space".

575 **Ordinary High Water Mark:** The point of the bank or shore to which the presence and action of
576 surface water is so continuous as to leave a distinct mark by erosion, destruction or prevention of
577 woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized
578 characteristic.

579 **p**

580 **Parapet:** That portion of a wall that extends above the level of the roof where it meets the wall.

581 **Parcel:** A contiguous area of land under the same ownership and control, which has not yet been
582 platted as a lot.

583 **Party wall:** A common shared wall between two separate structures or shared between two
584 platted lots or areas permitted by law to be separately owned within a single structure.

585 **Patio:** A horizontal platform, unenclosed and not covered by a roof, attached to or functionally
586 related to the principal structure and constructed on grade or on a foundation.

587 **Pawnshops:** An establishment engaged in the retail sale of new or secondhand merchandise and
588 offering loans secured by personal property.

589 **Payday Loans:** See Section 1131.03 H(13).

590 **Permeable Façade:** A façade that contains a frequent rhythm of doors, windows, or other visible
591 entry points from the exterior of the building to the interior, or that provide for the potentially
592 frequent ingress and egress of pedestrians to the façade. Permeable facades add visual interest to
593 the streetscape, create a pedestrian scale, and provide for perceived and actual natural
594 surveillance of the streetscape area.

595 **Person:** Any individual, firm, partnership, corporation, company, association, joint stock
596 association; city, county, state, or district; and includes any trustee, receiver, assignee, or other
597 similar representative thereof.

598 **Planning Commission:** The Planning Commission of the City of Cuyahoga Falls, Ohio.
599 **Planning Director:** The Planning Director of the City of Cuyahoga Falls, Ohio.
600 **Plat:** A map representing a tract of land and the boundaries and locations for lots, rights-of-
601 ways, utilities and other easements and access points. Plats are further defined in Sections
602 1113.01, 1113.02, 1113.03 and 1113.04.
603 **Porch:** A roofed, primarily unenclosed area providing access for persons from within or outside
604 of the building, attached to or functionally related to the principal structure. When the porch is a
605 "front porch," it is projecting from the primary façade of the building, unenclosed, and provides
606 access to the primary entrance of the building.
607 **Portico:** A small enclosed and roofed bay projecting from the primary façade of the building and
608 containing the primary entrance to the building
609 **Premise:** A lot, parcel, tract, or plot of land with contiguous boundaries grouped by a common
610 ownership, use, operation, purpose or development theme.
611 **Primary Structure:** See Structure Main, Primary or Principal.
612 **Primary Use:** See Use, Primary.
613 **Property Line:** See Lot lines.
614 **Proportion:** The relationship of parts of a building or site to other parts or to the whole site,
615 intended to create a balanced or organized appearance, through the application of consistent
616 geometric applications or common ratios.
617 **q**
618 **Queuing area:** A small area for moving vehicles to pull out of the flow of traffic to allow on-
619 coming traffic to safely pass. Queuing areas can be any area where parking vehicles are limited
620 either by restrictions or physical conditions. Examples may include bays where "no parking" signs
621 are posted or driveway entrances to a street that prevent on-street parking.
622 **r**
623 **Racetrack:** A usually oval, specifically surfaced course on which motorized vehicles such as
624 autos, or motorcycles or horse or dog racing. A racetrack can also be used for testing of
625 equipment or for tournaments.
626 **Reception Window:** The space between the reflector of a dish antenna and the satellite or other
627 extraterritorial object with which it is communicating.
628 **Recreational Vehicle:** When referring to parking or storage on a residential lot, a vehicle
629 portable structure without a permanent foundation designed to be towed or driven and can also
630 be used for living accommodations; or any vehicle used primarily for recreational purposes rather
631 than personal transportation, such as a all-terrain vehicle (ATV), golf cart, or similar vehicle.
632 **Recycling Units:** Bins, boxes, or similar containers used for the collection of recyclable materials
633 (e.g., aluminum, glass, plastic and paper).
634 **Relief or Relief Mechanisms:** In general the methods where the strict letter of the law of this code
635 shall not be applied. This code generally provides for three types of relief:
636 • **Waiver:** A determination by the authorized city representative and based on
637 applicable criteria, that a standard is not applicable to the particular situation, and
638 no purpose, intent, or design goal in the code would be served by meeting the
639 requirement.
640 • **Modification:** A determination by the authorized city representative and based on
641 applicable criteria, that a standard is applicable to the particular situation, but that
642 the collective purposes, intent, or design goals in the code would be better served by
643 meeting the requirement in a manner different than that specified in the code.
644 • **Variance:** A determination by the Board based on applicable criteria that a standard
645 should not be applied in a specific circumstance.
646 **Rhythm:** The reoccurrence or repetition of architectural elements and details or structural forms
647 on a building used to create the proper scale and proportion of the mass. The rhythm may be
648 measured by regular or uniform patterns, and is controlled by the context of the building and
649 recurring items.
650 **Right-of-way:** A corridor of public property used for access to lots fronting along or abutting
651 each side of the corridor. (Design elements that make up the design of the right-of-way are more
652 specifically described in Title 2.)

653 **Roadside Stand:** A seasonal produce, vegetable or fruit stand that is operated by the owner of
654 the property to sale products grown on-site.

655 **Routine Public Uses:** Poles, tunnels, conduits, wires, cables, head-walls, vaults, laterals, pipes,
656 drains, mains, valves, hydrants, and similar distribution equipment for public services or public
657 utilities in streets, alleys, railroads, transit rights-of-ways, fire alarms, police call boxes, traffic
658 signals, and pay telephones.

659 **Rural:** A characteristic of land and development that is consistent with agricultural or natural
660 elements of the landscape, including the scale, intensity, design, and use of materials.

661 **s**

662 **Scale:** The relative size of a form, mass, or area, as perceived by the viewer in comparison to the
663 size of some other related form, mass, area. For example, "human scale" or "pedestrian scale"
664 refers to the size in relation to the human body. Multiple scales on larger masses contribute to
665 its complexity and the ability of the form to establish better relationships adjacent buildings, lots,
666 and people. Scale is related to, but is slightly different than the actual dimension of height and
667 width in that the context, proportion, and directional expression all contribute to the scale.

668 **Schools:**

669 ▪ **Public and private:** Includes elementary, middle, junior high, and high schools serving
670 kindergarten through 12th-grade students, including denominational and sectarian, boarding
671 schools, and military academies. Preschools and child day-care are included under the
672 definitions of "Child Day-Care Facilities."

673 ▪ **Specialized education and training:** Includes business, secretarial schools, and vocational
674 schools offering specialized trade and commercial courses. Includes specialized non-degree-
675 granting schools offering subjects including: art, ballet and other dance, computers, cooking,
676 drama, driver education, language, and music. Also includes seminaries and other facilities
677 exclusively engaged in training for religious ministries, and establishments furnishing
678 educational courses by mail. Facilities, institutions, and conference centers are included that
679 offer specialized programs in personal growth and development (e.g., arts, communications,
680 environmental awareness, and management).

681 **Seasonal Merchandise Sales:** The retail sale of holiday seasonal products including pumpkins,
682 Christmas trees and crafts.

683 **Second Dwelling Units:** A detached residential dwelling unit that provides complete
684 independent living facilities for one or more persons on the same parcel as a legal single family
685 residence. A second dwelling unit shall include permanent provisions that include, but are not
686 limited to, living, sleeping, eating, cooking, and sanitation.

687 **Self-Storage:** A structure containing separate storage space that is designed to be leased or
688 rented individually in an enclosed building. This use does not include outdoor storage or
689 recreational vehicles, boats, personal watercraft, motorcycles, or trailers.

690 **Setback line:** A line that is the required minimum distance from any lot line and establishes the
691 area on the lot within which buildings or structures shall not be built. In cases where setback
692 lines are listed as a range indicating a minimum and a maximum setback, the range shall be
693 interpreted, as a build-to line at or within such distance a building line must be established.

694 **Service Station:** See Vehicle Service Stations.

695 **Sexually Oriented Businesses:** See Chapter 1136.

