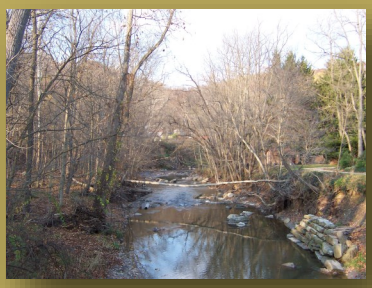
Cuyahoga Falls General Development CODE

Updated 2016



Donald S. Walters, Mayor
Planning Division, Department of Development
2310 Second Street, Cuyahoga Falls, Ohio 44221
330-971-8135
www.cityofcf.com

CUYAHOGA FALLS CITY CODE
PART 11
GENERAL DEVELOPMENT CODE

Don Walters, Mayor
Diane Sheridan, Development Director
Russell Balthis, Law Director

Planning Division
Fred R. Guerra, Planning Director

City Council
Mary Ellen Pyke, President
Vincent Rubino
Victor Pallotta
Mary Nichols-Rhodes
Michael Brillhart
Adam Miller
Jerry James
Russ Iona
Paul Colavecchio
Drew Reilly
Jeff Iula
Dana Capriulo

Planning Commission
Dan Rice
Ed Monaco
Louise Mazur
Terry Gahring
Paul Colavecchio

Board of Zoning Appeals
Tom Sullivan, Chairman
Deborah Monaco
Jaime Prenatt
Cyndi Kane
Ed Caruso
Ben Levenger

- *First Edition -- Ordinance 98-2005 Cuyahoga Falls General Development Code. This was the original code and was prepared with the assistance of a Master Steering Committee, Ward Steering Committees and Citizens who participated in the Ward Charrettes.*
- *Second Edition -- Ordinance 62-2009 Cuyahoga Falls General Development Code. The 8-1-2012 is a revised version of the Second Edition. It includes the following text amendments:*
    - *Ordinance 11-2011 Chapter 1137 Wind Facilities*
    - *Ordinance 63-2011 Chapter 1115/Chapter 1131.03 E 12 Mortuaries, Funeral homes*
    - *Ordinance 66-2012 Chapter 1125 Stream Corridor Protection*

  The 6-4-2014 is a revised version of the Second Edition. It includes the following text amendments:
    - *Ordinance 18-2014 Chapter 1112.04 and 1132.21 H The DHR Board, Historic Overlay*
    - *Ordinance 31-2014 Chapter 1115/Chapter 1131.03 H 13 Advance, Payday or Title Loans*

  The 2016 is a revised version of the Second Edition. It includes the following text amendments:
    - *Ordinance 55-2016 Chapter 1133/Chapter 1133.04 A 6 Beekeeping (Owning and breeding bees for their honey).*

  The 2018 is a revised version of the Second Edition. It includes the following text amendments:
    - *Ordinance 29-2018 Amendments to Section 1146.06 G Revitalization Signage Areas and Section 1146 H. Downtown Signs*

The 2019 is a revised version of the Second Edition. It includes the following text amendments:

- *Ordinance 24-2019 Amendments to Section 111.08 and 1124.03 Flood Plain and Stormwater*
-

Code Assistance

- Gould Evans Goodman, Associates
- Gann Associates (Sign & Landscape Chapters)
- Environmental Design Group (Flood Plain and Stormwater)

Cuyahoga Falls Development Department
Planning Division
2310 Second Street
Cuyahoga Falls, Ohio 44221
330-971-8135
www.cityofcf.com

TITLE 1: ADMINISTRATION

CHAPTER 1111 GENERAL PROVISIONS 3
1111.01 TITLE 3
1111.02 JURISDICTION 3
1111.03 PURPOSE 3
1111.04 EFFECT OF PRIOR REGULATIONS 4
1111.05 GENERAL FORMAT 5
1111.06 GENERAL INTERPRETATION 6
1111.07 USES OF LAND INTERPRETATION 7
1111.08 ADMINISTRATION AND ENFORCEMENT 7
1111.09 VIOLATION AND PENALTY 8
1111.10 SEVERABILITY 8
1111.11 FEES 8
CHAPTER 1112 REVIEW BODIES AND AUTHORITY 9
1112.01 STAFF 9
1112.02 PLANNING COMMISSION 10
1112.03 BOARD OF ZONING APPEALS 11
1112.04 DESIGN AND HISTORIC REVIEW BOARD 11
CHAPTER 1113 APPLICATIONS, CRITERIA AND PROCEDURES 15
1113.01 DIVISION OF LAND APPLICATIONS SUMMARY 15
1113.02 MINOR PLATS 16
1113.03 PRELIMINARY (MAJOR) PLAT 17
1113.04 FINAL (MAJOR) PLAT 20
1113.05 REGULATORY AMENDMENT APPLICATIONS SUMMARY 25
1113.06 TEXT AMENDMENTS 25
1113.07 ZONING MAP AMENDMENT (REZONING) 27
1113.08 CONDITIONAL ZONING CERTIFICATE 30
1113.09 SITE DEVELOPMENT PLAN APPLICATIONS SUMMARY 33
1113.10 MINOR SITE PLAN 33
1113.11 MAJOR SITE PLAN 35
1113.12 LANDSCAPE PLAN, TREE INVENTORY, TREE PRESERVATION/PROTECTION STRATEGY 38
1113.13 SIGN PLAN 39
1113.14 BOARD OF ZONING APPEALS SUMMARY 40
1113.15 ADMINISTRATIVE APPEAL 41
1113.16 VARIANCE 42
CHAPTER 1114 NONCONFORMITIES 47
1114.01 INTENT 47
1114.02 TYPES 48
1114.03 RULES 48
1114.04 NONCONFORMING STRUCTURES 50
1114.05 NONCONFORMING USE 50
1114.06 NONCONFORMING SITE CHARACTERISTICS 51
1114.07 NONCONFORMING LOTS 52
1114.08 MAINTENANCE OF NONCONFORMITIES 53
1114.09 MANDATORY ELIMINATION OF NONCONFORMITIES 53
CHAPTER 1115 DEFINITIONS 56

TABLE 1113-1: DIVISION OF LAND APPLICATION PROCEDURE SUMMARY 15
TABLE 1113-2: REGULATORY AMENDMENT PROCEDURE SUMMARY 25
TABLE 1113-3: SITE DEVELOPMENT PLAN APPLICATION PROCEDURE SUMMARY 33
TABLE 1113-4: BOARD OF ZONING APPEALS PROCEDURE SUMMARY 41
TABLE 1114-5: EXAMPLE OF NON-CONFORMITY TYPES 48
TABLE 1114-6: MANDATORY ELIMINATION OF NONCONFORMITIES 53

TITLE 2: LAND DIVISIONS & INFRASTRUCTURE

CHAPTER 1121 GENERAL REGULATIONS 83
1121.01 INTENT AND APPLICABILITY 83
1121.02 LAND DIVISION ELEMENTS 84
1121.03 WAIVERS 84
CHAPTER 1122 STREET NETWORK 86
1122.01 INTENT AND APPLICABILITY 86
1122.02 STREETSCAPE DESIGN ELEMENTS 89
1122.03 STREET STANDARDS 96
1122.04 STREET NAMES AND ADDRESSES 99
1122.05 INTERSECTION DESIGN 100
1122.06 TRAFFIC CALMING MEASURES 102
1122.07 TYPICAL STREETSCAPE CROSS-SECTIONS 104
CHAPTER 1123 BLOCKS AND LOTS 114
1123.01 INTENT AND APPLICABILITY 114
1123.02 BLOCKS TYPES 115
1123.03 BLOCK SIZES 116
1123.04 LOTS 119
CHAPTER 1124 INFRASTRUCTURE 122
1124.01 INTENT AND APPLICABILITY 122
1124.02 OPEN SPACE 122
1124.03 FLOOD PLAIN AND STORM WATER 123
1124.04 UTILITIES 126
1124.05 PUBLIC AND COMMUNITY FACILITIES 128
1124.06 OFF-SITE IMPROVEMENTS 129
CHAPTER 1125 STREAM CORRIDOR PROTECTION 131
1125.01 STREAM CORRIDOR PROTECTION – GENERALLY 131
1125.02 STREAM CORRIDOR PROTECTION 131
CHAPTER 1126 OPEN SPACE 135
1126.01 DESIGN GOALS 135
1126.02 TYPES OF OPEN SPACE 135
1126.03 OPEN SPACE REQUIREMENTS 138

TABLE 1122-1 STREET DESIGN TYPES 87
TABLE 1122-2: FUNCTIONAL STREET CLASSIFICATIONS 88
TABLE 1122-3: FINISHED STREET ELEMENTS 91
TABLE 1122-4: PEDESTRIAN ZONE ELEMENTS 93
TABLE 1122-5: BOULEVARD TREATMENT ELEMENTS 94
TABLE 1122-6: STREETSCAPE EDGE TYPES 94
TABLE 1122-7: REQUIRED RIGHTS-OF-WAY WIDTHS 96
TABLE 1122-8: TRAVEL LANE WIDTHS 96
TABLE1122-9: NUMBER OF TRAVEL LANES 97
TABLE 1122-10: LIMITATIONS ON YIELD LANES 97
TABLE 1122-11: PEDESTRIAN FACILITY STANDARDS 98
TABLE 1122-12: CURB RADIUS 100
TABLE 1122-13: MAXIMUM CROSSWALK DISTANCES 100
TABLE 1122-14: CLEAR SIGHT DISTANCE 101
TABLE 1122-15: TRAFFIC CALMING DESIGNS 103
TABLE 1123-16: BLOCK TYPES 115
TABLE1123-17: BLOCK SIZES 116
TABLE 1123-18: CURB-CUT/ACCESS POINT SEPARATION 120
TABLE 1124-19: STORMWATER BEST MANAGEMENT PRACTICES 125
TABLE 1125-20: STREAM TYPES 131
TABLE 1125-21: BUFFER TYPES 132

TABLE 1125-22: REQUIRED BUFFER AREAS 132
TABLE 1125-23: WATER POLLUTION HAZARD SETBACKS 134
TABLE 1126-24: OPEN SPACE CATEGORIES AND TYPES 136
TABLE 1126-25: MINIMUM GENERAL OPEN SPACE REQUIREMENTS 138
TABLE 1126-26: REMNANT OPEN SPACE LIMITATIONS 139
TABLE 1126-27: OPEN SPACE LOCATIONS 139

TITLE 3: DISTRICTS & ZONES

CHAPTER 1131 PLANNING AREAS & ZONING DISTRICTS 143
1131.01PLANNING AREAS 143
1131.02 ZONING DISTRICTS 144
1131.03 USE TYPES CATEGORIES 146
1131.04 ZONING MAP 155
1131.05 ZONING DISTRICT AND USE TABLE 155
CHAPTER 1132 ZONING DISTRICT STANDARDS 159
1132.01 RESIDENTIAL LOT AND DIMENSION STANDARDS 159
1132.02 R-R, RURAL RESIDENTIAL 162
1132.03 R-1, LARGE-LOT RESIDENTIAL 162
1132.04 R-2, LOW-DENSITY RESIDENTIAL 163
1132.05 R-3, SUB-URBAN DENSITY RESIDENTIAL 163
1132.06 R-4, URBAN DENSITY RESIDENTIAL 164
1132.07 R-5, MIXED DENSITY RESIDENTIAL 164
1132.08 R-6, MIXED URBAN RESIDENTIAL 165
1132.09 MU-1, RURAL NEIGHBORHOOD CENTER 165
1132.10 MU-2, NEIGHBORHOOD CENTER 166
1132.11 MU-3, SUB-URBAN CENTER 167
1132.12 MU-4, SUB-URBAN CORRIDOR 168
1132.13 MU-5, URBAN CENTER 169
1132.14 MU-6, DOWNTOWN 170
1132.15 C-1, COMMERCIAL DISTRICT 171
1132.16 E-1, EMPLOYMENT DISTRICT 172
1132.17 M-1, MANUFACTURING DISTRICT 174
1132.18 NP-1, NATIONAL PARK 174
1132.19 RM, MIXED-DENSITY RESIDENTIAL OVERLAY 175
1132.20 RC, RESIDENTIAL CONSERVATION OVERLAY 177
1132.21 H, HISTORIC OVERLAY 184
CHAPTER 1133 SPECIFIC USE STANDARDS 195
1133.01 SPECIFIC USE STANDARDS - GENERALLY 195
1133.02 LIMITED USES 195
1133.03 CONDITIONAL USES 211
1133.04 OTHER LIMITATIONS AND STANDARDS 211
CHAPTER 1134 PARKING REQUIREMENTS 217
1134.01 INTENT AND APPLICABILITY 217
1134.02 REQUIRED PARKING 217
1134.03 SHARED PARKING 221
1134.04 PARKING CREDITS 222
1134.05 SPECIFICATIONS AND MAINTENANCE 222
CHAPTER 1135 WIRELESS COMMUNICATION FACILITIES 225
1135.01 INTENT AND APPLICABILITY 225
1135.02 LOCATION AND DESIGN 233
1135.03 RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT 235
1135.04 CONDITIONAL ZONING CERTIFICATE APPLICABILITY 236
1135.05 MAINTENANCE AND ENFORCEMENT 238
CHAPTER 1136 SEXUALLY ORIENTED BUSINESSES 243

1136.01 INTENT 243
1136.02 DEFINITIONS 243
1136.03 RESTRICTIONS 246
CHAPTER 1137 WIND FACILITIES 247
1137.01 PURPOSE. 247
1137.02 APPLICABILITY. 247
1137.03 DEFINITIONS 247
1137.04 GENERAL REQUIREMENTS. 248
1137.05 DESIGN STANDARDS. 251
1137.06 UTILITY CONNECTIONS 251
1137.07 APPURTENANT STRUCTURES. 252
1137.08 SAFETY AND ENVIRONMENTAL STANDARDS. 252
1137.09 SHADOW/FLICKER. 253
1137.10 NOISE 253
1137.11 LAND CLEARING, SOIL EROSION AND HABITAT IMPACTS. 253
1137.12 MONITORING AND MAINTENANCE. 253
1137.13 ABANDONMENT OR DECOMMISSIONING. 254
1137.14 FINANCIAL SURETY. 254

TABLE 1131-1: ZONING DISTRICTS AND USES 156
TABLE 1132-2: RESIDENTIAL LOT AND DESIGN STANDARDS 160
TABLE 1132-3: MU-1 -- LOT AND BUILDING DIMENSION STANDARDS 166
TABLE 1132-4: MU-2 LOT AND BUILDING DIMENSION STANDARDS 167
TABLE 1132-5: MU-3 LOT AND BUILDING DIMENSION STANDARDS 168
TABLE 1132-6: MU-4 LOT AND BUILDING DIMENSION STANDARDS 169
TABLE 1132-7: MU-5 LOT AND BUILDING DIMENSION STANDARDS 170
TABLE 1132-8: MU-6 LOT AND BUILDING STANDARDS 171
TABLE 1132-9: C-1 LOT AND BUILDING DIMENSION STANDARDS 172
TABLE 1132-10: E-1 LOT AND BUILDING DIMENSION STANDARDS 173
TABLE 1132-11: M-1 LOT AND BUILDING DIMENSION STANDARDS 174
TABLE 1132-12: RM, RESIDENTIAL OVERLAY PROCEDURE SUMMARY 175
TABLE 1132-13: RC, RESIDENTIAL CONSERVATION OVERLAY PROCEDURE SUMMARY 178
TABLE 1132-14 RC PRESERVED SPACE LOT BONUS 181
TABLE 1132-15 RC LOT SIZE REQUIREMENTS 182
TABLE 1132-16: RC REQUIRED BUFFERS FROM STREETS AND ADJACENT DEVELOPMENT 183
TABLE 1133-17: PUMP ISLAND AND SERVICE LOCATION LIMITATIONS 200
TABLE 1133-18: VEHICLE BAY LIMITATION 206
TABLE 1133-19: VEHICLE BAY LIMITATION 207
TABLE 1133-20: VEHICLE BAY LIMITATION 213
TABLE 1133-21: ACCESSORY VEHICLE LIMITATION 214
TABLE 1134-22: OFF-STREET PARKING 217
TABLE 1134-23: PARKING LOT DIMENSIONS 220
TABLE 1134-24: SHARED PARKING 221
TABLE 1137-25: NOISE STANDARDS 253

TITLE 4: BUILDING & SITE DESIGN

CHAPTER 1141 DESIGN STANDARDS - GENERALLY 257
1141.01 INTENT AND APPLICABILITY 257
1141.02 DESIGN ELEMENTS AND GOALS 258
1141.03 MODIFICATION OF STANDARDS 260
CHAPTER 1142 RESIDENTIAL NEIGHBORHOOD DESIGN 263
1142.01 APPLICABILITY 263

1142.02 GENERAL DESIGN STANDARDS 263
1142.03 ACCESS AND CIRCULATION STANDARDS 268
1142.04 PARKING DESIGN 269
1142.05 LIGHTING DESIGN 271
CHAPTER 1143 MIXED-USE CENTER DESIGN 273
1143.01 APPLICABILITY 273
1143.02 MIXED-USE BUILDING FAÇADE DESIGN 273
1143.03 MASSING AND SCALE 275
1143.04 MIXED USE CENTER DESIGN MATERIALS 276
1143.05 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 277
1143.06 ACCESS AND CIRCULATION 277
1143.07 PARKING DESIGN 279
1143.08 LIGHTING DESIGN 282
CHAPTER 1144 GENERAL DISTRICT DESIGN 285
1144.01 APPLICABILITY 285
1144.02 FAÇADE DESIGN 285
1144.03 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 287
1144.04 GENERAL DISTRICT ACCESS AND CIRCULATION 287
1144.05 PARKING DESIGN 289
1144.06 LIGHTING DESIGN 291
CHAPTER 1145 LANDSCAPE DESIGN 293
1145.01 DESIGN GOALS 293
1145.02 APPLICABILITY 294
1145.03 GENERAL REQUIREMENTS 295
1145.04 TREE PRESERVATION & PROTECTION 299
1145.05 STREET TREES 304
1145.06 INSTALLATION AND MAINTENANCE 306
1145.07 LANDSCAPE DESIGN 307
1145.08 SCREENING DESIGN 311
1145.09 FENCING 312
1145.10 WALLS AND HEDGES 313
CHAPTER 1146 SIGN DESIGN 315
1146.01 DESIGN GOALS 315
1146.02 LEVELS OF REGULATION 315
1146.03 EXEMPT SIGNS 316
1146.04 SIGN CLASSIFICATIONS 319
1146.05 SIGN STANDARDS 320
1146.06 RULES FOR SPECIAL SIGNS 331

TABLE 1142-1: RESIDENTIAL NEIGHBORHOOD DESIGN -- SINGLE-FAMILY DRIVEWAY WIDTHS 268
TABLE 1142-2: RESIDENTIAL NEIGHBORHOOD DESIGN -- PARKING AREA 269
TABLE 1142-3: MULTI-FAMILY LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 271
TABLE 1142-4: MULTI-FAMILY DESIGN -- REQUIRED SHIELDING 271
TABLE 1143-5: MIXED USE DESIGN -- REQUIRED BUILDING FRONTAGE 274
TABLE 1143-6: MIXED USE DESIGN -- CENTERS MATERIAL SPECIFICATIONS 276
TABLE1143-7: MIXED USE DESIGN -- DRIVEWAY WIDTHS 277
TABLE 1143-8: MIXED USE DESIGN -- INTERNAL PEDESTRIAN ACCESS WIDTHS 279
TABLE 1143-9: MIXED USE DESIGN -- PARKING AREA LOCATION REQUIREMENTS 279
TABLE 1143-10: MIXED USE DESIGN -- PARKING AREA SIZE LIMITATIONS 280
TABLE 1143-11: MIXED USE LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 282
TABLE 1143-12: MIXED USE LIGHTING DESIGN -- REQUIRED SHIELDING 282
TABLE 1144-13: GENERAL DISTRICT DESIGN -- INTERNAL PEDESTRIAN WIDTHS 289

TABLE 1144-14: GENERAL DISTRICT DESIGN -- PARKING AREA LOCATION REQUIREMENTS 289
TABLE 1144-15: GENERAL DISTRICT DESIGN -- PARKING AREA SIZE LIMITATIONS 290
TABLE 1144-16: GENERAL DISTRICT LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 292
TABLE 1144-17: GENERAL DISTRICT LIGHTING DESIGN -- REQUIRED SHIELDING 292
TABLE 1145-18: LANDSCAPING DESIGN -- REQUIRED VERTICAL CLEARANCE FOR NEW TREES 397
TABLE 1145-19: LANDSCAPE DESIGN -- REQUIRED HORIZONTAL SETBACKS FOR NEW TREES 298
TABLE 1145-20: LANDSCAPE DESIGN -- BONUS FOR LARGER TREES 301
TABLE 1145-21: LANDSCAPE DESIGN -- NUMBER OF STREET TREES REQUIRED 304
TABLE1145-22: LANDSCAPE DESIGN -- PROHIBITED STREET TREES 305
TABLE 1145-23: LANDSCAPE DESIGN -- RECOMMENDED STREET TREES 305
TABLE1145-24: LANDSCAPE DESIGN -- USES REQUIRING TRANSITION BUFFERS 307
TABLE 1145-25: LANDSCAPE DESIGN -- USES REQUIRING OTHER LANDSCAPE SCREENING 308
TABLE 1145-26: LANDSCAPE DESIGN -- SCREENING INTENSITY 309
TABLE1146-27: SIGN DESIGN -- EXAMPLES OF SIGN CLASSIFICATIONS 320
TABLE 1146-28: SIGN DESIGN -- SIGN AREA CAPACITIES 322
TABLE 1146-29: SIGN DESIGN -- PERMANENT SIGN ALLOWANCES 323
TABLE 1146-30: SIGN DESIGN -- INCREASE IN PERMANENT SIGN ALLOWANCE 323
TABLE1146-31: SIGN DESIGN -- PSA INCREASES FOR DESIGN ENHANCEMENTS 324
TABLE 1146-32: SIGN DESIGN -- MAXIMUM SIGN PROJECTION 325
TABLE 1146-33: SIGN DESIGN -- VISUAL CLEARANCE TRIANGLE 326

TITLE 5: APPENDICES

APPENDIX A PLANNING AREA MAP 337
APPENDIX B ZONING MAPS
5.1. CUYAHOGA FALLS (CITY) ZONING MAP 338
5.2. CUYAHOGA RIVER AREA ZONING MAP 339
5.3. BAILEY MUNROE FALLS AREA ZONING MAP 340
5.4. STATE PORTAGE TRAIL AREA ZONING MAP 341
5.5. NORTHAMPTON AREA ZONING MAP 342
APPENDIX C FEE SCHEDULE 343

TITLE 1: ADMINISTRATION

CHAPTER 1111 GENERAL PROVISIONS 3
1111.01 TITLE 3
1111.02 JURISDICTION 3
1111.03 PURPOSE 3
1111.04 EFFECT OF PRIOR REGULATIONS 4
1111.05 GENERAL FORMAT 5
1111.06 GENERAL INTERPRETATION 6
1111.07 USES OF LAND INTERPRETATION 7
1111.08 ADMINISTRATION AND ENFORCEMENT 7
1111.09 VIOLATION AND PENALTY 8
1111.10 SEVERABILITY 8
1111.11 FEES 9
CHAPTER 1112 REVIEW BODIES AND AUTHORITY 10
1112.01 STAFF 10
1112.02 PLANNING COMMISSION 11
1112.03 BOARD OF ZONING APPEALS 12
1112.04 DESIGN AND HISTORIC REVIEW BOARD 12
CHAPTER 1113 APPLICATIONS, CRITERIA AND PROCEDURES 16
1113.01 DIVISION OF LAND APPLICATIONS SUMMARY 16
1113.02 MINOR PLATS 17
1113.03 PRELIMINARY (MAJOR) PLAT 18
1113.04 FINAL (MAJOR) PLAT 21
1113.05 REGULATORY AMENDMENT APPLICATIONS SUMMARY 26
1113.06 TEXT AMENDMENTS 26
1113.07 ZONING MAP AMENDMENT (REZONING) 28
1113.08 CONDITIONAL ZONING CERTIFICATE 31
1113.09 SITE DEVELOPMENT PLAN APPLICATIONS SUMMARY 34
1113.10 MINOR SITE PLAN 34
1113.11 MAJOR SITE PLAN 36
1113.12 LANDSCAPE PLAN, TREE INVENTORY, TREE PRESERVATION/PROTECTION STRATEGY 39
1113.13 SIGN PLAN 40
1113.14 BOARD OF ZONING APPEALS SUMMARY 41
1113.15 ADMINISTRATIVE APPEAL 42
1113.16 VARIANCE 43
CHAPTER 1114 NONCONFORMITIES 48
1114.01 INTENT 48
1114.02 TYPES 49
1114.03 RULES 49
1114.04 NONCONFORMING STRUCTURES 51
1114.05 NONCONFORMING USE 51
1114.06 NONCONFORMING SITE CHARACTERISTICS 52
1114.07 NONCONFORMING LOTS 53
1114.08 MAINTENANCE OF NONCONFORMITIES 54
1114.09 MANDATORY ELIMINATION OF NONCONFORMITIES 54
CHAPTER 1115 DEFINITIONS 57

TABLES

TABLE 1113-1: DIVISION OF LAND APPLICATION PROCEDURE SUMMARY 16
TABLE 1113-2: REGULATORY AMENDMENT PROCEDURE SUMMARY 26
TABLE 1113-3: SITE DEVELOPMENT PLAN APPLICATION PROCEDURE SUMMARY 34
TABLE 1113-4: BOARD OF ZONING APPEALS PROCEDURE SUMMARY 42
TABLE 1114-5: EXAMPLE OF NON-CONFORMITY TYPES 49
TABLE 1114-6: MANDATORY ELIMINATION OF NONCONFORMITIES 54

CHAPTER 1111 GENERAL PROVISIONS

CHAPTER 1111 GENERAL PROVISIONS.....3
1111.01 TITLE.....3
1111.02 JURISDICTION.....3
1111.03 PURPOSE.....3
1111.04 EFFECT OF PRIOR REGULATIONS.....4
1111.05 GENERAL FORMAT.....5
1111.06 GENERAL INTERPRETATION.....6
1111.07 USES OF LAND INTERPRETATION.....7
1111.08 ADMINISTRATION AND ENFORCEMENT.....7
1111.09 VIOLATION AND PENALTY.....8
1111.10 SEVERABILITY.....8
1111.11 FEES.....8

1111.01 TITLE

The official name of the regulations in this Part 11, Ordinance 98, 2005, of the City Code shall be the "General Development Code." They may be referred to in their entirety as the "General Development Code," "this Code," "these regulations," or "Part 11." Specific reference to the "Administrative Regulations" (Title 1), the "Subdivision Regulations" (Title 2), "Zoning Regulations" (Title 3), or "Design Regulations" (Title 4), or to "this Title," shall only refer to that particular Title of Part 11.

1111.02 JURISDICTION

These regulations shall be effective throughout the corporate limits of the City and any area beyond the City limits by agreement. Nothing in these regulations shall prohibit the City from applying regulations beyond City limits as may otherwise be authorized by law.

1111.03 PURPOSE

The purpose of these regulations is:

A. To implement the City's General Plan, and any specific plan or program officially adopted or initiated under the general guidance of the City's General Plan;

B. To promote the public health, safety, convenience, comfort, prosperity, and general welfare;

C. To ensure that development of the City takes place in an orderly manner so as to place no undue burden upon residents, industry, commerce, developers, or the City;

D. To secure the harmonious development and to provide for the coordination of streets with other streets and with the plan for the entire City;

E. To assure adequate sites for industry, commerce and residences, and require that the uses of land and design of buildings are compatible with their surroundings, relate to surrounding land uses and transportation networks, and provide mutual support for each other;

F. To provide for the efficient and safe movement of vehicles, pedestrians, and other modes of transportation along all public ways through a balanced transportation system that reinforces surrounding development patterns and compliments regional transportation system;

G. To cultivate a physical relationship between employment, retail, and residential areas that allows for reduced dependence on automobiles;

H. To create meaningful, functional, accessible, and well-designed focal points throughout the City and its neighborhoods, whether in public, civic, or privately owned areas, which provide for recreational and leisure needs, balance the natural and built elements of the City, and promote the overall character and quality of the City;

I. To provide a balance of urban and rural environments, which are adaptable to market demands, allow for diverse dwelling types and styles within each environment, create effective transitions between urban and rural areas of the City, and promote design qualities that contribute to the overall character of the surrounding area;

J. To provide adequate open spaces for traffic, utilities, access to firefighting apparatus, recreation, light and air, and for the avoidance of undue congestion of population;

K. To regulate and restrict buildings and other structures and premises to be used for trade, industry, residence, or other specified uses including the height, bulk, location, lot coverage, and relationship to open areas, in order to protect adjacent properties;

L. To protect property and land uses from incompatible uses and design of land;

M. To improve the form, function, and civic design of the community through context-based design solutions that prescribe the design of and relationship between buildings, site design elements, open spaces, and rights-of-way;

N. To provide for economy in the delivery of government and public services;

O. To allow a reasonable and fair use of property; and

P. To implement smart and sustainable development practices, at the scale of the specific site, at the scale of the neighborhood, and at the scale of the entire City.

1111.04 EFFECT OF PRIOR REGULATIONS

This section shall be used to guide the transition from previously existing regulations of the General Development Code, officially in effect prior to the effective date of these regulations. Unless specifically stated otherwise in this Code, the following rules shall apply:

A. Permits. All permits issued under an administrative capacity prior to the effective date of these regulations shall be valid until they expire under the terms of the permit, or the provisions of the previously existing regulations. Applications submitted after the effective date of these regulations shall be reviewed and evaluated subject to the provisions of these regulations.

B. Subdivisions. Complete applications for preliminary plats submitted prior to the effective date of these regulations shall be processed under the previously existing regulations, unless the applicant requests otherwise. Incomplete applications for preliminary plats submitted before the effective date

of these regulations, and any application for a preliminary plat submitted after the effective date of these regulations shall be reviewed and evaluated subject to the provisions of these regulations. Preliminary or final plat applications approved under the previously existing regulations, which are allowed to lapse or expire, shall be re-submitted according to these regulations.

C. Zoning.

1. Existing uses may continue subject to these regulations.

2. Existing lots that may not comply with the standards in Title 3 –Districts and Zones, may continue as provided in *Chapter 1114*.

3. Applications for proposed new uses shall occur according to these regulations.

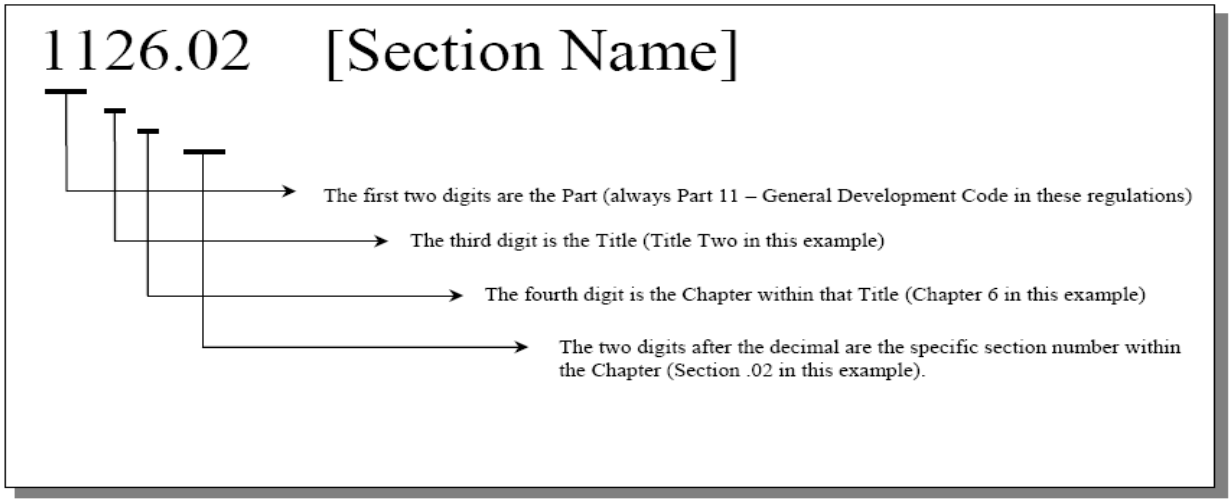
4. Conditional zoning permits issued under previously existing regulations shall continue under the terms of the permit. Any change in the permit, or the lapse or revocation of the permit shall require a new application resubmitted according to these regulations.