696 **Sign:** Any visual or graphic device that is designed and/or used to communicate--usually with
697 words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or
698 visual message that is at least partially visible from ground level beyond the lot or building site in
699 which the sign is displayed. Such a device shall be considered a sign whether or not a message is
700 currently displayed thereupon. Sign shells, embellishments, and support structures shall be
701 considered part of the sign. Signs shall, irrespective of message content, be considered Accessory
702 Uses to Principal Uses on their sites.

703 **Sign Clearance:** The smallest vertical distance to grade (or to the surface of the roof in the case
704 of a sign mounted upon or over a roof) from the lowest edge of a sign extending over that grade or
705 surface, including embellishments but excluding any pole or support structure attached to the
706 ground or roof.

707 **Sign Content:** The advertising, informational, or other
 708 message directly conveyed by the characters and
 709 symbols used on a sign. Messages conveyed indirectly
 710 by the dimensions, media, colors, design, materials,
 711 sign form, lighting, positioning, movement, or similar
 712 characteristics of a sign--such as emotional messages
 713 or psychological effects--are not considered content.

714 **Sign Embellishment:** Decorative framing or trim
 715 attached to or superimposed upon a sign, including
 716 framing, decorative roofing, pole covers, and the like.

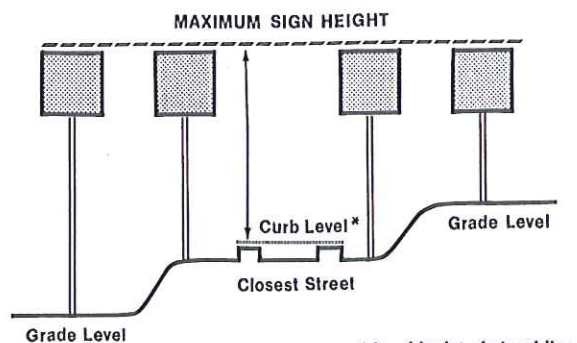
717 **Sign Height:** The vertical distance from the highest
 718 part of a sign, including support structures and
 719 embellishments, to the mean average grade of the land
 720 or, for roof signs, the level of the roof abutting the base
 721 of or directly below the sign.

722 Except that where the curb level of the street from
 723 which the sign is intended to be viewed is higher than
 724 the specified grade of the land, the difference between
 725 the two shall not be counted in determining sign height.

726 In the case of a sign intended to be viewed from more than one street, the mean average curb
 727 levels of the applicable streets shall be used.

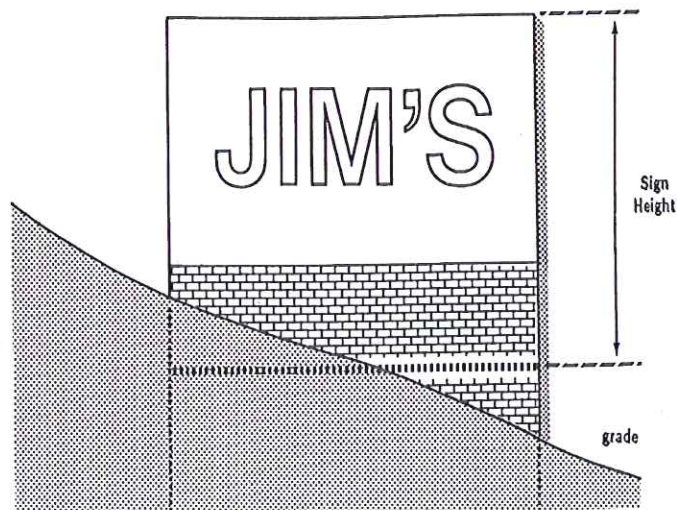
728

Sign Height



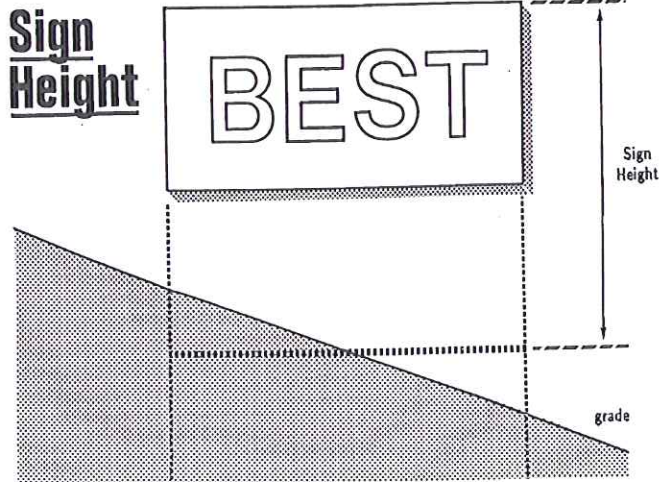
* At midpoint of street line

© 1988 GANN ASSOCIATES



FOR OTHER SIGNS : Mean average grade beneath or at base of sign
 See definition of Sign Height

Copyright 1988 GANN ASSOCIATES



FOR WALL SIGNS : Mean average grade beneath or at base of sign
 See definition of Sign Height

Copyright 1988 GANN ASSOCIATES

729

730

731

732 **Sign Panel:** A display surface of a sign that is visually distinct from every other sign surface in
 733 its vicinity by virtue of appearing on a separate substrate or being separated from such other
 734 surfaces by open space. Sides of a two-sided sign shall not be considered as separate panels so
 735 long as both are of identical shape, dimensions, and positioning and their backs are separated at
 736 any point by 10 feet or less. Separate cabinets shall be considered separate panels.

737 **Sign Vision Clearance Triangle:** A triangular area formed by: The right-of-way lines of streets
 738 and/or railroads and/or the boundaries of driveways, alleys, or internal access driveways
 739 between the at-grade intersection, and two points at the distances specified in this Code from
 740 such intersection along each such line, and a straight line connecting these two points.

741 **Sign, Air-Activated:** A sign all or any part of which is designed to be moved by action of the air
742 to attract attention, including signs with moveable colored disks but excluding flags, banners, or
743 festoons.

744 **Sign, Area:** The total exposed surface on the largest single sign face normally visible at any one
745 time, including sign background but excluding purely decorative embellishments and any
746 support structure not part of the sign proper.

747 Only a single side of a two-sided sign is counted as sign area. The area of an internally
748 illuminated sign is the area within the cabinet.

749 The area of a sign consisting solely of individual letters or symbols with no added back-ground or
750 decoration against a building wall or other surface that does not serve solely or principally as a
751 sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes
752 completely enclosing each separate letter or symbol, excluding punctuation, or enclosing each
753 attached group thereof.

754 The sign area of a sign that displays messages on more
755 than two faces or on a single continuous surface
756 wrapping around the sign (such as a spherical sign or
757 balloon) shall include only such sign area as may be
758 visible at any one time from a point on the ground in an
759 adjacent street within 200 feet of the sign. The
760 Planning Director may require a sign user to submit
761 information that in his or her judgment establishes the
762 part of the sign that is so visible.

763 **Sign, Balloon:** An inflated object that constitutes a
764 sign, the largest dimension of which exceeds 3 feet.
765 Balloon signs do not include aircraft like hot air
766 balloons or dirigibles displaying messages.

767 **Sign, Banner:** A sign displayed on flexible lightweight
768 material, enclosed or not enclosed in a rigid frame.

769 **Sign, Bulletin Board:** A temporary notice, typically of
770 paper, placed on a bulletin board or kiosk designed for
771 temporary display of such notices by the public.

772 **Sign, Event:** A sign displayed for a continuous period
773 of no more than 48 hours no more than once in any
774 calendar year.

775 **Sign, Expired Temporary:** A Temporary Sign the
776 message on which has, in the judgment of the Planning
777 Director, been rendered no longer operative, valid, or
778 timely by events or the passage of time. Examples
779 include a yard sale sign displayed after the end of the
780 sale, a campaign sign displayed after the applicable
781 election, or a real estate sign displayed after
782 consummation of the sale.

783 **Sign, Face:** The surface of a sign upon, against, or
784 through which the message is displayed.


785 **Sign, Flashing:** A sign that displays intermittent or flashing light, whether from internal or
786 external light sources. Signs that produce moving or animated messages or images by use of
787 intermittent light are not considered Flashing Signs. Electronic message centers shall not be
788 considered flashing signs if they are subject to a written agreement that they shall display only
789 messages and images that remain illuminated and unchanged for a minimum of 5 seconds at a
790 time.

791 **Sign, Government/Utility:** A sign maintained by a government body or public utility for legal,
792 regulatory, public safety, historical, or wayfinding purposes, including traffic control devices or
793 pavement markings; legal notices; warnings of hazards; historical markers; veterans memorials;
794 directional signs to places of public interest; or

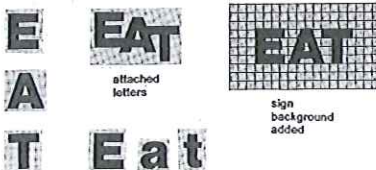
795 Any sign or exterior display a private party is required to display by government order or
796 regulation with a size or other characteristics regulated herein that do not exceed those required
797 for compliance with such order or regulation. Such Government/Utility Signs include

Sign Area

AREA COUNTED AS SIGN AREA



Message with Background on a Surface That Serves Solely or Mainly as a Sign
(e.g., on an illuminated cabinet sign face, paper bill or poster, or banner sign)



Message of Individual Characters Displayed Directly Without Background on a Surface That Does Not Serve Solely or Mainly as a Sign
(e.g., on a wall, canopy, awning, window, or door)

1986 Gann Associates (Copyright)

798 construction signs for government-assisted projects and signs required by legislation on access
799 for the disabled, or

800 The official flag or seal of any nation or unit of government or any reproduction thereof displayed
801 by the owner or occupant of a property unaccompanied by other graphic matter, words, or
802 symbols not otherwise qualifying under this definition.

803 **Sign, Internally Illuminated:** A sign illuminated by an enclosed lighting source the light from
804 which does not extend beyond the face or message area of the sign except indirectly through the
805 face or surface thereof. Cabinet signs are considered internally illuminated but backlit characters
806 mounted on wall surfaces are not.

807 **Sign, Landmark:** An older sign designated by City Council that, by virtue of exhibiting special
808 design qualities characteristic of an earlier era, merits special regulatory treatment because of its
809 current rarity or unusual significance.

810 **Sign, Moving:** A sign other than a multi-prism sign that has one or more visible parts designed
811 to move for the purpose of attracting attention.

812 **Sign, Multi-Prism:** A sign the message of which is periodically changed by multiple rotating
813 panels each containing part of alternate messages.

814 **Sign, ODOT-Regulated:** A sign regulated by the
815 Ohio Department of Transportation under Chapter
816 5516 of the Ohio Revised Code, Chapter 5501:2-2
817 of the Ohio Administrative Code, both as amended,
818 and/or any other applicable statutes or
819 regulations.

820 **Sign, Permanent:** A sign that is not a Temporary
821 Sign, as defined herein.

822 **Sign, Portable:** Any sign that is moveable and not
823 permanently attached to the ground or to a
824 structure or another sign permanently attached to
825 the ground. Portable signs include trailer signs,
826 as defined herein, and A-frame, T-frame or
827 sandwich board signs.

828 **Sign, Projecting:** A sign displayed on or from a
829 wall of a building or a projection there from, other
830 than a canopy or awning, where the sign or the
831 building projection extends more than 2 feet from the face of the wall.

832 **Sign, Roof:** Any sign that projects above the parapet or the highest point of the roof, whichever
833 is higher, of that portion of a building on which it is mounted. Signs mounted upon vertical roof
834 surfaces, such as mansard roofs, and signs displayed on pitched roofs that do not extend higher
835 than the peak, are not considered roof signs.

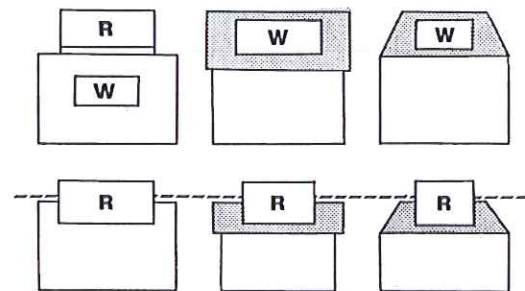
836 **Sign, Temporary:** A sign that is displayed for a limited duration as allowed in Chapter 1146.

837 **Sign, Trailer:** A portable sign mounted on a trailer or on a similar moveable support with or
838 without wheels.

839 **Sign, Vehicle:** A sign on or within a motor vehicle, boat, air-craft, recreational vehicle, or similar
840 vehicle that appears to have been parked for the primary purpose of displaying the sign. Vehicle
841 signs do not include:

- 842 • Trailer signs, as defined herein
- 843 • Lettering permanently painted on or attached to on aircraft, boats, or commercial
844 vehicles, as defined herein, that are operating or parked during the normal course of
845 business
- 846 • Signs on buses or taxicabs that are operating or parked during the normal course of
847 business
- 848 • Signs on trailer-housed offices or displays on construction sites
- 849 • Signs on manufactured homes
- 850 • Bumper stickers
- 851 • Placards of 3 square feet or less placed in window of vehicles
- 852 • Signs being transported by a vehicle to an installation site

Roof and Wall Signs



---: Highest point of roof or parapet See definitions of Roof Sign and Wall Sign
Copyright 1988 GANN ASSOCIATES R : Roof Sign W : Wall Sign

853 • A motor vehicle for hire or otherwise that is constantly moving on public streets
854 displaying messages or advertising.

855 **Sign, Vending Machine:** A permanent sign installed by the manufacturer on any part of a fuel
856 pump, ice dispenser, public telephone, newspaper vending rack, or other vending machine, or a
857 replacement sign of identical or virtually identical dimensions.

858 **Slope:** The inclined ground surface of fill, excavation, or natural terrain, the inclination of which
859 is expressed as a percentage. Slope percent is computed by dividing the vertical distance by the
860 horizontal distance multiplied by one hundred.

861 **Stoop:** A raised unenclosed platform associated with the primary entrance feature of the
862 building that contains architectural details such as decorative railings, columns, and small roof
863 structures.

864 **Storm water Management Plan:** A plan approved in the platting process that governs
865 development of sites within the plat, or a plan for a defined area or watershed prepared by the
866 City or other managing authority

867 **Stormwater Treatment Statement:** A statement approved through site development plan that
868 indicates conformance with an approved storm water management plan, or where not in
869 conformance includes new analysis comparable in scope, area, and detail to a storm water
870 management plan. When no such plan is in place, the statement demonstrates that best
871 management practices were utilized.

872 **Story:** Where building height is expressed as both a maximum height in feet and a maximum
873 height in stories, both shall apply and whichever results in the more restrictive interpretation
874 shall be the maximum building height. "Story" shall be interpreted as follows:

875 • **Story:** The portion of a building included between the surface of any floor and the
876 surface of the floor next above it, or if there is no floor above it, then the space
877 between the floor and the ceiling next above it.

878 1. Stories shall begin at the first floor level under three feet above finished
879 grade.

880 2. The minimum story shall be 9 feet and the maximum story shall be 14
881 feet, except that the height of the first story may be as high as 20 feet.

882 3. Exception. Where ground floor manufacturing uses, or warehouse
883 merchandise is allowed in the zoning district, buildings for those uses
884 shall have no limit on the first story and the maximum building height
885 expressed in feet shall control.

886 • **Half-story:** A space under a sloping roof that has the line of intersection of the roof
887 and the exterior wall supporting the roof not more than 3 feet above the floor level,
888 and in which space the possible floor area with head room of 5 feet or more occupies
889 between 30 and 70 percent of the total floor area of the story directly beneath.