D. Violation of Prior Regulations. All violations of the previously existing regulations, which exist as of the effective date of these regulations shall continue to be violations and shall not be considered to be legal non-conforming situations under these regulations. Nothing contained herein shall be construed to prohibit the City from enforcing previously existing regulations as to violations of said regulations that existed prior to the effectiveness of this Code.

E. Annexation. Any area annexed to the City of Cuyahoga Falls after the effective date of these regulations shall immediately upon such annexation be automatically classified in the R-3, Sub-Urban Residential District until a zoning plan for the said area has been adopted by the City Council. The Planning Commission shall recommend to City Council appropriate zoning for the annexed area within six (6) months after the effective date of such annexation.

1111.05 GENERAL FORMAT

These regulations are arranged in a hierarchy of Part, Title, Chapter and Sections. Each section includes a section number and a section name. Sections are numbered to orient the user to the context of the regulation and section, and sub-sections then follow a general outline format. The following example demonstrates how this format orients the user:



1111.06 GENERAL INTERPRETATION

A. Rules of Construction. Unless the context clearly indicates otherwise, the following rules of construction shall apply to these regulations:

1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.

2. The present tense includes the future tense and the future tense includes the present tense.

3. The singular includes the plural and the plural includes the singular.

4. Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.

5. A reference to an administrative official shall refer to that official or his or her designee.

6. The term "building", "structure," or "premises," or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated.

B. Graphics, Commentary, and Notes.

1. Graphics and commentary used in this ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall control.

2. Notes to tables shall apply only to the particular provision footnoted, or to the entire table if it is not specifically footnoted to an item in the table, and shall in no case be interpreted as generally applicable rules.

C. Purposes, Intent, Specific Intent, and Design Goals. This code is developed under the guiding principles of the City's General Plan. The City's General Plan should be used to guide consistent interpretation of the code, and to guide all discretionary approvals or relief authorized under this code.

D. Zoning Map Boundaries. The precise location of any zoning district boundary line shown on the zoning map shall be interpreted as follows:

1. A boundary shown as approximately following a street, road, highway, alley, railroad or other similar public way shall be construed as following the centerline of such feature.

2. A boundary line shown as approximately following a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.

3. A boundary shown as approximately following the centerline of a stream, river or other continuously flowing watercourse shall be construed as following the channel centerline of such watercourse. In the event of a natural change in the location of such stream, river or other watercourse, the zoning district boundary shall be construed as moving with the channel centerline.

4. A boundary shown as separated from and approximately parallel to any of the features listed in this subsection shall be construed to be parallel to such features and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

5. In cases where there is multiple zoning map boundaries, the more restrictive zoning district designation and requirements shall apply.

E. Computations of Time. Unless specifically stated in individual sections, wherever these regulations state a time period, it shall be interpreted as follows:

1. The day of the act, event, or other means, which commences the time period, shall not be counted.

2. The last day of the time period shall be included in the time period, unless it is a Saturday, Sunday, or legal City holiday, in which case the next working day shall end the time period.

3. When a prescribed time period is less than 7 days, Saturdays, Sundays, and legal City holidays shall be excluded.

4. Whenever the time period is expressed to require a formal submittal to the City, the time period shall end at 5:00 P.M. on the last day of the time period.

5. Any time period expressed in years shall include a full calendar year from the act, event or other means, which commences the time period.

1111.07 USES OF LAND INTERPRETATION

All land uses shall be interpreted according to the categories and description of uses provided in Title 3, *Section 1131.03* and further:

A. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner than permitted in the district in which said building or land is located.

B. Any use, which is found by the Planning Commission to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration, or other disturbance, is and shall be expressly prohibited. No such finding shall be made by the Commission except and after a hearing upon reasonable notice, and any person may file a petition with the Commission for such a hearing.

1111.08 ADMINISTRATION AND ENFORCEMENT

A. Administration. The Planning Division shall administer all provisions of these regulations. It shall be the Division's responsibility to accept applications on behalf of the Planning Commission and Board of Zoning Appeals according to these regulations, and to keep records of all proceedings under these regulations. The Planning Division shall render decisions on particular items regarding these regulations to the Division of Engineering upon request, and in all other specific instances identified in these regulations.

B. Enforcement. The Planning Director shall enforce these regulations with the cooperation of the Division of Engineering in accordance with this section and the administrative provisions of the Building Code.

1. Designation of Storm Water Authority, Powers and Duties.

2. (a) in the event of an emergency or any imminent or actual danger caused by or otherwise affiliated with storm water runoff, and to preserve the health, safety and welfare to any person, property or structure affected or potentially affected by such emergency or danger, the Director of Public Service or the Division of Engineering or designee, may enter, without prior consent by the owner, upon any property and authorize the necessary work to alleviate or otherwise remedy such danger. Costs associated with said work may be assessed to the responsible persons, parties and/or entities, in addition to any necessary enforcement or penalty in accordance with the provisions of this chapter or any other provisions of law.

C. Duties. All departments, officials and employees of the City of Cuyahoga Falls charged with the duty or authorized to issue permits, utility connections, licenses or certificates shall conform to the provisions of these regulations. No permit, utility connection, license or certificate for any use, building or purpose shall be issued if it conflicts with the provisions of these regulations, and any such issuance shall be null and void.

1111.09 VIOLATION AND PENALTY

A. Violation. It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained or otherwise initiated in violation of these regulations, or in violation of any amendment, order or decision authorized under these regulations. In addition to any other remedy provided herein, the City may institute proper actions or proceedings to prevent the unlawful activity or situation.

B. Penalty. Any person, firm or corporation who violates any provision of this code, including any condition upon an approval granted under this code, shall be guilty of a minor misdemeanor. If the offender has been convicted of an offense under this code within two years before the violation, the offender shall be guilty of a misdemeanor of the fourth degree. Each and every day during which a violation continues shall be deemed a separate offense.

C. Non-compliance Tickets. Notwithstanding any other provision of this code, any person, firm or corporation found violating any provision of this code may be issued a non-compliance ticket prior to the institution of prosecution for the alleged violation. A person issued a non-compliance ticket shall correct, repair or rectify the condition resulting in the issuance of the non-compliance ticket within 14 days.

D. Other remedies. The provisions of this Chapter shall not preclude any other remedy provided by law for a violation available to the City or any property owner specifically damaged.

1111.10 SEVERABILITY

If a Court holds any section, paragraph, clause, phrase, or part of these regulations invalid, such judgment shall not affect the validity of the remaining provisions of these regulations. Should a Court hold any section, paragraph, clause, phrase, or part of these regulations invalid to a particular situation, such judgment shall not affect the validity of the provision to another situation.

1111.11 FEES

The City Council may establish by ordinance fees for all applications provided in these regulations. The fees may be incorporated into a Schedule of Fees for other city services, and may be amended from time to time by ordinance. Where a fee has been established for and application under these provisions, the application shall not be considered complete unless accompanied by the required fee.

CHAPTER 1112 REVIEW BODIES AND AUTHORITY

1112.01 STAFF 9
1112.02 PLANNING COMMISSION 10
1112.03 BOARD OF ZONING APPEALS 11
1112.04 Design and Historic Review Board 11

1112.01 STAFF

With regard to procedures under these regulations, the Planning Director shall have the following authority:

A. Applications. The Planning Director may make the following decisions with regard to development applications under these regulations:

1. *Application Requirements.* The Director may specify formal application requirements for all applications contained in these regulations on forms provided by the Planning Division. The Planning Director may amend the forms from time to time.

2. *Determination of Complete Application.* The Planning Director shall have the authority to make determinations regarding completeness of applications under these regulations.

B. Staff Review Committee. The Planning Director may establish a Staff Review Committee comprised of other staff members to assist in review of development applications. The Staff Review Committee, under the Director's discretion, may establish internal procedures for review and consideration of development applications.

C. Pre-application Meeting. The Planning Director, or his or her designee, may conduct pre-application meetings with potential applicants. Pre-application meetings may be optional or mandatory as indicated in *Chapter 1114, Applications, Criteria, and Procedures*. Pre-application meetings shall be used to discuss informally development concepts and the standards for development under the City General Plan, any other plan or program of the City adopted under the General Plan, and the intent, planning criteria, standards and guidelines of these regulations.

D. Review and Recommendation. The Planning Director, or his or her designee, may prepare formal reports and specific recommendations on the applications. The review and recommendation may take into account input of the Staff Review Committee, the City General Plan, any other plan or program of the City adopted under the General Plan, the intent, planning criteria, standards and guidelines of these regulations, and any other relevant input or evidence.

E. Decision. The Planning Director shall exercise the final decision in instances where such authority is specifically delegated to the Planning Director under these regulations. Final decisions of the Director may be appealed to the Board of Zoning Appeals under the standards and procedures for Administrative Appeal, or where specific alternative appeal procedures are provided by these regulations, under any such alternative appeal procedures.

F. Interpretation. The Planning Director, in consultation with the Law Director may make all interpretations under these regulations necessary to administer and implement the regulations.

1. The Planning Director, in consultation with the Law Director, may make an Official Interpretation and Applicability statement in instances where it is determined that the plain

language of the regulations, when applied to a specific circumstance, could lead to two (2) or more reasonable interpretations which result in substantively different outcomes.

2. An official Interpretation and Applicability Statement shall:

   a. Be made in writing and filed with the Planning Commission by placing it on the agenda of a regular scheduled meeting;

   b. Be effective 30 days after the filing with the Planning Commission, unless a longer period is stated in the interpretation, and control in all future situations similar to the specific circumstance;

   c. Be incorporated into this ordinance in the Appendix; and

   d. Be effective until:

      (1) It is replaced by a different Official Interpretation and Applicability Statement;

      (2) It is overruled by an appeal according to these regulations; or

      (3) It is amended, altered, or repealed by a text amendment to the section of the regulations that the interpretation addressed.

3. In making an Official Implementation and Applicability Statement, the Director shall use the following criteria:

   a. Sound professional planning practice standards and principles;

   b. The General Plan and any other official plans or programs developed under the guidance of the General plan;

   c. The purposes and intent of these regulations with priority given to any specific intent statements associated with the section or chapter in which the interpretation issue arose; and

   d. Any resources, guides, or industry standards cited in these regulations.

1112.02 PLANNING COMMISSION

A. Authority. The Planning Commission shall have the powers and jurisdiction provided by Article VIII, Section 1 of the City Charter, which is further and more specifically identified in these regulations. In addition to the powers granted by the Charter, the following specific powers are identified under these regulations:

   1. To make decisions on plat applications, or other public improvements under its jurisdiction, subject to authorization by City Council as provided in the Charter;

   2. To initiate applications for Zoning Text Amendments and Zoning Map Amendments;

   3. To make recommendations on applications for Zoning Text Amendments, Zoning Map Amendments, and Conditional Zoning Certificates;

4. To make decision on site development plans, subject to authorization by City Council as provided in the Charter; and

1112.03 BOARD OF ZONING APPEALS

A. Organization.

1. The Director of the Planning Division, or his or her designee, shall serve as recording secretary of the Board.

2. The recording secretary, subject to the direction of the Board and the Chairman, shall keep all records, handle correspondence, and generally supervise the clerical work of the Board, including the sending of all notices required by law, resolution or rules of the Board, and shall certify the accuracy of all minutes of meetings of the Board.

3. The Board may establish by-laws for its operations and adopt rules of procedure for the conduct of its business, provided the by-laws or rules of procedure do not conflict with these regulations or the City Charter.

B. Authority. The Board shall have the powers and jurisdiction provided by the City Charter, which is further and more specifically identified in these regulations. The following are specific powers of the Board:

1. *Variances.* The Board shall have the power to grant variances to the zoning regulations and standards in Title 3.

2. *Administrative Appeals.* The Board shall have the power to hear and decide appeals of any administrative interpretation of Title 3 of these regulations and to hear and decide appeals of any administrative decision or action authorized by these regulations and applying the standards of Title 3 of these regulations.

C. Decisions. All decisions of the Board shall only be appealed according to these regulations, or as otherwise allowed by law.

1112.04 DESIGN AND HISTORIC REVIEW BOARD

A. Organization. The Mayor, with the approval of City Council may appoint a Design and Historic Review Board ("DHR Board") subject to the following.

1. *Membership.* The DHR Board shall consist of 7 members, including two ex officio members, one of whom shall be the Chair of Planning and Zoning Committee or their designee.

a. Of the original appointments, two shall serve for two years; three shall serve for three years.

b. Upon expiration of the original appointment, all appointments shall be for three years.

c. Board members may serve their full term, or until a successor is appointed. Vacancies, by resignations, incapacitation, dismissal, or otherwise shall be filled in the same manner as the initial appointments, and vacancies shall be filled for the duration of the vacated Board member's term.

d. The Mayor may remove board members pursuant to Article III, Section 11 of the City Charter. Vacancies will be filled within 60 days, unless extenuating circumstance requires a longer period.

e. The Director of the Planning Division, or his or her designee, shall serve as recording secretary of the Board.

2. *Qualifications.* To serve on the DHR Board, members shall have the following qualifications at all times during the appointment.

a. Be a resident of the City, or be a business owner, landowner, or professional with substantial practice in the City;

b. Have demonstrated special qualifications that enable them to evaluate the purpose and intent of any ordinance provision under which they will deliberate. Such qualifications may include any of the following:

(1) Professional experience in a design and development profession, such as planning architecture, real estate development, or engineering;

(2) Education or training in history, architecture or related disciplines;

(3) Business ownership or other experience where they are frequently exercising design or development judgments;

(4) Membership or past experience on a civic board, committee, or association, or other similar civic involvement that will enhance their ability to evaluate the purpose and intent of any ordinance provision under which they will deliberate.

(5) At least (2) preservation related professional members to the extent such professionals are available in the community (this shall include the professions of architecture, architecture history, history, archaeology, planning or related disciplines).

(6) The DHR Board will establish bylaws for its operations and adopt rules of procedure for the conduct of its business, provided the bylaws or rules of procedure do not conflict with these regulations.

3. *Authority, Powers and Duties.*

a. Authority and Power. The DHR Board shall have the sole power to permit, by approval of the application of any property owner, the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or new construction within the historic district.

b. The DHR shall also be an advisory body to the Planning Commission on any project that involves an established Planning Commission activity described in Chapter 1113 Applications, Criteria and Procedures 1112.02 of the Cuyahoga Falls General Development Code.

c. DHR Duties and Activities.

(1) Conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by OHPO.

(2) Make property recommendations to the Planning Commission for nomination to the National Register of Historic Places and review all National Register nominations.

(3) Establish and use written guidelines for the conservation of designated local landmarks and historic districts in decisions on requests for permits for alterations, demolition or additions to listed landmarks, buildings and sites within historic districts.

(4) Within the written guidelines, the DHR Board may designate specific exempted activities that do not require review, or specific minor alterations that may be reviewed by the Planning Director.

(5) Initiate applications for any amendment of the boundaries of Historic Overlays.

(6) Maintain a current register of all areas and properties in Historic Overlays with descriptions and photographs thereof and summaries of the basis for designation.

(7) Recommend to the Planning Commission, City Council and other bodies or departments of the City of Cuyahoga Falls other plans, regulations, guidelines, or enhancement of properties or areas of historic or architectural significance in the City.

(8) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.

(9) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

(10) The DHR shall cooperate with county, regional, state, national, and private historic preservation organizations.

(11) Work toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns.

(12) Seek expertise when a board considers a National Register nomination and other actions (e.g., an archaeological site), which are normally evaluated by a professional in a specific discipline (e.g., archaeologist), and that discipline is not represented on the board, before rendering its decision. Boards may seek the assistance of academic or consulting archaeologists. The OHPO suggests that local governments try to find interested individuals with expertise in archaeology to serve on the commission. Alternately, boards should explore the possibility of sharing this expertise.

(13) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to work and functions of the board or on specific historic preservation issues. Barring

extenuating circumstances, all commission members should attend such a session at least once yearly. The OHPO will provide orientation materials and training for local boards.

(14) Additional responsibilities may be undertaken by the DHR upon mutual written agreement between the SHPO and the CLG. Example: Review all proposed National Register nominations within its jurisdiction. A written agreement will address what duties are to be performed, what staff assistance is needed to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complimentary.

d. Other Responsibilities. The DHR Board shall initiate or maintain a process approved by the OHPO for the survey and inventory of cultural resources within Cuyahoga Falls. The OHPO will consult with Cuyahoga Falls in undertaking survey activities, which will meet the needs of the local community and the OHPO. A detailed inventory of the designated districts, sites, and/or structures under the specific jurisdiction of the local government shall be maintained.