890 **Stream:** Part of a watercourse either naturally or artificially created that contains an intermittent
891 or perennial base flow of groundwater origin. Base flows of groundwater origin can be
892 distinguished by any of the following physical indicators:

893 • Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s)
894 where groundwater enters the stream in the vicinity of the stream headwaters,
895 channel bed, or channel banks;

896 • Flowing water not directly related to a storm event; or historical records of a local
897 high groundwater table, such as well and stream gauge records.

898 **Stream Corridor:** Area including a stream and adjacent lands that is determined to comprise a
899 functioning eco-system capable of performing defined natural functions within the corridor.

900 **Street:** The area of the public right-of-way, or private property wherever specifically permitted
901 and clearly indicated by the context in these regulations, designed for the travel of vehicles.
902 (Design elements that make up the design of the street are more specifically described in Title 2)

903 **Street Line:** The dividing line between a lot, building site, or parcel of land and the right-of-way
904 of a contiguous existing or proposed street or planned street included in the City General Plan.

905 **Street, Arterial:** A street or street segment designated as an arterial street in the General Plan
906 or Thoroughfare Plan of the City or otherwise so designated by City Council.

907 **Street, Minor:** A street or street segment designated as a minor or local street in the City's
908 General Plan, or any street or street segment not designated as a freeway, arterial, or collector
909 street or equivalent designation on such Plan.

910 **Streetscape:** The area between front building facades on opposite sides of the street, or between
911 some alternate defining edge, involving both public right-of-way and private property. As the area
912 of the city that creates the most dominant physical and perceptual impact on the citizens of and
913 visitors to the city, it is worthy of more stringent design standards to bring about the goals of the
914 community. (Design elements that make up the streetscape are more specifically described in
915 Title 2.)

916 **Structural Alteration:** Any change other than incidental repairs in the supporting members of a
917 building or structure, such as bearing walls, beams, or girders.

918 **Structure:** Anything constructed, the use of which requires permanent location on the ground or
919 attachment to something with a permanent location on the ground.

920 **Structure, Accessory:** A structure that is subordinate to, and detached from the main
921 structure, the use of which is incidental and subordinate to that of the main structure.

922 **Structure, Main, Primary, or Principal:** A structure that houses the primary use on a property
923 or lot. It shall not include accessory structures (e.g., garages, pool houses, or sheds).

924 **Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or
925 other divisions of land for sale, development, or lease.

926 **Sub-urban:** A characteristic of land and development that is neither consistent with rural nor
927 urban, but represents a transition between rural and urban areas whereby the sub-urban area is
928 generally reliant on some nearby urban or rural area.

929 **Survey:** The process of precisely determining the area, dimensions, location, and other physical
930 characteristics of a piece of land.

931 **Sustainable Development Practices:** Development that meets the needs of the present with out
932 compromising the ability of future generations to meet its own needs, based on all reasonably
933 anticipation or projection of those needs. Sustainable development recognizes the
934 interdependence of environmental, social, and economic systems and promotes equality and
935 justice through empowering people to influence their community vision and strategy.

936 **Swap Meets:** Collective retail sales or exchange of merchandise by individual vendors occupying
937 separate sales spaces that are not divided by permanent walls. These uses include both indoor
938 and outdoor swap meets, conducted on either a permanent or recurring basis.

939 **Swimming Pool, Hot Tub:** A water-filled enclosure with a depth of 18 inches or more, used for
940 swimming or recreation.

941 **Symbol, Proprietary:** A graphic, logotype, or other representation registered as a trade mark or
942 service mark or otherwise associated in content or in style, color, or other aspect of its
943 appearance with a particular organization or a particular product or service identified with or
944 promoted by an organization. A drawing of a seashell, for example, would be considered a
945 proprietary symbol if it were stylized to resemble the logotype of Shell Oil. A graphic of an apple
946 would be considered a proprietary symbol if stylized to resemble the logo of the Apple Computer
947 Company.

948 **t**

949 **Theater:** A building, room, outdoor structures for the presentation of plays, films, or other
950 dramatic performances.

951 **Townhouse:** A dwelling unit attached by one or more party walls to one or more dwelling units
952 on the same lot or building site, that has an individual ground-level entrance to the outside, and
953 no portion of which is located above any other unit or other premises or portion thereof.

954 **Trailer:** When referring to parking or storage on a residential lot, a vehicle on wheels, which is
955 designed to be towed or hauled by another vehicle, or materials on rigid supports that can be
956 attached to a vehicle.

957 **Transitional Street Network:** A system for streets roughly based upon the functional
958 classification of the street, but relying on the design of the entire streetscape area to allow design
959 speeds and streetscape elements to better support planned and existing land uses. For example,
960 a street may be an "arterial street" along its entire length, but a larger buffer area between the
961 sidewalk and the street allows it to best support residential uses along the street. When adjacent
962 land uses transition to commercial or mixed-uses, the same right-of-way width can provide on-

963 street parking, expanded sidewalks, tree wells and an amenity zone to better support these land
964 uses. The transitional street system makes it easier to support connectivity with the appropriate
965 designs, and is more supportive of a nodal development pattern.

966 **Transom or Sidelight Windows:** Glass panels of multiple panes to above or to the side of doors.

967 **Transparent:** Composition of materials so that items behind the materials are readily visible.

968 **Tree Lawn:** The area of land normally planted in grass located within a street right-of-way
969 extending from the curb or edge of street pavement to a sidewalk or, where there is no sidewalk,
970 to the street right-of-way line.

971 **Tree, Large:** A tree with a height at maturity of over 40 feet.

972 **Tree, Medium:** A tree with a mature height of 20 to 40 feet.

973 **Tree, Small:** A tree with a mature height of less than 20 feet.

974 **u**

975 **Urban:** A characteristic of land and development that is compact, more intense, and fully
976 integrated with surrounding areas so that efficient and mutually supporting but diverse
977 development patterns, uses, designs, and materials create a sense of place.

978 **Use, Accessory:** Use that is customarily incidental to and subordinate to an allowed, limited, or
979 conditional principal use and located on the same lot as the principal use (unless specifically
980 allowed by this code to be on another lot).

981 **Use, Agricultural:** The use of land for farming, dairying, pasturage, apiculture, horticulture,
982 floriculture, viticulture, animal and poultry husbandry, and the necessary Accessory Uses for
983 packing, treating, and storing produce but not including the commercial feeding of garbage or
984 offal to swine or other animals.

985 **Use, Industrial:** Any use involving the large-scale fabrication, assembly, mining, treatment,
986 packaging, testing, distillation, or similar processing of goods or materials, or their mass storage,
987 prior to their sale or resale.

988 **Use, Institutional:** An educational institution, hospital, philanthropic institution, recreational
989 institution, or religious institution.

990 **Use, Office:** A use primarily involving administrative, professional, or clerical operations and not
991 involving industrial uses, warehousing, or wholesale or retail trade on the premises.

992 **Use, Personal Service:** A use providing services to the general public involving care of the
993 person or his or her apparel, such as a beauty shop, shoe repair, or dry cleaner.

994 **Use, Principal:** The predominant use of a building, lot, or parcel of land.

995 **Use, Residential:** A use confined to dwelling units and Accessory Units thereto, such as home-
996 based businesses.

997 **Use, Residential, Multi-Family:** A residential use consisting exclusively of multi-family
998 dwellings and Accessory Uses thereto.

999 **Use, Retail:** A store selling goods individually or in small quantities directly to the consumer for
1000 personal or household consumption, including restaurants and taverns.

1001 **Use, Retail Office:** An office that regularly attracts significant numbers of customers or clients
1002 from the general public in addition to its employees, such as real estate, securities, and insurance
1003 brokerages, tax preparation services, loan offices, travel agencies, drivers license bureaus,
1004 unemployment offices, and the like.

1005 **v**

1006 **Variance:** "Variance" means a modification of the strict terms of the relevant regulation.

1007 **Vehicle, Commercial:** Any motorized vehicle or trailer drawn thereby designed primarily for the
1008 transportation of materials or property (whether or not currently carrying such), for construction
1009 or earth moving, or to operate a power attachment such as a snow plow, that is not primarily
1010 used by household for non-commercial personal or family transportation, for residential property
1011 maintenance, or for car pooling.