(1) All inventory material shall be: maintained securely and be accessible to the public, except that access to archaeological site locations may be restricted.

(2) Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms, and/or forms compatible with OHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.

(3) The inventory shall be available through duplicates (with contact prints or digital images) to the OHPO.

(4) Inventory forms shall be updated periodically to reflect changes, alterations, and demolitions.

4. *Meetings and Procedures.* Once established, the DHR Board shall meet at least quarterly, or more frequently as needed. Meeting shall occur according to Section 1113.17 Design aand Historical Review Board Activities. All meetings will be held according to City of Cuyahoga Falls open meeting procedures and all DHR Board public meetings will have written minutes that shall be available for public inspection. A written annual report of DHR activities, including case decisions, special projects, qualifications of members etc., kept on file and available for public inspection.

CHAPTER 1113 APPLICATIONS, CRITERIA AND PROCEDURES

CHAPTER 1113 APPLICATIONS, CRITERIA AND PROCEDURES.....15
1113.01 DIVISION OF LAND APPLICATIONS SUMMARY 15
1113.02 MINOR PLATS 16
1113.03 PRELIMINARY (MAJOR) PLAT..... 17
1113.04 FINAL (MAJOR) PLAT..... 20
1113.05 REGULATORY AMENDMENT APPLICATIONS SUMMARY 25
1113.06 TEXT AMENDMENTS..... 25
1113.07 ZONING MAP AMENDMENT (REZONING) 27
1113.08 CONDITIONAL ZONING CERTIFICATE..... 30
1113.09 SITE DEVELOPMENT PLAN APPLICATIONS SUMMARY.....33
1113.10 MINOR SITE PLAN..... 33
1113.11 MAJOR SITE PLAN 35
1113.12 LANDSCAPE PLAN, TREE INVENTORY, TREE PRESERVATION/PROTECTION STRATEGY..... 38
1113.13 SIGN PLAN 39
1113.14 BOARD OF ZONING APPEALS SUMMARY..... 40
1113.15 ADMINISTRATIVE APPEAL..... 41
1113.16 VARIANCE 42

TABLE 1113-1: DIVISION OF LAND APPLICATION PROCEDURE SUMMARY 15
TABLE 1113-2: REGULATORY AMENDMENT PROCEDURE SUMMARY.....25
TABLE 1113-3: SITE DEVELOPMENT PLAN APPLICATION PROCEDURE SUMMARY.....33
TABLE 1113-4: BOARD OF ZONING APPEALS PROCEDURE SUMMARY 41

1113.01 DIVISION OF LAND APPLICATIONS SUMMARY

Table 1113-1 summarizes the types of applications and application procedures for division of land for recording and sale. Specific application requirements and procedures are in the following sections.

Table 1113-1: Division of Land Application Procedure Summary

Division of Land Application Procedure Summary			
	Minor Plat	**Preliminary Plat**	**Final Plat**
Staff			
Review Process	Internal	Applicant Meeting	Internal
Notice Type	--	--	--
Action	Decision	Review / Recommendation	Review / Recommendation
Planning Commission			
Review Process	Appeal	Public Meeting	Public Meeting
Notice Type	--	Posted Mailed to Abutting Property Owners	Posted Mailed to Abutting Property Owners
Action	--	Decision	Decision
City Council			
Review Process	--	Authorization	Authorization
Notice Type	--	--	--
Action	--	DECISION BY ORDINANCE	DECISION BY ORDINANCE

1113.02 MINOR PLATS

A. Applicability.

1. A minor plat application may be used for divisions of land when the following conditions are met:

   a. The proposed division of a parcel of land is along an existing public street and does not involve the opening, widening or extension of any street.

   b. City water and sewer, or approved alternatives are available on all lots to be created.

   c. Both the created lot(s) and any remaining subdivided parcel shall continue to meet the minimum requirements of the Codified Ordinances; and

   d. The specific requirements and criteria of this section are met.

2. Minor plats shall include three specific types. The name and purpose of each type are:

   a. *Lot line adjustment.* The movement of one lot line that affects the size and shape of no more than four lots and results in no additional lots.

   b. *Minor subdivision.* The division of land into no more than five lots. A parcel of land, under-one-ownership, may have a maximum of five lots platted through one or more minor plats.

   c. *Survey subdivision.* The identification of surveyed lots for individual ownership where lot lines are not known until buildings are constructed, as in the case of buildings and lots with party walls. The survey subdivision is based upon actual construction of buildings, site design and other newly constructed facilities. The survey subdivision requires the prior approval of a final plat or final development plan, and shall be in conformance with and result in no additional units, lots, or tracts as indicated on the approved development plan or final plat.

B. Eligible Applicants. Applicants for a minor plat shall be the owner(s) of all lots or parcels where boundaries are impacted by the plat, or the owner(s)' authorized agent.

C. Submittal Requirements. An application for a minor plat shall be submitted to the Planning Division and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A legal description and a sign and notarized deed of a conveyance of the parcel.

3. A certified survey map meeting the requirements of the authorized application form.

4. Other plans and surveys, as required. (i.e. -- improvement, landscape, stream corridor, storm water)

5. The applicable filing fee.

D. Review Criteria. A minor plat shall be reviewed according to the following criteria:

1. The proposed land division is in accordance with the general development characteristics and policies of the General Plan, and any other plan or program of the City adopted under the general guidance of the General Plan;

2. The proposed land division is consistent with the general development patterns of the area, so that it will not unduly and adversely affect current and future development opportunities on adjacent land;

3. All parcels, including any proposed development, are in conformance with requirements of the zoning ordinance and zoning for the subject property;

4. The application is in conformance with the subdivision regulations;

5. The application is in conformance with any approved development plans, and in the case of a survey subdivision, the previously approved final plat;

6. The application satisfies all eligibility standards for a minor plat; and

7. The application meets all established standards for property boundary surveys.

E. Specific Application Procedures. The following specific application procedures apply to Minor Plat applications.

1. Within seven days after submission of a minor plat, or within a mutually agreed upon extension, the Planning Director shall either approve or disapprove the application.

2. The Planning Director shall notify the applicant in writing if the application is not approved, stating the reason for disapproval.

3. If the Planning Director does not approve the application, the applicant may appeal the decision to the Planning Commission by submitting a written request for appeal to the Planning Commission within 30 days of the Director's notification.

4. If the application is approved, the Director shall stamp the certified survey map and legal documents "APPROVED" and affix his/her signature and the date.

1113.03 PRELIMINARY (MAJOR) PLAT

A. Applicability. Any division of land that does not qualify as a minor plat shall require approval of a preliminary plat prior to submitting a final plat for approval.

B. Eligible Applicants. Applicants for a preliminary plat shall be owner of the subject property or the owner's authorized agent.

C. Submittal Requirements. An application for a preliminary plat shall be submitted to the Planning Division and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A narrative explaining the plat in detail and reasons for the proposed development.

3. The applicable filing fee.

4. A preliminary plat map including all information required on the authorized application form.

D. Review Criteria. A preliminary plat shall be reviewed according to the following criteria:

1. The proposed land division is in accordance with the general development characteristics and policies of the General Plan, and any other plan or program of the City adopted under the general guidance of the General Plan;

2. Any phasing of the subdivision of and development of final plats is clearly indicated and demonstrates a logical and well-planned development pattern. This may include consideration of amenities and public facilities of the subdivision within each phase compared to the anticipated timing or the likelihood of future phases not being constructed.

3. The proposed division is in accordance with the general development patterns and character of the Planning Area in which it is located;

4. The proposed land division is in the interest of the public health, safety, and welfare;

5. All parcels, including any proposed development, are in conformance with requirements of the zoning ordinance and zoning for the subject property, or where an alternative zoning is proposed in association with the preliminary plat, would be in conformance with the standards of the proposed zoning; and

6. The application is in conformance with the standards of the Subdivision Regulations;

7. Any impacts identified in specific studies or technical reports that were prepared or requested to be prepared in association with the application, and whether the findings and recommendations of these reports, or any modifications or conditions on approval of the application, can mitigate these impacts;

8. The plat is designed with regard to a tree inventory, tree replacement plan and street tree types and locations in conformance with all other regulations.

E. Specific Application Procedures. The following specific application procedures apply to Preliminary Plat applications.

1. *Official Filing.* The Planning Director shall notify the applicant within 60 days of submittal to the Planning Division of any of the following in order for the preliminary plat to be officially filed:

a. The application is complete for official filing;

(1) Application will be scheduled for next scheduled Planning Commission meeting.

(2) Application will be scheduled for Planning Commission Meeting after applicant meeting with planning and other city departments to discuss application.

b. The application is deficient and modifications are needed to make it acceptable for official filing;

(1) A list of deficiencies and suggested modifications will be provided to applicant.

(2) Applicant may request meeting with planning staff and other departments to discuss deficiencies.

c. Planning Director determines that application requires further studies or technical reports, such as environmental, traffic, flood plain, soil suitability for onsite septic, or wetland delineation, before it is officially filed.

2. *Notice.* Notice of the meeting shall be given by mailed notice and posted notice subject to the following:

a. *Mailed Notice*. Notice shall be mailed to abutting property owners at least seven (7) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

(1) Sign will be posted for at least seven (7) days prior to the scheduled Planning Commission meeting.

(2) At least one notice shall be posted for each street frontage of the property.

(3) Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application for preliminary plat approval where the required posting has not been maintained.

3. *Planning Commission Action.* The Planning Commission shall review the preliminary plat and take any of the following actions:

a. Approve the preliminary plat;

b. Deny the preliminary plat, stating any specific reasons for the denial for the record;

c. Approve the preliminary plat, subject to conditions that must be addressed prior to filing a final plat; or

d. Continue consideration of the plat to its next scheduled meeting based on a need for further study or consideration of specific issues. No plat may be continued more than once nor more than 30 days from the official filing without the consent of the applicant.

4. *Effect of Approval.* Approval by the Planning Commission shall be forwarded to the City Council for authorization. Approval of the preliminary plat shall be effective for a period of two years following the date of the City Council approval. Upon expiration of a preliminary plat approval, final plat approval shall not be given until a new preliminary plat has been submitted and approved, with the following exceptions:

   a. In the case of a phased development, where phases are shown and approved on the preliminary plat, submission and approval of a subsequent final plat for a complete phase or phases of the preliminary plat may be considered a renewal of the approved preliminary plat. The two (2) year period for validity of the remaining portion of the preliminary plat shall renew and commence as of the date of approval of the final plat.

   b. The Planning Commission may grant an extension up to one additional year if it determines that re-review of a lapsed preliminary plat is not necessary.

1113.04 FINAL (MAJOR) PLAT

A. Applicability. Any application for the division of land that has received approval of a preliminary plat may file an application for a final plat.

B. Eligible Applicants. Applicants for a final plat shall be the owner of the subject property or the owner's authorized agent.

C. Submittal Requirements. An application for a final plat shall be submitted to the Planning Division, and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A narrative statement on how and why the proposed final plat conforms with the approved preliminary plat, including how any conditions of preliminary approval have been satisfied and indicating the reason and rational for any deviations from the approved preliminary plat.

3. Other plans and surveys, as required. (i.e. -- improvement, landscape, stream corridor, storm water).

4. The applicable filing fee.

5. A final plat map including all information required on the authorized application form. The final plat map shall contain a certification and signature block in substantially the following form:

CERTIFICATE OF SURVEYOR

I hereby certify that this plat is a true and complete land survey made (under my supervision), (by me), on _____(date) and that all monuments shown have been set.

[SEAL]

_____

Registered Surveyor #

OWNER'S CONSENT AND OFFER OF DEDICATION

1. We the undersigned, being all the owners, and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of this plat and do offer for dedication the streets, rights-of-way, parks and public grounds as shown thereon to the public use forever.

2. All easements shown hereon are for the construction, operation, maintenance, repair, replacement, or removal of water, sewer, gas, electric, telephone, or other utility lines or services, and for the express privilege of removing any and all trees, shrubs, bushes, buildings, or other obstructions to the free use of said utilities and for provided ingress and egress to the property for said purposes and are to be maintained as such forever.

[one signature block per each owner]

_____ _____

Owner Witness

_____

Witness

CERTIFICATE OF NOTARY PUBLIC

STATE OF OHIO }

COUNTY OF SUMMIT } ss

Be it remembered that on this _____ day of _____, _____ before me the undersigned, a Notary Public in and for said County and State, personally came _____(all signors) and acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have set my hand and notary seal on the day and date above written.

My Commission expires:

_____

NOTARY PUBLIC in and for SUMMIT

COUNTY, OHIO

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CUYAHOGA FALLS, OHIO, this ____ day of _____, _____.

_____

CHAIRMAN

_____

RECORDING SECRETARY

ACCEPTED BY THE CITY COUNCIL OF CUYAHOGA FALLS, OHIO, at its regular session this _____ day of _____, _____.

_____

PRESIDENT

_____

CLERK OF COUNCIL

APPROVED BY _____, City Engineer on this _____ day of _____, _____.

APPROVED BY _____, Planning Director on this ____ day of _____, _____.

[Reserve a block 3 inches by 5 inches for the official stamp of the County Auditor and County Recorder]

D. Review Criteria. A final plat shall be reviewed according to the following criteria:

1. Whether the proposed land division is in accordance with the general development characteristics and policies of the General Plan, and any other plan or program of the City adopted under the general guidance of the General Plan;

2. Whether the proposed land division is in accordance with the general development patterns and character of the Planning Area in which it is located;

3. Whether the proposed land division is in the interest of the public health, safety, and welfare;

4. Whether all parcels, including any proposed development, are in conformance with requirements of the zoning ordinance and zoning for the subject property, or where an alternative zoning is proposed in association with the preliminary plat, would be in conformance with the standards of the proposed zoning;

5. Whether the application is in conformance with the standards of the Subdivision Regulations;

6. Whether the final plat complies with the approved preliminary plat, including satisfaction of any conditions under which preliminary approval was granted; and

7. Whether any deviations proposed from the preliminary plat are:

   a. The minimum deviation to fulfill the development concept approved in the preliminary plat;

   b. Necessary because of site conditions that could not have reasonably been discovered at the preliminary stage; and

   c. In conformance with all other criteria for approval.

E. Specific Application Procedures. The following specific application procedures apply to final plat applications.

1. *Official Filing.* The Planning Director shall notify the applicant within 60 days of submittal to the Planning Division of any of the following in order for the final plat to be officially filed:

   a. The application is complete for official filing;

      (1) Application will be scheduled for next scheduled Planning Commission meeting.

      (2) Application will be scheduled for Planning Commission Meeting after applicant meeting with planning and other city departments to discuss application.

   b. The application is deficient and modifications are needed to make it acceptable for official filing;

      (1) A list of deficiencies and suggested modifications will be provided to applicant.

      (2) Applicant may request meeting with planning staff and other departments to discuss deficiencies.

c. Planning Director determines that application requires further studies or technical reports, such as environmental, traffic, flood plain, soil suitability for onsite septic, or wetland delineation, before it is officially filed.

2. *Notice.* Notice of the meeting shall be given by mailed notice and posted notice subject to the following.

a. *Mailed Notice*. Notice shall be mailed to abutting property owners at least seven (7) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

(1) Sign will be posted for at least seven (7) days prior to the scheduled Planning Commission meeting.

(2) At least one notice shall be posted for each street frontage of the property.

(3) Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application for preliminary plat approval where the required posting has not been maintained.

3. *Planning Commission Action.* The Planning Commission shall review the final plat and take any of the following actions:

a. Approval of the final plat;

b. Deny the final plat, stating any specific reasons for the denial for the record;

c. Approve the final plat, subject to conditions that must be satisfied prior to recording the final plat; or

d. Continue consideration of the final plat to its next scheduled meeting based on a need for further study or consideration of specific issues. No final plat may be continued by the Planning Commission more than once nor more than 30 days without the consent of the applicant.

e. Upon approval of a final plat by the Commission, the Chairman, the Secretary and Planning Director shall sign the plat and the proposal and contract agreement form. All material shall then be officially transmitted to the Engineering Department.

4. *Effect of Approval.* Approval of the final plat shall be effective for a period of one year following the date of the City Council approval. Following approval, the applicant shall provide the following before commencing construction:

a. *Construction Plans and Estimates for Public Improvements.* Detailed construction plans and estimates shall be prepared by a registered engineer in accordance with the Application for Approval, Proposal and Contract Agreement, and in conformance with the construction

specifications, standard drawings and accepted practice of the Engineering Division. These plans shall be presented to the City Engineer for review and judgment, supported by detailed study and recommendations of the Electrical Department, Street Department, Water Utilities Department, and the Engineering Division. The City Engineer shall sign plans and estimates that are acceptable.

b. *Guarantee of Public Improvements.*

(1) All improvements to be constructed or installed in accordance with the approved construction plans and specifications of the City shall be approved in writing by the City Engineer.

(2) All improvements approved by the City Engineer shall be guaranteed by a performance bond executed by a surety company, or other collateral acceptable to the Law Director in the amount of 100% of the approved engineer's estimate.

(3) The bond or other collateral shall be in effect for two years following the date of written approval of construction by the City Engineer.

(4) The City may complete any improvement not completed within the effective period with the collateral or bond. The owner of the property and the bonding company shall be held jointly responsible for all costs incurred by the City.

(5) The City Engineer may reduce the collateral to an amount of 10% of the City Engineer's estimate upon authorization.

5. *Construction Costs.*

a. A Utility Construction Account shall be established by the applicant with the Engineering Department of the City, in an amount necessary to pay all costs of inspection services and construction record keeping required to insure that construction work is in compliance with the approved plans, specifications and procedures of the City.

b. The Utility Construction Account shall be established prior to the performance of any work on any of the improvements within any proposed subdivision under the jurisdiction of the City, and where any utility is to be connected to a City dwelling.

c. The City shall keep a complete record of all inspection costs and this record shall be available to the applicant upon request. All unexpended funds remaining in the account shall be refunded to the developer upon completion of the subdivision.

6. *Required Signatures.* Upon completion of the guarantee for public improvements, the approved final plat shall be circulated for signatures of the Planning Director, City Engineer, Planning Commission Chair, and President of City Council.

7. *Recording.* Upon final execution of the Proposal and Contract Agreement by the applicant and the City, the final plat shall be signed by the City Engineer and recorded by the Engineering Department. When recorded, the final plat shall be returned to the Office of the City Engineer for permanent storage.

F. Combined Preliminary and Final Plat.

1. *Applicability*. The Planning Director may schedule concurrent and combined filing of Preliminary and Final Plats under the following conditions:

   a. The application involves a subdivision of land resulting in fewer than ten (10) lots.

   b. In a phased development, only minor modifications have been made in an expired preliminary plat.

   c. A preliminary plat has expired and no modifications are proposed.

2. *Procedures*. All requirements of *Section 1113.03* and *1113.04* of these regulations must be adhered to.

1113.05 REGULATORY AMENDMENT APPLICATIONS SUMMARY

Regulatory Amendments include Text Amendments, Zoning Map Amendments and Conditional Zoning Certificates. *Table 1113-2* summarizes the application procedures for regulatory amendments. Specific application requirements and procedures are in the following sections.

Table 1113-2: Regulatory Amendment Procedure Summary

Regulatory Amendment Application Procedure Summary			
	Text Amendment	**Zoning Map Amendment**	**Conditional Zoning Certificate**
Staff			
Review Process	Internal	Internal	Internal
Notice Type	--	--	--
Action	Review / Recommendation	Review / Recommendation	Review / Recommendation
Planning Commission			
Review Process	Public Meeting	Public Meeting	Public Meeting
Notice Type	--	Posted Mailed	Posted Mailed
Action	Review / Recommendation	Review / Recommendation	Review / Recommendation
City Council			
Review Process	Public Hearing	Public Hearing	Public Meeting
Notice Type	Published	Published Mailed Posted	--
Action	Decision by Ordinance	Decision by Ordinance	Decision by Ordinance

1113.06 TEXT AMENDMENTS

A. Applicability. A text amendment is required to make any change to these regulations that will be generally applicable throughout the City.

B. Eligible Applicants. A text amendment may only be initiated by:

   1. The Planning Division, on behalf of the Division or any other City department;

   2. The Planning Commission on its own initiative by a motion of the Commission; or

3. The City Council on its own initiative.

C. Submittal Requirements. A text amendment shall be submitted to or prepared by the Planning Division in accordance with all city requirements regarding form and substance for general amendments to the Code of Ordinances.

D. Review Criteria. Text amendments shall be reviewed according to the following criteria:

1. The proposed amendment consistent with the purposes of this Code listed in Chapter 1111 and the authority under the Charter.

2. The text amendment consistent with, or will it better implement the General Plan, or any specific plan or program officially adopted under the guidance of the General Plan. If it is not in conformance with the General Plan, it shall only be approved on the finding that plan provisions, which it does not conform with, are no longer applicable and relevant due to errors or changed circumstances.

3. The proposed text amendment will maintain the internal consistency of this ordinance, and will not compromise the intent of the Title, Chapter, and Section being amended, nor will it compromise the intent or design goals of any other section in these regulations.

E. Specific Application Procedures. The following specific application procedures apply to Text Amendment applications.

1. *Official Filing.* Upon filing of an application for a text amendment, the Planning Division shall schedule a date for introduction of the text amendment at the next available Planning Commission meeting.

2. *Planning Commission Action.* The text amendment shall be introduced to the Planning Commission at a public meeting.

a. Upon review of the text amendment, the Planning Commission shall take any of the following actions:

(1) Recommend approval of the text amendment;

(2) Recommend denial of the text amendment;

(3) Recommend approval of the text amendment with amendments; or

(4) Continue consideration of the text amendment to the next scheduled meeting based on a need for further study or consideration of specific issues. No text amendment shall be continued beyond 60 days from the original introduction to the Planning Commission.

b. Upon action by the Planning Commission, or after 60 days from the original introduction, the text amendment shall be scheduled for a public hearing before the City Council.

3. *City Council Action.*

a. *Notice.* Notice of the City Council public hearing on the text amendment shall be published in a newspaper of general circulation in the City at least 30 days prior to the public hearing.

The notice shall state the general topic and title of the amendment, the time and location of the public hearing, and that the full text of the proposed amendment is on file at the Planning Division for review during business hours.

b. The City Council may:

(1) Approve the proposed amendment as recommended by the Planning Commission if the Planning Commission recommended approval;

(2) Approve text amendment, with changes from the Planning Commission recommendation if the Planning Commission recommended approval;

(3) Approve the proposed amendment with additional amendments; or

(4) Deny the proposed text amendment.

F. Correction of Errors. The Planning Director, working in conjunction with the Law Director, may make such changes as are necessary to correct obvious typographical, verbiage, or grammatical errors, which changes do not affect the substance of the code. Before making any such corrections, the Planning Director shall provide the Mayor and City Council with written notice of such corrections. If within 60 days after receipt of such notice, neither the Mayor nor City Council object to such proposed corrections, the Planning Director shall cause such corrections to be made. In the event the Mayor or City Council object to any corrections proposed by the Planning Director, then the corrections to which the Mayor and City Council object shall not be made without passage of legislation supporting such correction.

1113.07 ZONING MAP AMENDMENT (REZONING)

A. Applicability. To adapt to new conditions and implement the General Plan in phases, the zoning map must be changed from time to time. The Planning Commission may recommend to the Council map amendments.

B. Eligible Applicants. A zoning map amendment may only be initiated by:

1. The Planning Division on its own initiative; or

2. The Planning Commission on its own initiative by a motion of the Commission; or

3. The City Council on its own initiative; or

4. The owner of the subject property or the owner's authorized agent.

C. Submittal Requirements. An application for a zoning map amendment shall be submitted to the Planning Division, and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A narrative statement on how and why the proposed zoning map amendment conforms with the General Plan, and any specific plan or program officially approved by the City.

3. The applicable filing fee if filed by owner of private property.

4.

A. Review Criteria. A zoning map amendment shall be reviewed according to the following criteria:

1. The proposed map amendment is in accordance with the general development characteristics and policies of the General Plan, and any other plan or program of the City adopted under the general guidance of the General Plan;

2. The proposed map amendment is in accordance with the general development patterns and character of the Planning Area in which the land is located;

3. The proposed map amendment is in the interest of the public health, safety, and welfare;

4. The proposed map amendment is consistent with the Planning Criteria of the proposed new zoning district and is consistent with the Planning Criteria of all adjacent existing zoning districts;

5. The plans submitted in association with the map amendment meet all standards of the Zoning, and Design Regulations for the proposed zoning district; and

6. The application is in conformance with the Subdivision Regulations or any pending or approved plat applications.

B. Specific Application Procedures. The following specific application procedures apply to Zoning Map Amendments applications.

1. *Official Filing.* If the City introduces the zone map amendment, the Planning Division shall schedule a date for introduction of the zone map amendment at the next available Planning Commission meeting. If a property owner applies for a zone map amendment, the Planning Director shall notify the applicant within 60 days of submittal of an application to the Planning Division of any of the following in order for the zone map amendment to be officially filed:

a. The application is complete for official filing;

(1) Application will be scheduled for next scheduled Planning Commission meeting.

(2) Application will be scheduled for Planning Commission Meeting after applicant meeting with planning and other city departments to discuss application.

b. The application is deficient and modifications are needed to make it acceptable for official filing;

(1) A list of deficiencies and suggested modifications will be provided to applicant.

(2) Applicant may request meeting with planning staff and other departments to discuss deficiencies.

c. Planning Director determines that application requires further studies or technical reports, such as environmental, traffic, flood plain, soil suitability for onsite septic, or wetland delineation, before it is officially filed.

2. *Notice.* Notice of the hearing shall be given by mailed notice and posted notice subject to the following.

   a. *Mailed Notice*. Mailed notice shall be sent if the application involves ten (10) or less parcels of land as listed on the tax duplicate. Notice shall be mailed to abutting property owners at least ten (10) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

   b. *Posted Notice*. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

      (1) Sign will be posted for at least ten (10) days prior to the scheduled Planning Commission meeting.

      (2) At least one notice shall be posted for each street frontage of the property.

      (3) Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application for preliminary plat approval where the required posting has not been maintained.

3. *Planning Commission Action.* The Planning Commission shall review the application for a Zoning Map Amendment and take any of the following actions within 90 days from submission of the complete application with the Planning Division:

   a. Recommend approval of Map Amendment;

   b. Recommend denial of the Map Amendment;

   c. Recommend approval of the map amendment, subject to specific conditions which must be satisfied prior to issuing building permits; or

   d. Continue consideration of the Map Amendment to the next scheduled meeting based on a need for further study or consideration of specific issues. No Map Amendment shall continued by the Planning Commission more than once, nor more than 30 days from the official filing date. If the issue is continued at the original hearing to a specific date, time, location, no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

4. *City Council Consideration*. Upon action by the Planning Commission, or after 60 days from the submission of a complete application to the Planning Division, the Map Amendment shall be submitted to City Council.

   a. *Notice*. Notice of the City Council public hearing for the map amendment shall be published notice, mailed notice, and posted notice, according to the following:

      (1) Published notice shall be published in a newspaper of general circulation in the City at least 30 days prior to the public hearing. The notice shall state the general topic of the map amendment, the general location of the property, the time and location of

the public hearing, and that plans associated with proposed amendment is on file in the Planning Division for review during business hours.

(2) Mailed notice shall be sent if the application involves 10 or less parcels of land as listed on the tax duplicate subject to the following:

(a) Notice shall indicate the subject, date, time, location of the public hearing, including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours.

(b) Notice shall be sent by the Clerk of Council at least ten (10) days prior to the public hearing to owners of the subject property and to owners of property located within 200 feet in any direction of the subject property.

(c) The City shall mail notice, and failure of any party to receive required mailed notice shall not invalidate the proceedings.

(3) Posted notice shall be posted on the property subject to the following:

(a) Posted notice shall be on a sign provided by the Planning Division indicating the subject, date, time, and location of the public hearing.

(b) Notice shall be posted on the property for at least ten (10) days prior to the scheduled City Council hearing.

(c) At least one notice shall be posted for each street frontage of the property.

(d) Notice shall remain posted continuously until the start of the hearing and remain until the City Council has taken action on the application. Intentional failure by the applicant to maintain posted notice may invalidate the proceedings.

1113.08 CONDITIONAL ZONING CERTIFICATE

A. Applicability. No person shall engage in a use that is depicted as a conditionally permitted use in a given zoning district without first obtaining a conditional zoning certificate. Periodic monitoring and re-evaluation of the certificate is necessary to ensure ongoing compliance with the purposes of these regulations and with any conditions of the certificate.

B. Eligible Applicants. The owner of the subject property or the owner's authorized agent may initiate an application for a conditional zoning certificate.

C. Submittal Requirements. Application for a conditional zoning certificate shall be submitted to the Planning Division, and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A detailed narrative statement on how and why issuance of the certificate conforms to the standards of the current zoning district, the conditional certificate requirements.

3. A site or plot plan or development plan for the entire property being considered meeting the requirements on the Planning Division's authorized application form.

4. Other plans or surveys as needed.

5. The applicable filing fee.

D. Review Criteria. The conditional zoning certificate request shall be evaluated on the following criteria:

1. The request is harmonious with and in accordance with the general goals and objectives or with any specific goals and objectives of the General Plan.

2. The use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or planned character of the general vicinity and will not change the essential character of the area.

3. The use is not hazardous or disturbing to existing or planned future neighboring uses, and is not detrimental to the community as a whole.

4. The use is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts.

5. The site is designed in compliance with these regulations and all other applicable rules and regulations.

6. The site is adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage and utilities, and any necessary supporting civic uses.

E. Specific Application Procedures. The following specific application procedures apply to Conditional Zoning Certificates applications.

1. *Official Filing.* The Planning Director shall notify the applicant within 60 days of submittal to the Planning Division of any of the following in order for the conditional zone certificate to be officially filed:

a. The application is complete for official filing;

(1) Application will be scheduled for next scheduled Planning Commission meeting.

(2) Application will be scheduled for Planning Commission Meeting after applicant meeting with planning and other city departments to discuss application.

b. The application is deficient and modifications are needed to make it acceptable for official filing;

(1) A list of deficiencies and suggested modifications will be provided to applicant.

(2) Applicant may request meeting with planning staff and other departments to discuss deficiencies.

c. Planning Director or other City Department Director determines that application requires further studies or technical reports, such as environmental, traffic, flood plain, soil suitability for onsite septic, or wetland delineation, before it is officially filed.

2. *Notice.* Notice of the meeting shall be given by mailed notice and posted notice subject to the following.

a. *Mailed Notice*. Notice shall be mailed to abutting property owners at least ten (10) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

(1) Sign will be posted for at least ten (10) days prior to the scheduled Planning Commission meeting.

(2) At least one notice shall be posted for each street frontage of the property.

(3) Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application for preliminary plat approval where the required posting has not been maintained.

3. *Planning Commission Action.* The Planning Commission shall review the application for a Conditional Zoning Certificate and take any of the following actions within 60 days from submission of the complete application with the Planning Division:

a. Recommend approval of Conditional Zoning Certificate;

b. Recommend denial of the Conditional Zoning Certificate;

c. Recommend approval of the Conditional Zoning Certificate, subject to specific conditions which must be satisfied prior to issuing building permits; or

d. Continue consideration of the Conditional Zoning Certificate to the next scheduled meeting based on a need for further study or consideration of specific issues. No Conditional Zoning Certificate shall be continued by the Planning Commission more than once, nor more than 30 days from the official filing date. If the issue is continued at the original hearing to a specific date, time, location, no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

4. *City Council Consideration*. Upon action by the Planning Commission, or after 60 days from the submission of a complete application to the Planning Division, the Conditional Zoning Certificate shall be submitted to City Council.

5. *Limitation on Re-application.* No application for a Conditional Zoning Certificate which has been denied by City Council shall be resubmitted until the expiration of 365 days from the date of denial, unless the applicant can demonstrate to the Planning Division one of the following:

   a. A substantively different plan is being proposed; or

   b. New facts or other pertinent information, not reasonably found by the applicant at the time of the first application, has been discovered.

6. *Revocation.* The breach of any condition, safeguard, or requirement of the Certificate shall automatically invalidate the Certificate and shall constitute a violation of these regulations.

1113.09 SITE DEVELOPMENT PLAN APPLICATIONS SUMMARY

Site Development Plans include Minor Site Plans, Major Site Plans, Sign Plans and Landscape Plans. *Table 1113-3* summarizes the application procedures for Site Development Plans. Specific application requirements and procedures are in the following sections.