1012 Commercial vehicles include commercial trucks, buses, commercial vans, tractors and other
1013 motorized farm equipment, semi-tractors and semi-trailers, garbage trucks, tow trucks, tank
1014 trucks, cement trucks, sump trucks, snow plows, trailers, stake bed trucks, motorized farm
1015 vehicles, construction and earth-moving equipment, and commercial tree-trimming equipment.
1016 They do not include lawn tractors, snowmobiles, dune buggies, or recreational vehicles.

1017 **Vehicle Services:**

- 1018 ▪ **Automobile Rental:** Rental of automobiles, including storage and incidental maintenance,
1019 but excluding maintenance requiring vehicle lifts.
- 1020 ▪ **Service Stations:** An establishment engaged in the retail sale of vehicle fuel, lubricants,
1021 parts and accessories. These uses include service stations with convenience stores, self-
1022 service auto washes and facilities having service bays for vehicle service and repair. The
1023 service and repair may include incidental maintenance and repair of automobiles and light
1024 trucks, but shall not include maintenance and repair of large trucks, or body and fender
1025 work or automobile painting on any vehicles.
- 1026 ▪ **Full Service:** A service station that has one or more service bays.
- 1027 ▪ **Minimum Service:** A service station that has no service bays.
- 1028 ▪ **Vehicle/Equipment Repair:** The repair of automobiles, trucks, motorcycles, mobile homes,
1029 recreational vehicles, or boats, including the sale, installation, and servicing of related
1030 equipment and parts. These uses include auto repair shops, body and fender shops, wheel
1031 and brake shops, oil change shops, auto glass sales and installation, stereo and alarm sales
1032 and installation, and tire sales and installation, but exclude vehicle dismantling or salvage
1033 and tire retreading or recapping.
- 1034 ▪ **Sales and Leasing:** The sale, or leasing of automobiles, trucks, tractors, construction or
1035 agricultural equipment, mobile homes, and similar equipment, including storage and
1036 incidental maintenance and repair. This use does not include uses that exclusively rent
1037 vehicles
- 1038 ▪ **Sales and Leasing:** Limited. The sales and leasing of automobiles, motorcycles, or trucks
1039 within an enclosed structure without any incidental maintenance or repair work allowed.
1040 Vehicles shall not be displayed or stored outdoors. Accessory part installation as part of the
1041 vehicle sale is permitted. This excludes uses that exclusively rent vehicles.
- 1042 ▪ **Vehicle Storage:** The storage of operative or inoperative vehicles. These uses include storage
1043 of parking towaways, impound yards, and storage lots for buses and recreational vehicles,
1044 but do not include vehicle dismantling.
- 1045 ▪ **Vehicle Washing/Detailing:** Washing, detailing, waxing or cleaning of automobiles or similar
1046 light-duty motor vehicles. Two forms of vehicle (car wash) wash establishments are further
1047 defined in Section 1131.03 H (14).
- 1048 ▪ **Vehicular Area:** Any open area outside of a street or alley right-of-way used for motor vehicle
1049 parking, stacking, loading or unloading, maneuvering, or circulation.

1050 **w**

1051 **Wall plane:** Any plane of continuous vertical, horizontal, or angled or inclined orientation which
1052 represents the exterior surface of a building or structure and which is not off-set by projections or
1053 recessions of at least 18 inches. Greater required offsets and required total area of offsets for wall
1054 planes may be specified in the context of these regulations.

1055 **Wireless Telecommunication Facility:** "Wireless telecommunication facility" means any cables,
1056 wires, lines, wave guides, antennae, towers and any other equipment or facilities associated with
1057 the transmission or reception of communications as authorized by the FCC. Such facilities are
1058 further defined in Chapter 1135.

1059 **Work/Live Units:** Work/Live means an integrated dwelling unit and working space, in which the
1060 work component is the primary use and the residential component is secondary, occupied by a
1061 single housekeeping unit in a structure, that has been designed or structurally modified to
1062 accommodate joint residential occupancy and work activity, and which includes:

- 1063 ▪ Complete kitchen space and sanitary facilities in compliance with the Building Code; and
1064 ▪ Working space reserved for and regularly used by one or more occupants of the unit.

1065 **x**

1066 No technical terms beginning with the letter "X" are defined at this time.

1067 **y**

1068 **Yard, Actual:** The open space on a lot between a building line extended and the opposite lot line.
1069 An actual yard may be larger than the corresponding yard required under the Zoning
1070 Regulations.

1071 **Yard, Street:** A front yard or a corner side yard.

1072
1073
1074
1075
1076
1077

z
Zoning Code: The City of Cuyahoga Falls General Development Code.

Section 2. Section 1131.03, Chapter 1131, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls is hereby amended to read as follows (new text underlined; deleted text in ~~strikethrough~~):

1078 **1131.03 Use Types Categories**

1079 Within each Zoning District, the use of land is regulated upon the basis of the following categories
1080 and types of land uses. Where a use is not specifically mentioned but meets all of the
1081 characteristics of a use category and use type, or is so similar to a described use type as to create
1082 no anticipated differential impact, the use shall be deemed included in the category and use type.

1083 A Residential Uses. The Residential Use Category includes all types of dwelling units. A
1084 "dwelling unit" is any building, portion of a building used as or intended for use
1085 permanently as the residence of an individual or family. Residential uses include the
1086 following types:

- 1087 1. Single-Family Detached. A structure designed for a single principal dwelling unit.
1088 Single-Family Detached dwellings may be located on the following lot sizes:
- 1089 a. Rural Lots. Lots of 8 acres or more.
 - 1090 b. Large Lots. Lots between 1-1/2 acres and 8 acres.
 - 1091 c. Low-density Lots. Lots between 1/2 acre and 1-1/2 acres.
 - 1092 d. Suburban Lots. Lots between 1/4 acre and 1/2 acre.
 - 1093 e. Standard Lots. Lots between 6000 square feet and 10,890 square feet.
 - 1094 f. Small Lots. Lots between 4,500 square feet and 6000 square feet.
- 1095 2. Single-family Attached. A structure designed for two or more principal dwelling units,
1096 where each unit has its own entry point from outside. Single-Family Attached
1097 dwellings may be located on the following lots sizes:
- 1098 a. Low-density Lots. Lots of 4000 square feet or more, typically involving duplex
1099 dwelling units at a low-density and designed similar to a single family
1100 detached dwelling.
 - 1101 b. Moderate-density Lots. Lots between 3000 square feet and 4000 square feet,
1102 involving duplexes or low-density town homes.
 - 1103 c. Standard Lots. Lots between 2400 square feet and 3000 square feet, involving
1104 moderate density town homes; and
 - 1105 d. Small Lots. Lots between 1800 square feet and 2400 square feet, involving
1106 high-density town homes.
- 1107 3. Multi-family. A structure designed for three or more dwelling units on a single
1108 platted parcel which may or may not share a common wall and where each dwelling
1109 unit may or may not have its own entry point from outside. Multi-family dwelling
1110 units may be constructed on lots having the following densities:
- 1111 a. Low Density. 8 to 12 units per acre;
 - 1112 b. Moderate Density. 12 to 16 units per acre;
 - 1113 c. Medium Density. 16 to 24 units per acre; and
 - 1114 d. Urban Density. Greater than 24 units per acre.
- 1115 4. Mixed-use unit. A structure containing a dwelling unit or group of dwelling units
1116 along with one or more units having uses in addition to dwelling units not serving as
1117 dwelling units.

- 1118 5. *Live/work unit.* A structure where a portion thereof is designed for a residential use,
 1119 and a portion of the structure is designed for non-residential use to support the
 1120 occupation or vocation of the resident of the dwelling unit.
- 1121 6. *Accessory unit.* A dwelling unit that is associated with, incidental to, and
 1122 subordinate to another dwelling unit as the principal use, and is on the same lot as
 1123 the principal dwelling unit.
- 1124 B Civic Use Category. The Civic Use Category includes uses serving a broad and general
 1125 public interest to enhance daily community life for adjacent landowners and residents Civic
 1126 uses include the following types:
- 1127 1. *Primary School:* An education facility primarily used for lower grade levels including
 1128 grades K through 8.
- 1129 2. *Secondary School:* An education facility primarily used for secondary education
 1130 grade levels, including grades 9 through 12.
- 1131 3. *Higher Education or Continuing Education Institutions:* Any business or institution
 1132 established for the purposes of carrying on education activities at a post secondary
 1133 level.
- 1134 4. *Library or Museum:* An establishment open to the public offering educational
 1135 resources, cultural or artistic exhibits, or similar attractions.
- 1136 5. *Neighborhood/Public Assembly:* An establishment that conducts organized services,
 1137 assemblies, or programs primarily for the convenience, entertainment, education, or
 1138 social welfare of nearby residences on a limited or periodic basis.
- 1139 6. *Community/Public Assembly:* An establishment that conducts organized services,
 1140 assemblies, or programs for the convenience, entertainment, education, or social
 1141 welfare of the community at large and with a designed seating capacity of more than
 1142 500 at any one time.
- 1143 7. *Cemetery:* Land used or intended to be used for the burial of the animal or human
 1144 remains and dedicated for cemetery purposes, including crematories, mausoleums,
 1145 and mortuaries if operated in connection with and within the boundaries of such
 1146 cemetery.
- 1147 8. *Hospital:* An establishment providing health service, medical and surgical care, and
 1148 room and board to persons suffering from illness, disease, or injury, including
 1149 supporting facilities such as laboratories, outpatient facilities, and training facilities.
- 1150 9. *Public Open Space:* Any space dedicated for public use, exclusive or right-of-way and
 1151 easements, and open from the ground to the sky. Public open space does not include
 1152 any impervious surfaces designated for automobile use.
- 1153 10. *Common Open Space:* Any space dedicated for common use due to property
 1154 ownership, residency, or patronage of facilities associated with the open space,
 1155 exclusive of right-of-way and easements, and open from the ground to the sky.
 1156 Common open space does not include any impervious surfaces designated for
 1157 automobile use or any required yard or setback.
- 1158 11. *Government Office or Facility:* Any structure or area of land, controlled and/or
 1159 operated by a government entity, providing administrative operations or services
 1160 inherent to the role of that entity and available to or for the benefit of citizens of the
 1161 City.
- 1162 C Office Use Category. The Office Use category consists of the use of buildings that primarily
 1163 provide on-site occupations and space for administrative affairs of businesses,
 1164 organizations, or government entities, where products or services are of the nature that
 1165 generally do not involve the frequent and intensive interactions with clients, customers, or
 1166 patrons on the premises, and where delivery of the product does not necessarily need to
 1167 occur on the premises.
- 1168 1. *Neighborhood Office.* An employment use where individual gross leasable area of
 1169 office units are typically less than 5,000 square feet, and where individual

- 1170 businesses, organizations, or government entities employ less than 20 individuals at
1171 that location.
- 1172 2. *General Office.* An employment use where individual gross leasable areas of office
1173 units are between 5,000 and 50,000 square feet and where individual businesses,
1174 organizations, or government entities employ between 20 and 100 individuals at that
1175 location.
- 1176 3. *Office Campus or Complex.* An employment use where a building, group of
1177 buildings, and areas around the building or buildings dedicated to the
1178 administrative affairs of a single business, organization, or government on a large
1179 scale, typically involving more than 50,000 square feet of gross leasable area and
1180 supplying space or facilities for the employment of more than 100 individuals.
- 1181 4. *Contractor/Service Provider Office.* An employment use where individual gross
1182 leasable area of office units are typically less than 25,000 square feet, and where
1183 entities employ less than 50 individuals at that location, however most employees
1184 work elsewhere. There is also outdoor storage of equipment and materials.
- 1185 5. *Home Occupation.* An operation for gain or support conducted only by members of a
1186 family residing on the premises limited in its use and not in a manner detrimental to
1187 the character of the surrounding neighborhood.
- 1188 D Retail Use Category. The Retail Use category consists of buildings that provide display and
1189 on-site exchange of merchandise for general consumers. Consumption or use of the
1190 product or merchandise typically is intended for off-premises, although small elements of
1191 the retail use may provide for on-premise consumption or use.
- 1192 1. *Convenience Store.* A retail use engaged in the sale of a limited selection of food and
1193 household products for consumption off premises. A convenience store typically
1194 involves between 3,000 and 5,000 square feet of gross leasable area and
1195 characterized by the rapid turnover of customers and impulse or convenience sales.
- 1196 2. *Grocery Store.* A retail use primarily in the sale of broad range of food and
1197 household produces for home consumption, limited on-premise consumption. A
1198 neighborhood grocery typically involves less than 40,000 square feet of gross
1199 leasable area and is characterized by a target market area of approximately 1-mile
1200 radius.
- 1201 3. *Supermarket.* A retail use engaged primarily in the sale of broad range of food and
1202 household produces for home consumption, limited on-premise consumption. A
1203 supermarket typically involves more than 40,000 square feet of gross leasable area
1204 and is characterized by a target market area greater than a 1-mile radius.
- 1205 4. *Neighborhood Merchandise.* A retail use primarily engaged in the small-scale sale of
1206 merchandise for consumer use off of the premises, typically involving less than
1207 3,000 square feet of gross leasable area for the majority of tenants or business and
1208 where no single business or tenant occupies more than 8,000 square feet of retail
1209 use in a single structure. Neighborhood retail uses are characterized by a target
1210 market area with an approximately 1-mile radius for on-site customers. Examples
1211 include a florist, gift shop, jewelry store, small bookstore, small hardware store, and
1212 small drug store.
- 1213 5. *General Merchandise.* A retail use primarily engaged in the small-scale sale of
1214 merchandise for consumer use off of the premises, typically involving less than
1215 10,000 square feet of gross leasable area for the majority of tenants or business and
1216 no more than 100,000 square feet of gross leasable area in a single structure.
1217 General merchandise uses are characterized by a target market area with an
1218 approximately 1-mile to 3-mile radius for on-site customers. Examples include
1219 home furnishing store, appliance store, department store, large bookstores, and
1220 large drugstores and pharmacies.
- 1221 6. *Warehouse Merchandise.* A retail use primarily engaged in the large-scale sale of
1222 merchandise for consumer use off premises, which may include a general line of a
1223 single type of merchandise or a selection of several types of merchandise, typically
1224 involving more 100,000 square feet of gross leasable area in a single structure.