Table 1113-3: Site Development Plan Application Procedure Summary

Site Development Plan Application Procedure Summary				
	Minor Site Plan	**Major Site Plan**	**Landscape Plan***	**Sign Plan**
Staff				
Review Process	Internal	Internal	Internal	Internal
Notice Type	--	--	--	--
Action	Decision	Review / Recommendation	Decision	Decision
Planning Commission				
Review Process	Appeal	Public Meeting	--	--
Notice Type	--	Posted Mailed to Abutting Property Owners	--	--
Action	--	Decision	--	--
City Council				
Review Process	--	Authorization	--	--
Notice Type	--	--	--	--
Action	--	Decision by Ordinance	--	--
Board of Zoning Appeals				
Appeals	--	--	Table 1114.02	Table 1114.02

*** A Landscape Plan is normally completed in conjunction Major Subdivision Plat, Conditional User Permit, Minor Site Plan, Major Site Plan and Overlay Plan**

1113.10 MINOR SITE PLAN

A. Applicability. A minor site plan demonstrates that development activity on a specific site or lot conforms to all applicable zoning regulations, design regulations, and subdivision regulations. It may be used to support other applications such as a variance application, a conditional zoning certificate application, or any other application that does not require a Site Plan or Preliminary Development Plan. Additionally a minor site plan shall be submitted for the following development applications, provided the use and design proposed does not require any other applications or special approvals under the current zoning district for the property:

   1. Any multi-family residential building 8 dwelling units or less and on its own lot;

2. All single-family residential buildings;

3. Any new non-residential applications with total buildings between 1,500 square feet and 8,000 square feet;

4. Additions or expansions involving less than 10 percent or less of existing structures, and no more than 10,000 square feet; and

5. All land improvements requiring specific measures to comply with Section 1124.03 – Flood Plain and Stormwater.

B. Eligible Applicants. Any persons having a financial, contractual or proprietary interest in the property may file for a Minor Site Plan.

C. Submittal Requirements. An application for a Minor Site Plan shall be submitted to the Planning Division and shall include the following:

1. A completed authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A narrative statement explaining the project in detail.

3. A completed site plan, landscaping plan, building elevations and other details as required.

4. The applicable filing fee.

D. Review Criteria. A Minor Site Plan shall be reviewed according to the following criteria:

1. The site is designed in compliance with the General Plan and contributes to the overall character of the planning area in which the site is located.

2. The lot is in compliance with all subdivision regulations in Title 2.

3. The proposed development is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts in Title 3.

4. The site is designed in compliance with all regulations, standards and guidelines of the applicable zoning district in Title 3.

5. The site is designed in compliance with all design regulations in Title 4.

6. The efficiency of the proposed layout in terms of relationship to adjacent sites, pedestrian and vehicle access, building location and orientation, parking location, and open space, and whether any feasible alternative layouts could better meet the planning criteria and any guidelines of the zoning district, or design goals applicable to the site.

7. The site is designed in compliance with any other applicable rules and regulations.

8. The site is adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage and utilities, and any necessary supporting civic uses.

E. Specific Application Procedures. The following specific procedures apply to Minor Site Plan applications.

1. *Official Filing.* The Planning Director shall notify the applicant within 30 days of submission to the Planning Division whether the application is complete. If the application is complete, the date of notification shall be the official filing date.

2. *Director Decision.* The Planning Director shall approve or deny the minor site plan. The Director's decision shall be in writing and mailed to the applicant within 30 days of the official filing date. If the decision is to deny the Minor Site Plan, the Director shall clearly state the reasons and identify any corrective measures, which may result in a favorable decision. At any time during the review, the Planning Director may determine that the application does not qualify as a Minor Site Plan, and shall process the application as a Site Plan in accordance with the standards and procedures of these regulations.

3. *Effect of Approval.* An approved Minor Site Plan shall remain valid for two (2) years following the date of approval. If construction has not commenced within one year the plan shall be considered lapsed, and any future development shall require the approval of a new plan. Any departure from an approved plan shall be cause for revocation of a building permit or denial of an occupancy certificate, and shall be deemed a violation of these regulations.

4. *Appeal.* Upon denial of a Minor Site Plan. In this case, the appeal shall be treated as an application for a Major Site Plan, according to the standards and procedures of these regulations.

1113.11 MAJOR SITE PLAN

A. Applicability. A Site Plan demonstrates that development activity on an individual site, lot, or project area conforms to all applicable zoning regulations, design regulations, and subdivision regulations. It may be used to support other applications such as a variance application or a conditional zoning certificate application, or any other application in a zoning district, except for planned districts being developed under a Preliminary Development Plan.

B. Eligible Applicants. The owner of the subject property or the owner's authorized agent may initiate an application for a Site Plan.

C. Submittal Requirements. An application for a Site Plan shall be submitted to the Planning Division and shall include the following:

1. A completed authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A narrative statement explaining the project in detail.

3. A completed site plan, landscaping plan, building elevations and other details as required.

4. The applicable filing fee.

D. Review Criteria. A Site Plan shall be reviewed according to the following criteria:

1. The site is designed in compliance with the General Plan and contributes to the overall character of the planning area in which the site is located.

2. The lot is in compliance with all subdivision regulations in Title 2.

3. The proposed development is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts in Title 3.

4. The site is designed in compliance with all regulations, standards and guidelines of the applicable zoning district in Title 3.

5. The site is designed in compliance with all design regulations in Title 4.

6. The efficiency of the proposed layout in terms of relationship to adjacent sites, pedestrian and vehicle access, building location and orientation, parking location, and open space, and whether any feasible alternative layouts could better meet the planning criteria and any guidelines of the zoning district, or design goals applicable to the site.

7. The site is designed in compliance with any other applicable rules and regulations.

8. The site is adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage and utilities, and any necessary supporting civic uses.

E. Specific Application Procedures. The following specific application procedures apply to Site Plan applications.

1. *Official Filing.* The Planning Director shall notify the applicant within 60 days of submittal to the Planning Division of any of the following in order for the major site plan to be officially filed:

   a. The application is complete for official filing;

      (1) Application will be scheduled for next scheduled Planning Commission meeting.

      (2) Application will be scheduled for Planning Commission Meeting after applicant meeting with planning and other city departments to discuss application.

   b. The application is deficient and modifications are needed to make it acceptable for official filing;

      (1) A list of deficiencies and suggested modifications will be provided to applicant.

      (2) Applicant may request meeting with planning staff and other departments to discuss deficiencies.

   c. Planning Director determines that application requires further studies or technical reports, such as environmental, traffic, flood plain, soil suitability for onsite septic, or wetland delineation, before it is officially filed.

2. *Notice.* Notice of the meeting shall be given by mailed notice and posted notice subject to the following.

a. *Mailed Notice*. Notice shall be mailed to abutting property owners at least seven (7) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

(1) Sign will be posted for at least seven (7) days prior to the scheduled Planning Commission meeting.

(2) At least one notice shall be posted for each street frontage of the property.

(3) Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application for preliminary plat approval where the required posting has not been maintained.

3. *Planning Commission Action.* The Planning Commission shall review the application for a Site Plan and take any of the following actions within 60 days of the official filing date or the application shall be deemed approved:

a. Approve the Site Plan;

b. Deny the Site Plan, stating any specific reasons on the record for the denial;

c. Approve the Site Plan, subject to specific conditions which must be satisfied prior to issuing building permits; or

d. Continue consideration of the Site Plan to the next scheduled meeting based on a need for further study or consideration of specific issues. No Final Site Plan application shall continued by the Planning Commission more than once, or more than 30 days from the official filing date without consent of the applicant.

4. *City Council Action*. Any Site Plan that is approved or deemed approved by the Planning Commission shall be scheduled for review by the City Council at the next available regular meeting.

5. *Limitation on Re-application.* No application for a Site Plan which has been denied by the Planning Commission or City Council shall be resubmitted until the expiration of 365 days from the date of the denial, unless the applicant can demonstrate to the Planning Division one of the following:

6. That a substantively different plan is being proposed; or

7. That new facts or other pertinent information, not reasonably found by the applicant at the time of the first application, have been discovered.

8. *Effect of Approval.* An approved Site Plan shall remain valid for one year following the date of City Council approval. If construction has not commenced within two (2) year the plan shall be considered lapsed, and any future development shall require the approval of a new plan. Any

departure from an approved plan shall be cause for revocation of a building permit or denial of an occupancy certificate, and shall be deemed a violation of these regulations.

1113.12 LANDSCAPE PLAN, TREE INVENTORY, TREE PRESERVATION/PROTECTION STRATEGY

A. Applicability. A Landscape Plan, Tree Inventory, and Tree Preservation/Protection Strategy is required with the submission of an application for a: Preliminary Subdivision Plat (*1113.03*), Final Subdivision Plat (*1113.04*), Conditional Zoning Certificate (*1113.08*), Minor Site Plan (*1113.10*), Major Site Plan (*1113.11*), and Special Overlay District (*1113.12*).

B. Exceptions. *Land Use Not Yet Known.* The Planning Director may fully or partially defer the requirements for a Tree Inventory, Preservation/Protection Strategy and Landscape Plan in any instance in which the specific use of the premises, the parking, or other factors in which the requirements herein are based, are not yet determined.

C. Application Process. A Tree Inventory, Tree Preservation/Protection Strategy and Landscape Plan will be required with the submission of an application for a Preliminary Subdivision Plat (*1113.03*), Final Subdivision Plat (*1113.04*), Conditional Zoning Certificate (*1113.08*), Minor Site Plan (*1113.10*), Major Site Plan (*1113.11*), and Special Overlay District (*1113.12*).

D. Submittal Requirements. An application for a Landscape Plan shall be submitted under *1113.13C* to the Planning Division and shall include the following:

1. A completed authorized application form supplied by the Planning Division, including any supplemental information required by that form [See Appendix]. The Planning Director may waive any item required herein if he or she determines it would not be necessary for a decision on the particular application or would impose unreasonable expense or delay in relation to the nature of the action proposed.

2. The applicable filing fee.

3. A Tree Inventory for any application involving a parcel or parcels equal to or greater than 2 acres and according to *Section 1145.04*.

4. A Tree Preservation and Protection Strategy for any application involving a parcel or parcels equal to or greater than 2 acres and according to *Section 1145.04*.

5. A Landscape Plan for any Preliminary Subdivision Plat (*1113.03*), Final Subdivision Plat (*1113.04*), Conditional Zoning Certificate (*1113.08*), Minor Site Plan (*1113.10*), Major Site Plan (*1113.11*), and Special Overlay District (*1113.12*) application.

6. Landscaping/Site Completion Bond. All Site Plan and Minor Site Plan Applications requiring a Landscape Plan shall also provide to the Planning Director a refundable cash landscape/site completion bond payable to the City. The bond amount shall be no less then fifty percent (50%) of the cost of quantities specified in the plan.

1113.13 SIGN PLAN

A. Applicability. A Sign Plan is required before any signs are installed or constructed. The plan will include sign renderings, sizes, heights, and other pertinent information as needed to determine conformance to Chapter 1146 Sign Design. The plan is part of the sign application and permit process.

1. Submittal Requirements. The Planning Division will supply a sign permit application. It will be submitted to both the Planning Division and Building Department. The application may include any supplemental information required by the Planning Division or Building Department. The Planning Director may determine any inapplicable or unnecessary information for review of the particular sign requested.

B. Sign Permit Process.

1. *Sign Permit Required*. Except actions exempt according to *Chapter 1146*, a Sign Permit shall be required to erect, install, or otherwise display any sign, as defined herein, or to alter, move, extend, enlarge, or repair a sign. A currently valid Sign Permit shall be required at all times such sign is displayed. A fee may be charged for the Permit.

2. *Issuance of Sign Permits*. The Chief Building Official shall issue a Sign Permit for any sign for which a complete and accurate Sign Permit Application and Permit fee in an amount established by City Council have been filed if he or she has determined that the proposed sign is in compliance with this and other applicable City codes. Permits not issued or denied within 14 days of filing shall be considered denied.

a. The Chief Building Official or Planning Director shall give written notice to the applicant of any denial of a Sign Permit Application together with the reasons therefor.

b. A Sign Permit may be assigned by its holder to a successor owner of the business or other organization.

3. *Permit Revocation*.

a. *Timely Installation*. A Sign Permit shall be automatically revoked if the sign authorized thereby has not been completely installed or displayed within 6 months of the date issued, unless the Chief Building Official or Planning Director has granted an extension. Such extension shall be applied for before expiration of the initial 6 month-month period and shall be limited to a single extension of 6 months.

b. *Revocation for Non-Compliance*. The Chief Building Official or Planning Director shall revoke a Sign Permit if upon inspecting a sign at any time after its installation he or she determines that it is not in compliance with:

(1) The information provided in the Sign Permit application, and

(2) All applicable requirements of this and other City codes in effect at the time of Permit issuance or otherwise applicable to the sign.

c. *Reason for Revocation*. The Chief Building Official or Planning Director shall advise the applicant in writing of the reasons for any revocation.

C. Sign Removal.

1. *Face Removal at Closed Businesses*. When a face of a permanent sign is removed, leaving only a cabinet and/or support structure, the owner shall within 30 days of the removal:

   a. Replace the entire face (unless prohibited under nonconformance rules), or

   b. Install, pending a face replacement, a weatherproof blank face or face covering no larger or smaller than the original face and made of a material approved by the Planning Director, or

   c. Remove all remaining components of the sign and its support structure.

2. *Removal from Walls*. Exterior building wall surfaces on which signs have been displayed shall within 60 days of the date the sign is removed be either covered with another sign or completely restored to an acceptable condition as determined by the Planning Director.

3. *Unsafe Signs*. Any sign or portion thereof that the Chief Building Official or Planning Director determines to be unsafe shall be removed or satisfactorily repaired within 60 days of an order to do so. If such action is not taken, the Chief Building Official or Planning Director may have removal or repair done at the sign owner's expense. The Chief Building Official or Planning Director may have any sign or portion thereof that he or she determines to constitute an immediate threat to public health or safety removed summarily and without prior notice. He or she shall, however, subsequently notify the sign owner of any such removal.

4. *Nonconforming Signs.* Nonconforming signs shall be removed as provided under *Chapter 1146*.

5. *Temporary Signs.* Temporary Signs shall be removed as provided in division *Chapter 1146.06*.

D. Relief from Sign Regulations.

1. *Variances*. Variances to the requirements of this chapter may be approved by the Board of Zoning Appeals as provided in *Section 1113.17*. The Board of Zoning Appeals as provided in *Section 1113.17* may approve variances to the requirements of this section. In addition to the Approval Criteria therein, a Variance may be approved if necessary to make a sign or a use reasonably visible from an abutting street to which the sign or use is oriented if without the Variance such visibility would be impaired by landscaping, existing development, or natural features.

2. *Design Modifications.* The Planning Commission and City Council may approve a modification to the design standards in *Chapter 1141* through the site plan review process and according to the criteria in *Section 1141.03*.

3. *Not in Lieu of Incentives*. A Variance or Design Exception may be approved only to the extent that the Board of Zoning Appeals finds that the provisions of *Table 1146-28 Increases in Permanent Sign Allowance* are inapplicable or insufficient to grant warranted relief.

4. *Nonconformities*. All signs holding Sign Permits issued, or signs that were otherwise lawfully existing, prior to the date of effect of this Code, but which are not in conformance with applicable regulations herein, may be continued as Nonconformities.

1113.14 BOARD OF ZONING APPEALS SUMMARY

Table 1113-4 summarizes the types of applications and application procedures for the Board of Zoning Appeals. Specific application requirements and procedures are in the following sections.

Table 1113-4: Board of Zoning Appeals Procedure Summary

BZA Application Procedure Summary		
	Administrative Appeal	**Variance**
Staff		
Review Process	Internal	Internal
Notice Type	--	--
Action	Review/Recommendation	Review / Recommendation
Board of Zoning Appeals		
Review Process	Public Hearing	Public Hearing
Notice Type	Mailed Posted	Mailed Posted
Action	Decision	Decision

1113.15 ADMINISTRATIVE APPEAL

A. Eligible Applicants. Any aggrieved person or firm having an interest in property, either as an owner, co-owner, tenant or lessee, or purchaser under contract or option, or their authorized representative may file an administrative appeal with the Board of Zoning Appeals from any decision or action of the Planning Director taken pursuant to these regulations.

B. Submittal Requirements. An application for an Administrative Appeal shall be submitted to the Planning Division, and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A statement of facts regarding the nature of the appeal, including the nature of the decision, why it was in error under these regulations, how the applicant has been aggrieved, and a specific list or description of any supporting information or evidence to be presented.

3. The applicable filing fee.

C. Limitation on Appeal. Appeal shall be made to the Board of Zoning Appeals within 30 days of the decision that is the subject of the appeal.

D. Review Criteria. In evaluating an administrative appeal, the Board of Zoning Appeals shall affirm the decision unless it appears from clear and convincing evidence that the decision is in error.

E. Specific Application Procedures. The following specific application procedures shall apply to an administrative appeal.

1. *Official Filing.* Upon filing of an application for Administrative Appeal with the Planning Division, the Planning Director shall schedule the application for a hearing before the Board of Zoning Appeals at its next available regular meeting.

2. *Notice*. Notice of the hearing shall be given by mailed notice and posted notice subject to the following.

a. *Mailed notice.* Written notice shall be mailed at least seven (7) days prior to the hearing to owners and tenants of property located within 200 feet in any direction of any property subject to the application, and to any interested parties who were part of the proceedings that are the subject of the appeal. The applicant shall provide the names and last address of

record according to the Summit County Fiscal Officer, for all persons entitled to such notice. Notice shall be mailed by the City, and failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. Notice shall be posted on any property that is the subject of the hearing, subject to the following:

(1) Posted notice shall be on a sign provided by the Planning Division indicating the subject, date, time, and location of the meeting.

(2) Notice shall be posted on the property for at least seven (7) days prior to the scheduled Board hearing.

(3) At least one notice shall be posted for each street frontage of the property.

(4) Notice shall remain posted continuously until the start of the review meeting. Intentional failure by the applicant to maintain posted notice may invalidate the proceedings.

3. *Board Action.* Upon hearing all evidence on the administrative appeal the Board may:

a. Deny the relief sought under the appeal;

b. Grant the relief sought under the appeal; or

c. Continue the hearing based on a need for further study or consideration of specific issues. If the issue is continued at the original hearing to a specific date, time, location, no new published notice is necessary for the continued hearing. No application may be continued more than 60 days from the original hearing before the Board or more than once without the applicant's consent.

1113.16 VARIANCE

A. Applicability. The Board of Zoning Appeals may grant a variance from these regulations when, due to the criteria established in this section, the generally applicable regulations are not appropriate, and no other procedure for relief is available to the applicant.

B. Eligible Applicants. The owner of the subject property or the owner's authorized agent may make applications for variances.

C. Submittal Requirements. Application for Variance shall be submitted to the Planning Division, and shall include the following:

1. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

2. A statement of facts regarding the nature of the variance, including a detailed statement how each and every criterion required for granting the variance is satisfied.

3. The applicable filing fee.

D. Review Criteria. Applications for a variance shall be reviewed according to the following criteria:

1. *Use variance.* Use variances may be granted only in the case of an unnecessary hardship. The burden of proof is on the applicant who must show each of the following:

   a. The land in question cannot yield a reasonable return if used only for a purpose allowed in the zone or as a legal non-conforming use within that zone. Reasonable return shall be evaluated according to the following:

      (1) The mere fact that the individual owner may suffer financial hardship or the fact that another use or the proposed use may allow the sale of the property for a better price or allow a larger profit does not justify granting the variance.

      (2) The applicant shall show evidence of the reasonable return in terms of dollars and cents.

      (3) A showing of present loss is not adequate in establishing a lack of reasonable return. The applicant must demonstrate the return from the property would not be reasonable for each and every permitted use under these regulations.

   b. The plight of the owner is due to unique circumstances of the property and not to general conditions in the neighborhood. Unique circumstances shall be evaluated according to the following:

      (1) The unique circumstance results from sources beyond the control of the individual owner, is not shared by others in similar circumstances, and is not self-inflicted or financial.

      (2) The unique circumstances relate only to the property, and not the individual applicant. Examples include legal restrictions, contour of the land, shape of a lot, or other physical restrictions that are not shared on adjacent parcels.

      (3) The use (sought) to be authorized by variance will not alter the essential character of the locality or preclude achieving goals for the locality specified in the General Plan. Any other use that would alter or disrupt a neighborhood or district shall not be permitted through a use variance.

2. *Area Variance.* Area variances may be granted where a change in use is not involved. An area variance may be granted only on the basis of practical difficulty. The burden of proof is on the applicant who must show each of the following:

   a. Development of the property in accordance with the standards of the current or planned zoning could not occur due to unique physical conditions on the property.

   b. Granting the variance will be consistent with the purposes of this Code and any specific intent sections of the zoning regulations.

   c. The difficulty cannot be alleviated by some method, feasible for the applicant to pursue, other than by a variance; and

d. The plight of the owner is due to unique circumstances of the property and not to general conditions in the neighborhood. Unique circumstances shall be evaluated according to the following:

(1) The unique circumstance results from sources beyond the control of the individual owner, is not shared by others in similar circumstances, and is not self-inflicted or financial.

(2) The unique circumstances relate only to the property, and not the individual applicant. Examples include legal restrictions, contour of the land, shape of a lot, or other physical restrictions that are not shared on adjacent parcels.

e. The development sought to be authorized by variance will not alter the essential character of the locality and is the minimum variation to relieve the practical difficulty.

f. The variation is not substantial in relation to the requirement and will not have any adverse affect on services or adjacent property.

g. Whether in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing a variance.

E. Specific Application Procedures. The following specific application procedures shall apply to a Variance application.

1. *Official Filing.* Upon filing of an application for Variance with the Planning Division, Director shall schedule the application for a public hearing by the Board of Zoning Appeals at its next available regular meeting.

2. *Notice*. Notice of the hearing shall be given by mailed notice and posted notice subject to the following.

a. *Mailed notice.* Written notice shall be mailed at least seven (7) days prior to the hearing to owners and tenants of property located within 200 feet in any direction of any property subject to the application, and to any interested parties who were part of the proceedings that are the subject of the appeal. The applicant shall provide the names and last address of record according to the Summit County Fiscal Officer, for all persons entitled to such notice. Notice shall be mailed by the City, and failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. *Posted Notice*. Notice shall be posted on any property that is the subject of the hearing, subject to the following:

(1) Posted notice shall be on a sign provided by the Planning Division indicating the subject, date, time, and location of the meeting.

(2) Notice shall be posted on the property for at least seven (7) days prior to the scheduled Board hearing.

(3) At least one notice shall be posted for each street frontage of the property.

(4) Notice shall remain posted continuously until the start of the review meeting. Intentional failure by the applicant to maintain posted notice may invalidate the proceedings.

3. *Board Action.*

a. Upon hearing all evidence on the variance, the Board of Zoning Appeals may:

(1) Approve the variance; stating on the record how all criteria has been satisfied;

(2) Deny the variance, stating reasons on the record for the denial;

(3) Approve the variance with conditions, stating on the record how all criteria shall be satisfied upon compliance with the conditions; or

(4) Continue the hearing based on a need for further study or consideration of specific issues. If the issue is continued at the original hearing to a specific date, time, location, no new published notice is necessary for the continued hearing. No application may be continued more than 60 days from the original hearing before the Board or more than once without the applicant's consent.

4. *Duration of Approval.* Any variance granted by the Board shall require that the variance be acted upon, whether through a building permit or other development application permit, within 180 days from the date of final approval. Any variance not acted on in this time shall lapse and no longer be valid. The Board may, upon written request, and for good cause, extend this period for an additional 185-day period.

5. *Limitation on Re-application.* Any Variance application denied by the Board may not be resubmitted for a period of 365 days unless the applicant can demonstrate to the Planning Division any of the following:

a. That a substantially different plan is proposed; or

b. The applicant prior to the previous application has discovered that new facts or other pertinent information that were not previously presented and were not reasonably capable of discovery.

CHAPTER 1114 NONCONFORMITIES

CHAPTER 1114 NONCONFORMITIES.....47
1114.01 INTENT.....47
1114.02 TYPES.....48
1114.03 RULES.....48
1114.04 NONCONFORMING STRUCTURES.....50
1114.05 NONCONFORMING USE.....50
1114.06 NONCONFORMING SITE CHARACTERISTICS.....51
1114.07 NONCONFORMING LOTS.....52
1114.08 MAINTENANCE OF NONCONFORMITIES.....53
1114.09 MANDATORY ELIMINATION OF NONCONFORMITIES.....53

TABLE 1114-5: EXAMPLE OF NON-CONFORMITY TYPES.....48
TABLE 1114-6: MANDATORY ELIMINATION OF NONCONFORMITIES.....53

1114.01 INTENT

This Code seeks to protect the public health, safety, and general welfare, and avoid any unreasonable invasion of established private property rights. The elimination of existing buildings and structures or uses that are not in conformance with the provisions of these regulations is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of these regulations. Lawful nonconformities can adversely affect purposes of this ordinance identified in Chapter 1111. To avoid undue hardship, nonconformities that came into existence lawfully should be allowed to exist subject to conditions in this section, however the conditions should seek to ultimately secure compliance with the General Plan and these regulations.

Therefore, the intent of this chapter is to provide for the continuation and in some cases elimination of characteristics of existing uses of property in the City that do not conform to the requirements of this Code or that may not conform to future amendments thereto. The provisions herein are intended to accomplish this in a way that:

A. Recognizes the rights of owners and users of properties rendered nonconforming by City action to upgrade development policies;

B. Allows a property owner to realize the benefits from the investment made in a nonconformity, while recognizing that the Nonconformity may confer an advantageous right not available to conforming properties;

C. Acknowledges that nonconformities differ in their impact on their surroundings and in the difficulty involved in eliminating them;

D. Fosters beneficial improvements to nonconforming properties and reductions in the degree of nonconformity they exhibit;

E. Appropriately controls adverse impacts when properties with nonconformities are expanded or otherwise significantly altered; and

F. Provides a mechanism for eventual removal of nonconformities judged to be nuisances.

G. Alleviates and gradually eliminate the undesirable consequences resulting from nonconformities.

H. Sets forth specific procedures and requirements controlling the continuation, expansion or alteration of nonconformities.

I. Encourage the improvement and maintenance of the property or buildings that may not comply with these regulations, but to ensure that the extent of nonconformities is not increased and direct future activities impacting nonconformities so that all property moves towards eventual compliance with these regulations to the extent practical.

1114.02 TYPES

A. Quantitative Nonconformities. Quantitative nonconformities involve failure to conform to quantitative development standards established in this Code, such as for sign area, dimensions of landscaped areas, or number of required trees. The degree of nonconformity can be expressed as a number. (See *Table 1114-5*)

B. Non-Quantitative Nonconformities. Non-quantitative nonconformities are nonconformities with verbal Code requirements that cannot be expressed as a number, such as prohibited sign types, illumination, or landscaping maintenance. Use nonconformities are a common type of Non-Quantitative nonconformity. (*See Table 1114-5*)

***Table 1114-5*: Example of Non-conformity Types**

Example of Non-conformity Types	
Non-Quantitative	**Quantitative**
▪ Display of a prohibited sign types ▪ Encroachment on Vision Clearance Triangle ▪ Sign obstructing a code-required window ▪ Illuminated sign at a single-family dwelling ▪ Two electronic message centers on one lot	▪ Sign area exceeding maximum allowed ▪ Projecting sign exceeding projection allowed ▪ Fewer shrubs than landscaping rules require ▪ Screening opacity less than required ▪ Sign over sidewalk with insufficient clearance

1114.03 RULES

A. Small Nonconformities Exempt. The size of Quantitative Nonconformity shall be the absolute value of the difference between a current quantitative Code requirement and the corresponding quantity currently lawfully exhibited by a use or structure. A size that is 10 percent or less of the Code requirement shall not be regulated as a nonconformity.

B. Continuation and Elimination. Nonconformities are lawful and may continue without time limitation except as provided by *Table 1114-6.* Nonconformities exhibited by Temporary Uses may continue until expiration of the Temporary Use Permit.

C. Non-Conforming Use Certificate Required. A Non-Conforming Use Certificate may be issued for the continuation of all Nonconformities if requested by the property owner.

D. Enlargement of Nonconformity. No greater degree or additional instance of nonconformity shall result from any action taken under *Table 1114-6* than existed before such action, except as is authorized by that Table or under Subsection H., Relief.

E. Case-by-Case Decisions. Decisions by the Board of Zoning Appeals under *Table 1114-6* shall conform to the procedures established for the Board in *Chapter 1112* and in *1114.06 B*. If a permanent sign or structure to be replaced has been removed, other than by natural forces, casualties, or to avoid immediate danger to public health or safety or prior to any such decision, total elimination of all nonconformities shall be required in the replacement.

F. Maintenance of Nonconforming Properties. The owner shall maintain the appearance and safety of properties with Nonconformities thereof at all times in accordance with City property maintenance regulations. Nonconforming signs shall comply with the maintenance requirements of *1146.05 F*. Nonconformities that the Planning Director determines to create unsafe conditions shall be repaired or removed within 60 days of his or her order to do so. If such action is not taken, the Director may have such removal or repair accomplished at the property owner's expense.

G. Exempted Nonconformities. Exempted nonconformities are any Nonconformities resulting solely from changes in the locations of streets, structures, or uses that were beyond the control of the owner of the property with the nonconformity. Examples are a nonconforming yard resulting from a street widening or a setback or spacing Nonconformity resulting from relocation of a structure on an abutting lot in different ownership. Exempted nonconformities are not required to be eliminated or reduced. Elimination or reduction of all other nonconformities is as required by *Table 1114-6*.

H. Relief.

1. *Sign Area*. While reductions in sign area may be required under provisions of this chapter, increases in sign area may be realized on nonconforming properties through voluntary use of the incentive provisions of Table 1146-30.

2. *Variances for Other Nonconformities*. Where hardship or practical difficulty prevents full or partial elimination of a nonconformity other than on a sign, the Board of Zoning Appeals may approve a Variance to this requirement under procedures established in Section *1113.16*. A variance may be approved only to the extent that the Board of Zoning Appeals finds that relief under Section *1114.03H (2)* above is inapplicable or insufficient to grant warranted relief.

I. Amortization of Nuisances.

1. *Authorization.* Certain Nonconformities may constitute nuisances depending on their nature, degree of nonconformity, and location. City Council may make a finding of fact that particular kinds or degrees of nonconformities in specified situations constitute nuisances. City Council may amend *Section 1114.03 I (3)* to include such nonconformities and thereby subject them to *Table 1114-6*.

2. *Amortization Period*. City Council shall establish an appropriate amortization period for each class of nuisance that takes into account the factors in *Table 1114-6*. Such period shall begin upon the date of effect of the declaration of the nuisance.

3. *Declared Nuisances*. The following nonconformities are hereby declared to be nuisances and shall be removed by the end of the corresponding amortization period.

a. *Screens*. A nonconformity with the requirement of *Table 1145-25* in *Chapter 1145*, for a screen shall be amortized over 36 months (August 1, 2008) except for the requirement in note [c] thereof for masonry construction.

b. *Signs.* A Nonconformity of any non-surface sign exceeding the maximum height for a sign established in *1146.05B* and any non-surface sign exceeding the maximum sign area for a non-conforming sign under *1146.05A* shall be amortized in MU-1, MU-2 and MU-6 Districts over 60 months (August 1, 2010).

c. *Beekeeping*. A Nonconformity with the requirements in *1133.04A 6 [b]* for the allowed number of bee hives per Lot Type shall be amortized over 36 months from September 1, 2016.

1114.04 NONCONFORMING STRUCTURES

Structures that were legally constructed prior to the adoption of this ordinance, but which could not be constructed under the terms of this ordinance are considered nonconforming structures. A nonconforming structure may continue to exist subject to the following:

A. No alteration shall be made that would increase the nonconformance of the structure either in degree of nonconformance or in portion of the structure that is nonconforming.

B. If fifty percent or more of the total floor area of a nonconforming structure is destroyed by any cause, or if the cost to restore damaged areas exceed fifty percent of the fair market value of the structure, the right to maintain and operate the nonconforming structure shall terminate immediately.

C. If a nonconforming structure becomes obsolete or substandard, as determined by any applicable provisions of the Codified Ordinances of the City of Cuyahoga Falls, and the cost of bringing the nonconforming structure into conformance with such Ordinances exceeds fifty percent of the fair market value of the structure, then the right to maintain and operate the nonconforming structure shall terminate immediately.