- 1225 Warehouse merchandise uses are also characterized by target market areas of over 2
1226 miles for on-site customers. Examples include home improvement centers,
1227 warehouse clubs, superstores and super centers.
- 1228 7. *Garden Center.* A retail use with year-round sales of plants, gardening supplies, and
1229 related equipment that requires outdoor storage or maintenance of merchandise at
1230 any time of the year and requires a secure area where merchandise may be left
1231 outside in non-business hours.
- 1232 8. *Restaurant, Dine-in.* A business serving prepared meals for consumption on the
1233 premises, which may include accessory bar, carry out, or catering services.
- 1234 9. *Commercial Equipment & Supply.* A retail use where merchandise is intended for use
1235 in commercial enterprises, but is available to general consumers as well, and is
1236 characterized by large storage requirements, bulk sales, or potential heavy truck
1237 traffic from customers and deliveries. Examples include construction supply
1238 company, or equipment sales or rentals.
- 1239 10. *Theater.* A building where theatrical performances or motion-picture shows can be
1240 presented.
- 1241 11. *Service Station with Convenience Store.* A retail use where a portion of the land or
1242 building is dedicated for the sale and dispensing of automobile fuel. Vehicle
1243 lubricants, supplies and accessories may be offered if incidental to the sale of fuel.
1244 Convenience sales of a limited selection of food and household products for
1245 consumption off premises, typically involving between 600 and 4,000 square feet of
1246 floor area may also be offered. Sales of automobile fuel, which are accessory to
1247 larger scale retail uses, shall require each use to be treated separately for the
1248 purposes of this ordinance.
- 1249 12. *Drive-Through Establishments.* An establishment other than a public use or public
1250 utility that sells products or provides services to occupants in vehicles with or
1251 without shutting off the engine thereof while being served, except establishments
1252 specifically exempt herein and including drive-in or drive-up windows and drive-
1253 through services. Drive-through establishments do not include drive-up public
1254 telephones or mail deposit boxes, filling or service stations, drive-in theatres, or
1255 facilities that qualify as Temporary Uses under City regulations.
- 1256 a. *Drive-Through Businesses, Non-Restaurants.* A drive-through business that
1257 serves a use not related to a restaurant, fast food restaurant or formula fast
1258 food restaurant. This use includes the operation of drive-up or a drive-
1259 through service at a bank or financial institution, food sales (for off-site
1260 preparation or consumption only), personal services (e.g., dry cleaner, car
1261 wash, film developing), and retail sales (e.g., pharmacy).
- 1262 b. *Drive-Through Business, Restaurants.* A drive-through business that operates
1263 in conjunction with a restaurant, fast food restaurant or formula fast food
1264 restaurant.
- 1265 13. *Outdoor Sales, Limited.* A retail use where a minor portion of the merchandise, both
1266 in area and in business value, is stored outside during business hours and brought
1267 inside during non-business hours. Examples include occasional and seasonal plant
1268 sales, sidewalk sales, temporary produce stands associated with an interior retail
1269 establishment.
- 1270 14. *Outdoor Sales Lot.* A retail use where a significant portion of the merchandise, either
1271 in area or in business value, is typically stored outside during business hours and
1272 requires a secure area where merchandise may be left outside in non-business
1273 hours. Examples include used or new car sales or rental, boat or recreational
1274 vehicle sales or rental, and large or heavy equipment sales or rental, or a lumber
1275 yard or garden center constructed as an extension of the principal building.
- 1276 E Service Use Category. The Service Use Category consists of businesses that offer clients,
1277 customers, or patrons services for performance and delivery on the premises and may offer
1278 some limited products or merchandise associated with the service. The Service Use
1279 Category includes the following types:

- 1280
1281
1282
1283
1. *Neighborhood Personal Services.* A Service Use that provides personal services for the convenience of residents, and where leasable units are typically no more than 3,000 square feet of gross leasable area and no single user has more than 8,000 square feet of gross leasable area.
- 1284
1285
2. *General Services.* A Service Use that provides services which may require more than 8,000 square feet of gross leasable area.
- 1286
1287
1288
1289
1290
3. *Nursing Home, Assisted Living, Independent Living Facility.* A Service Use providing living accommodations and care for persons suffering from impairments, which are not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, and where non-resident staff is required greater than 8 hours per day.
- 1291
1292
1293
4. *Medical Clinic.* A Service Use for the care, diagnosis and treatment of ailing, infirm, or injured persons, and those who are in need of out-patient medical and surgical attention, but who are not provided with board or over-night accommodations.
- 1294
1295
1296
5. *Child/Adult Care Facility.* A Service Use, without overnight stay, providing for the day care and/or instruction of non-resident children or adults, but excluding schools.
- 1297
1298
1299
6. *Laundry/Dry Cleaner.* A Service Use engaged in cleaning clothes, fabrics, or upholstery on-site either by drop-off and pick-up by customers or through delivery services.
- 1300
1301
1302
1303
7. *Vehicle Repair Facility.* A Service Use with buildings and facilities for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, detailing and steam cleaning of vehicles, and the retail sale of vehicle lubricants, supplies, and accessories.
- 1304
1305
8. *Personal Storage.* A Service Use offering separate storage areas leased or rented on an individual basis.
- 1306
1307
1308
1309
9. *Bed and Breakfast.* A Service Use where temporary lodging and/or meals are provided incidental to a principal single-family dwelling, where no cooking or dining facilities are provided in individual rooms, and where the owner resides on the premises.
- 1310
1311
1312
1313
1314
10. *Motel.* This is a service use where temporary lodging is provided and rooms may be accessed by separate individual entrances from outside the building, including accessory uses such as eating and drinking facilities, recreation facilities and parking. Lodgings may consist of sleeping rooms only or may include cooking facilities, but are not intended for long-term occupancy.
- 1315
1316
1317
1318
1319
11. *Hotel.* A Service Use where temporary lodging is provided and rooms are accessed through a single primary building entrance, including accessory uses such as eating and drinking facilities, recreation facilities and parking. Lodgings may consist of sleeping rooms only or may include cooking facilities, but are not intended for long-term occupancy.
- 1320
1321
1322
1323
1324
1325
1326
12. *Mortuary or Funeral Home.* A Service Use with buildings and facilities for the preparation of deceased humans remains and ceremonies prior to burial or cremation. Human cremation may be considered an accessory use to this use, but only when the cremation is ancillary to other funeral services of the funeral home or mortuary that are performed in relation to the same deceased individual. Cremation as a stand-alone service is a separate use and shall not be considered an authorized accessory use to this use.
- 1327
1328
13. *Animal Services, Small.* A Service Use where buildings, facilities and grounds are used to board animals, provide medical care, or other related animal services.
- 1329
1330
14. *Publication of Broadcast Services.* This is a Service use providing for the administrative and production facilities to broadcast news, or entertainment media.

1331 15. *Indoor Recreation Facility.* A Service Use where facilities for indoor sports,
1332 entertainment, or similar recreation opportunities for participants or spectators are
1333 offered as a business.

1334 F Manufacturing Use Category. The Manufacturing Use Category is for businesses engaged
1335 in construction, production, processing, transformation, warehousing, wholesale, and
1336 disposal of goods, products, and component parts of goods and products, including related
1337 services. These uses typically belong in a special district due to their inability to blend
1338 with the uses from other use categories, except when occurring at the smallest scale.

1339 1. *Limited.* A manufacturing use where small-scale activities produce no by-products
1340 discernable from the outside of the facility, where individual facilities typically
1341 occupy less than 10,000 square feet of gross leasable area, and distribution and
1342 deliveries are commonly made by general consumer delivery services, requiring no
1343 significant truck access. A retail, showroom, or service component shall be
1344 associated with the use. Examples include artist studios, metal and wood shops,
1345 arts and crafts manufacturing, small appliance or machine repairs, or other small-
1346 scale assembly of finished parts or products from previously prepared materials.

1347 2. *Clean.* A manufacturing use where the nature of the production and distribution
1348 process involves no raw materials or by-products capable of producing noise or
1349 odors discernable from outside of the facility, requires no outdoor storage or
1350 operations to occur, and where distribution and deliveries can occur from general
1351 consumer delivery services or limited commercial truck access. Examples include
1352 administrative and management functions for industry, import/export activities,
1353 assembly, testing and quality control of products, research, development, training
1354 and design, data processing and IT, service and media production, sales and
1355 marketing, storage and distribution, showrooms.

1356 3. *General.* A manufacturing use where the nature of the production and distribution
1357 produces noise or other non-noxious by-products discernable from outside the
1358 facilities, involves outdoor storage or materials, and may require substantial
1359 commercial vehicle access for distribution and deliveries. Examples include
1360 machine shops, large-scale non-animal food processing, commercial warehouses or
1361 wholesale distribution centers.

1362 4. *Heavy.* A manufacturing use whose scale and operations are capable of producing
1363 significant byproducts discernable from outside the facility including noise, odors, or
1364 other potentially offensive or dangerous materials, and involves outdoor storage of
1365 materials. Examples include food processing involving animals, metal or chemical
1366 manufacturing, or impoundment yards.

1367 G Agriculture, Natural Resource, and Preservation Uses Category. The Agriculture and
1368 Natural Resource Use category is for uses that are commonly associated with an agrarian
1369 or rustic lifestyle, and which demand little or no public infrastructure or services.

1370 1. *Natural Outdoor Recreation.* The use of land and natural resources for low impact
1371 personal recreation relying primarily on the undisturbed aspects of the land and
1372 resources as the attraction. This use may involve accessory uses and facilities to
1373 support the recreation uses such as a visitor center, administrative offices, and
1374 limited services to support patrons of the outdoor recreation facility. Examples
1375 include indigenous wildlife and vegetation sanctuaries, bike or hiking trails,
1376 campgrounds, or other interactive and interpretive sites for rural and natural
1377 landscapes.

1378 2. *Conservation Area.* The protection of land, vegetation, water bodies, topography, and
1379 geology in an undisturbed manner due to beneficial aesthetic and ecological
1380 functions. This use may include low impact recreation use, but generally has
1381 minimal or no accessory uses or facilities to avoid any impacts on the pristine
1382 nature of the area.

1383 3. *Orchards or Nursery.* A use of land and facilities for growing trees and plants for the
1384 retail or wholesale sale and distribution of the trees or plants or the by-products of
1385 the trees or plants.

- 1386
1387
1388
4. *Animal Services, Large.* A use of land for the raising and care of domestic or farm animals for recreational purposes, profit or for the personal use. Veterinary services may also accompany these services.
- 1389
1390
1391
1392
5. *General Farming.* A use of land for the raising and care of animals or crops in order to sell or distribute the byproducts, including associated facilities for growing, harvesting, and storing materials used for distribution or processing agricultural products.
- 1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
6. *Agro-Business/Tourism.* The marketing and retail sale or services associated with agricultural uses of land, including limited processing and manufacturing incidental to the delivery of these sales or services, and designed to provide a destination for visitors. Examples include winery, country market, pick-your-own orchards and farms, or other similar agriculture related tourism business. This also includes Farmers Markets. Farmers Markets include the retail sale of agricultural products produced on site and operated without any additional or permanent site facilities than are otherwise associated with agriculture use. Roadside stands, or barn sales are examples of such uses, however the intensity and frequency of such sales shall be so that no additional parking, roads, structures, warehouses, or other storage facilities are necessary on the site.
- 1404
1405
1406
1407
1408
7. *Natural Resource Harvesting and Management.* This is the growth, harvesting, and preparation of plants or land for distribution and sale as a raw material in some other manufacturing process, where the growth and harvesting involves low-impact activity and long-term cultivation and management of the land in order to produce resources.
- 1409
1410
1411
8. *Agriculture Equipment and Supply.* The use of land for retail sales of equipment and materials used for agricultural-related land uses, and accessory servicing of agriculture equipment.
- 1412 H Conditional Uses. The Conditional Use category is for uses which may be acceptable
1413 within certain zoning districts, based upon specific circumstances and mitigating design
1414 concessions. However, in general due to their nature, these uses pose the strong potential
1415 to have adverse effects on uses within the zoning district, on adjacent property, or on
1416 adjacent zoning districts. Therefore, these uses require special review to better determine
1417 if the circumstances and design for the use applied to a specific site are sufficient to
1418 mitigate the potential adverse impacts.
- 1419
1420
1421
1422
1423
1424
1. *Nursing Home, Assisted Living, Independent Living Facility.* A Service Use providing living accommodations and care for persons suffering from impairments, which are not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, and where non-resident staff is required greater than 8 hours per day. A Conditional Use is required in R-1 Districts.
- 1425
1426
1427
1428
1429
2. *Bar.* This is a service use primarily in the business of serving alcoholic beverages for consumption on-site, which may include accessory food and entertainment services. Restaurants, which have over 50 % of its business from food sales and where the bar is accessory and subordinate to the restaurant in terms of area and sales, are not included.
- 1430
1431
1432
1433
3. *Nightclub.* A bar, tavern, or similar establishment that provides live entertainment (music, comedy, etc.) that may serve alcoholic beverage for sale, similar refreshments or food and where the performance area exceeds 75 square feet, or customer dancing occurs.
- 1434
1435
1436
1437
4. *Day Labor Agency.* A service use that assigns individuals for employment on a day-to-day or weekly basis, and where the nature and availability of the assignment is uncertain up until the assignment is made, thus requiring potential workers to report to the agency and await assignments.
- 1438
1439
1440
5. *Electronic Game Centers.* An establishment that provides more than eight amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic

- 1441 or mechanical equipment, game, or machine that is played or used for amusement,
1442 which, when so played or used involves skill or chance and which is activated by
1443 coin, key, or token, or for which the player or user pays money for the privilege of
1444 playing or using.
- 1445 6. *Gun Club*. Services use that providing outdoor training or recreational shooting
1446 facilities for gun owners.
- 1447 7. *Heliport/Vertiport, Helistop/Vertiport, Airport* This is an operation that can create
1448 excess noise, dust, light and traffic, thus requiring special conditions to protect
1449 adjacent property and neighborhoods. Emergency, temporary or EMS
1450 helistops/vertistops are exempt from all requirements. Also see definition in Chapter
1451 1115.
- 1452 8. *Helistop/Vertiport*. An area that accommodates helicopter take-offs and landings. It
1453 has no support facilities and when not in use as a helistop it is used for other uses.
- 1454 9. *Outdoor Bulk Storage*. A manufacturing use primarily involved in the bulk storage of
1455 large amounts of equipment, supplies, or materials outdoors for use in
1456 manufacturing, for shipment off-site, or for use in providing other services off-site.
- 1457 10. *Outdoor Recreation Facility*. Service use where facilities for outdoor sports,
1458 entertainment, or similar recreation opportunities for participants or spectators are
1459 offered as a business. Examples include golf courses or driving ranges, miniature
1460 golf and activity parks, batting cages, or sand volleyball.
- 1461 11. *Outdoor Sports/Entertainment Facility*. A structure that is open or partially enclosed
1462 and used for games, concerts, vehicle/horse racing and major events and is partly or
1463 may be surrounded by tiers of seats for spectators.
- 1464 12. *Pawnshop*. A service use engaged in the business of lending money on the security
1465 of future income, pledged goods or personal property, or the purchase of tangible
1466 personal property on the condition that it may be redeemed or repurchased for a
1467 fixed price within a fixed period of time.
- 1468 13. *Advanced or Payday Loans*. Establishment making small, short-term, high interest
1469 rate unsecured loans, cash advance loans, check advance loans, post dated-check
1470 loans or deferred deposit checks.
- 1471 14. *Vehicle Washing/Detailing Facility*. A service use providing vehicle wash facilities
1472 performed by employees or the owners of the vehicle and not accessory to any other
1473 automobile service station or repair use.
- 1474 15. *Liquor Store*. A store that sells alcoholic beverages for consumption elsewhere.
- 1475 16. *Outdoor Sales Lot*. A retail use where a significant portion of the merchandise, either
1476 in area or in business value, is typically stored outside during business hours and
1477 requires a secure area where merchandise may be left outside in non-business
1478 hours. Examples include used or new car sales or rental, boat or recreational
1479 vehicle sales or rental, and large or heavy equipment sales or rental, or a lumber
1480 yard or garden center constructed as an extension of the principal building.
- 1481 17. *Vehicle Repair Facility*. A Service Use with buildings and facilities for the repair,
1482 rebuilding or reconditioning of motor vehicles or parts thereof, including collision
1483 service, painting, detailing and steam cleaning of vehicles, and the retail sale of
1484 vehicle lubricants, supplies, and accessories.
- 1485 18. *Tow Lot or Impound Lot*. An open area to which towed motor vehicles are taken for
1486 purposes of impoundment and that is used for their temporary storage.
- 1487 19. *Recycle Centers*. A collection center for recycling materials including glass, metal,
1488 paper products and other materials. The facility is over 500 square feet and may
1489 contain mobile or permanent recycle units and reverse vending machines.
- 1490 20. *Wireless Communications Facilities*. See Chapter 1135.
- 1491 21. *Sexually Oriented Businesses*. See Chapter 1136.


1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530

Section 3. Existing Chapter 1115, Title 1, and existing section 1131.03 of Chapter 1131, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls, as enacted by Ord. 62-2009, are hereby repealed.

Section 4. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including, to the extent applicable, Chapter 107 of the Codified Ordinances.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate development of this property, and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: 7-25-11 
President of Council


Clerk of Council

Approved: 8/9/11 
Mayor