1114.05 NONCONFORMING USE

Use of land or structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a nonconforming use. A nonconforming use of land or structures may continue to exist subject to the following:

A. The use shall be restricted to the lot and building occupied by the use as of the effective date of the regulation creating the nonconformance. A nonconforming use shall not be extended to any other building or lot or part of a lot.

B. A nonconforming use that ceases for any reason shall be treated as follows:

1. *Inactive uses.* Nonconforming uses shall be classified as inactive where the occupant of the land or building has ceased operation, but the owner is actively seeking a tenant for use of the land or building in the same manner as the previous tenant. Evidence of seeking a tenant includes solicitation and showing the site to potential tenants, maintaining utilities and other site facilities for anticipated reuse. Simply listing the property as available real estate is not sufficient to avoid a determination that the nonconforming use has been abandoned. Nonconforming uses that cease for a period of more than 1 year shall not be reinitiated.

2. *Abandoned uses.* Nonconforming uses shall be classified as abandoned where the occupant of the land or building has ceased operation and the owner has not actively seeking a tenant or is seeking a tenant for a conforming use of the land. Evidence on not seeking a tenant includes failure to maintain the property or any facilities and utility connections and failure to show the site to potential tenants. Simply listing the property as available real estate is not sufficient to avoid a determination that the non-conforming use has been abandoned. Nonconforming uses that cease for a period of more than 180 days shall not be reinitiated.

C. Interior remodeling of a structure in which a nonconforming use is located in order to support continuation of a nonconforming use, whether the structure is conforming or nonconforming, shall not exceed ten percent of the fair market value of the building. Remodeling shall occur in accordance

with plans approved by the Building Department and the burden of proof of value is on the owner and shall include only cost of the structure exclusive of land and other costs.

D. If fifty percent or more of the total floor area of a structure used for a nonconforming use is destroyed by any cause, or if the cost to restore damaged areas exceed fifty percent of the fair market value of the structure, the right to maintain and operate the nonconforming use shall terminate immediately.

E. If a structure used for a nonconforming use becomes obsolete or substandard, as determined by any applicable provisions of the Codified Ordinances of the City of Cuyahoga Falls, and the cost of bringing the nonconforming structure into conformance with such Ordinances exceeds fifty percent of the fair market value of the structure, exclusive of land and other costs, then the right to maintain and operate the nonconforming use in the structure shall terminate immediately.

1114.06 NONCONFORMING SITE CHARACTERISTICS

Any site characteristic of a use (such as parking, driveways, or other non-structural site characteristic), whether of a use conforming to this ordinance or of a nonconforming use, in existence prior to adoption of these regulations but not in compliance with these regulations is considered a nonconforming site characteristic. Nonconforming site characteristics involving the standards in *Chapter 1145 Landscape Design* and *Chapter 1146 Sign Design* shall be considered according to *Chapter 1114 Nonconformities*. All other nonconforming site characteristic may continue to exist subject to the following:

A. Any change in use, expansion of the use, or expansion of the structure associated with the use shall terminate the legal status of the nonconforming site characteristic.

B. In any instance where a site plan is required for the development activity, an exception to the requirement of Subsection A may be granted by the review body charged with reviewing the plan if:

1. The change of the use or structure is to convert a non-conforming use or structure to a conforming use or structure;

2. It is determined that the continuation of the non-conforming site characteristic is the minimum necessary to allow the conversion of the non-conforming use or structure to a conforming use or structure; and

3. It is determined that the conversion of use or structure along with the proposed continuation of the non-conforming site characteristic will reduce the adverse impact on adjacent property that occurred under previously existing conditions. This determination shall be based on the following factors that are applicable to a particular case:

a. *Effect on Nonconformity.* The extent to which the requested action will reduce or increase the extent of overall nonconformity and make the property more nearly conforming or more non-conforming.

b. *Effect on Incompatibility.* The extent to which the action will otherwise reduce or increase incompatibility with the property's surroundings, including the existing conditions, the future anticipated conditions based on the General Plan, and the design goals indicated in Title 4.

c. *Prevalence of Nonconformity.* The degree to which the Nonconformity is prevalent among surrounding properties and the extent to which requiring its elimination might make the property less rather than more compatible with its surroundings.

d. *Perceptible Adverse Effects*. The degree to which the Nonconformity is noticeable to the public and produces significant adverse effects on the environment of the area, particularly and adverse effect on the design goals in Title 4.

e. *Effect on Useful Life.* The extent to which the requested action will tend to significantly prolong or reduce the useful physical or economic life of the Nonconformity beyond the reasonable investment horizon in the nonconforming site element, or otherwise delay or accelerate its eventual elimination.

f. *Investment in Nonconformity*. The amount of investment in the Nonconformity, the normal useful life of the nonconforming site element, and the amount of benefit already realized from the investment.

g. *Legal Obligations.* The existence of leases or other legal obligations governing the continuation of the Nonconformity and the existence of contingency provisions permitting termination of such obligations.

h. *Physical Feasibility*. The feasibility of eliminating the Nonconformity without relocation of sound major structures or acquisition of additional land.

i. *Financial Feasibility*. The feasibility of eliminating the Nonconformity without expense disproportionate to the cost of the proposed action.

j. *Parking*. The impact of the action on the need for off-street parking and the degree to which it is possible to eliminate any parking Nonconformity, considering all parking alternatives identified in *Chapter 1134*.

k. *Conformity With Plan.* The extent to which the requested action is supported by the adopted General Plan despite present zoning that may not support it.

l. *Hardship*. The degree to which requiring elimination of the Nonconformity in conjunction with the requested action would impose undue hardship upon the property owner or user because of the inability of the property to be reasonably used without the Nonconformity.

1114.07 NONCONFORMING LOTS

Any lot, tract or parcel of land with an area or width that does not conform to the requirements of the zoning district in which it is located, including area, width, depth, frontage, or improvements, and where (1) the lot was legally recorded as of the effective date of these regulations, or (2) the lot was issued a valid building permit under previously existing regulations, is a nonconforming lot. A nonconforming lot may continue to exist subject to the following:

A. It shall be used in conformity with all other applicable regulations, despite the nonconformities of the lot.

B. If, by virtue of the application and all other regulations, the lot is unbuildable, it shall be buildable for the purpose of a single-family dwelling despite the non-conformances of the lot.

C. Nothing in these regulations shall be construed to reduce the buildable width under any prior zoning regulations, except that lots within 15% of the average lot width of surrounding built lots within 200 feet of the subject lot shall be buildable for the purpose of a single-family dwelling regardless of any prior lot width requirements.

1114.08 MAINTENANCE OF NONCONFORMITIES

In the interest of public safety and health, nonconforming situations shall be maintained as required by law, provided that maintenance shall not result in expansion of the nonconformity.

1114.09 MANDATORY ELIMINATION OF NONCONFORMITIES

Table 1114-6 lists the mandatory elimination of nonconformities.

***Table 1114-6*: Mandatory Elimination of Nonconformities**

Mandatory Elimination of Nonconformities				
	Action	Non-Quantitative [a]	Quantitative	
			On signs [b]	All other [a]
A. Expansion	1. Of use of open land	--	--	--
	a. Minor	0%	0%	0%
	b. All other	100%	0%	100%
	2. Within a structure	BZA	0%	BZA
B. Addition Enlargement to Building	1. Small	0%	0%	0%
	2. All other	BZA	0%	BZA
C. Use of Land	1. Change of Use	100%	100%	BZA
	2. Resumption of Discontinued Use	100%	100%	BZA
	3. Moving of Use / Structure	100%	100%	100%
D. Reconstruction or Replacement	1. Minor Reconstruction	0%	0%	0%
	2. Major reconstruction -	--	--	--
	a. or signs	100%	100%	100%
	b. all other	BZA	100%	BZA
E. Repairs / Maintenance	1. With structural alteration	See (D)	See (D)	See (D)
	2. Without structural alteration	0%	0%	0%
	3. Government-mandated:	--	--	--
	a. Minor	0%	0%	0%
	b. Major	See D(2)	See D(2)	See D(2)
F. Other	1.Development of nonconforming vacant lot	N/A	N/A	BZA
	2. Change of occupancy	0%	100%	0%
	3.Expiration of amortization period	100%	100%	100%
	4. Change of franchise	0%	100%	0%

	5. Change of logo on a sign	0%	100%	0%
	6. Government-created or other exempted non-conformities	See 1115.03.G.		
	7. No action, or any action not listed	0%	0%	0%

Notes for Table 1114-6

This table applies only to permanent Principal and Accessory Uses and excludes Temporary Uses. See 1114.03.G. for Exempted Nonconformities.

[a] Quantitative and Non-Quantitative Nonconformities - See Section 1114.02.

[b] Quantitative Nonconformities on Signs. Applies only to nonconformity with quantitative standards for signs, such as maximum area, height, or projection or minimum clearance.

Requirement for Elimination

100%: The applicable Nonconformity shall be eliminated in full if the specified action occurs.

0%: The applicable Nonconformity shall not be required to be eliminated or reduced at all if the specified action occurs.

BZA: The specified action shall not be taken unless Nonconformities are reduced or eliminated to the extent determined by action of the Board of Zoning Appeals. Such determination shall be made as provided under rules for the Board in Chapter 1113.16. Approval Criteria shall be as provided in Table 1114-6. The Board may require that:

1. The Nonconformity be fully removed, or

2. The Nonconformity be reduced in degree, or

3. No action need be taken.

As part of its determinations, the Board may establish such conditions, as it deems necessary to conform to applicable Approval Criteria.

No decision shall be made hereunder that would deny all reasonable economic use of the lot or building site.

ACTION ON PROPERTY (Notes do not refer to every item in table.)

A(1) Expansion of Use of Open Land: Extension of a Principal or Accessory Use not involving a building or only incidentally involving one as an Accessory Use--such as a parking lot or open sales lot--such extension going beyond the area occupied at the time the use became nonconforming. A minor expansion is an expansion of 20 percent or less above the area of the land previously occupied.

A(2) Expansion Within a Structure: Expansion into previously unoccupied space or creation of new space such as an additional floor without expanding the external dimensions of the structure.

B(1) Addition/Enlargement, Small, to Building: A one-time addition to or enlargement of a building of no more than 30 percent of existing gross floor area, as defined herein, or 500 square feet, whichever is greater,

if allowed by current regulations. All subsequent additions or enlargements of any magnitude on the same property shall be subject to item B2 of Table 1114-6.

B(2) Addition/Enlargement, All Other: A one-time addition to or enlargement of a building of over 30 percent of existing gross floor area or 500 square feet, whichever is greater.

C(1) Change of Use: A use changed either to a conforming use or to a different nonconforming use that is allowed in a more restrictive district, as defined herein.

C(2) Resumption of Discontinued Use: As authorized in Section 713.15 of the Ohio Revised Code, any resumption, expansion, or change in any use that was discontinued voluntarily and intentionally in the judgment of the Planning Director for a continuous period of 2 years or more. The following are not considered discontinued uses:

1. A temporarily closed seasonal use

2. A use temporarily closed for remodeling or reconstruction under an unexpired Building Permit issued within the preceding 12 months

3. A use temporarily closed because of governmental action, such as a street closure for construction that has impeded access to the use

4. A use such as a business that is closed while the use (as distinguished from the real estate) is in the process of being sold

5. A use closed pending the outcome of a legal proceeding

6. A use showing other indications satisfactory to the Planning Director of an intent to resume the use within a reasonable period.

C(3) Moving of Use/Structure: The relocating of a structure in whole or in part to any other location on the same or another lot other than for the purpose of making the location less nonconforming. The grade of the ground previously covered by a moved structure shall be restored to that of the rest of the lot.

D. Reconstruction or Replacement

(1) Minor Reconstruction: Repair, rebuilding, or replacement within any 12-month period of a permanent sign or structure with a cumulative value of 50 percent or less of current replacement value, based on figures approved by the Planning Director.

(2) Major Reconstruction: Any repair or rebuilding that does not qualify as Minor Reconstruction, including total replacement of a completely removed permanent sign or structure with another of the same type.

All Nonconformities shall be required to be eliminated if a Building Permit has not been secured within 1 year of the date of the damage or destruction, and construction has not been diligently prosecuted to completion.

E(3) Repairs/Maintenance, Government-Mandated: Any repair or rebuilding mandated by any authorized government agency or court to correct unsafe or unhealthy conditions or secure compliance with any court order, law, or regulation other than this Code. "Major" and "Minor" work shall be as defined in note (D).

F(1) Development of Nonconforming Vacant Lot: Development for a conforming use of any vacant nonconforming lot of record that has no substantial structure upon it, whether or not previously developed.

A "conforming use," as used herein, is a use that con-forms to current Code requirements in all respects except the nonconforming characteristic(s) of its lot, such as substandard lot area or lot width.

F(2) Change of Occupancy: The moving into a premises of a new occupant. A change in the name of or a change in a franchise held by or product(s) sold by an existing business occupant shall not be construed as a change in occupancy.

F(3) Expiration of Nuisance Amortization Period: As provided in 1114.03.(I).

F(4) Change of Franchise: The affiliation of an establishment, whether previously independent or part of a chain, with a chain of similar establishments, whether as a franchisee or company-owned facility, with which the establishment was not previously affiliated and which causes a change in any sign displayed on the premises thereof.

F(5) Change of Logo on Sign: The redesign, alternation, or replacement of a proprietary symbol, displayed on a sign, as also defined therein.

F(6) Any Action Not Listed: All actions not elsewhere listed in the first column.

CHAPTER 1115 DEFINITIONS

A

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

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

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

Advance, Payday or Title Loans: See Section 1131.03 H 13.

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

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

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

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

Amusement Arcade: See Electronic Game Centers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

recreational vehicles that are used primarily for personal needs. Vehicles for sale by owner are not included, if less than 3 vehicles are for sale at any one time.

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

B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

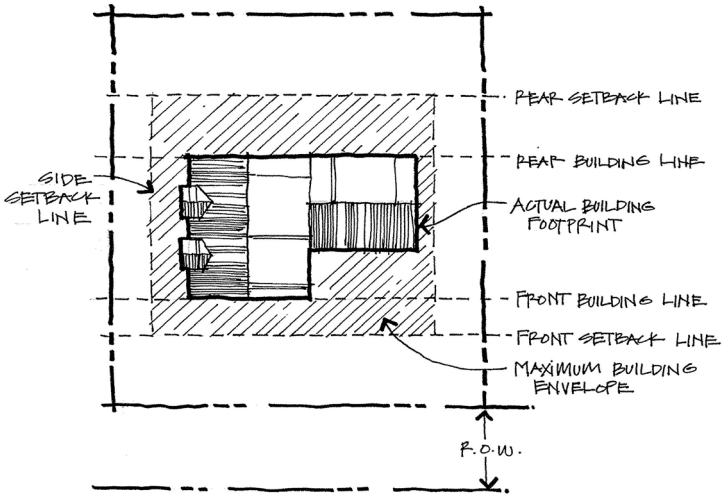
Building Envelope: The horizontal area of a lot enclosed by the front setback line or build-to line, side setback lines, and rear setback lines.

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

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

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

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.)



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.

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

- 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

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.

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

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.

C

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.

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

Car Wash: See Vehicle Washing/Detailing.

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.

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.

Child Day Care:

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

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

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

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

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

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

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

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

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

Conditional Use: Allowed subject to a conditional zoning certificate.

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

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

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

D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E

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

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

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 or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using.

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

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

F

Façade: The vertical exterior surface of a building.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **Minimum Requirements:** When a regulation is expressed in terms of a minimum requirement, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 40-foot strip, the resulting fraction of 1.33 shall be rounded up to 2 required trees.

2. **Maximum Amounts:** When a regulation is expressed in terms of a maximum amount, any fractional result shall be rounded down to the next lower whole number. For example, if a maximum of one dwelling unit for every 3,000 square feet is applied to an 8,000-square-foot site, the resulting fraction of 2.67 shall be rounded down to 2 dwelling units.

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

Frontage, Building: The linear length of:

- The wall of a building that contains the principal entrance to the building, excluding canopies and roof overhang and non-bearing decorative walls, or
- An individual unit of a multi-unit building such as a shopping center measured between the party wall centerlines.
- If the principal building entrance is at a building corner, the length of the longer adjacent wall shall be considered the building frontage.

G

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

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

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

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

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

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

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

H

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

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

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

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

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

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

I

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

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

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

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

J

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

K

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

L

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

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

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

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

Lodging, Hotels, Motels: A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. These uses include facilities available to the general public,

including without limitation meeting and dining facilities, provided these are an integral part of the hotel or motel operations.

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

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

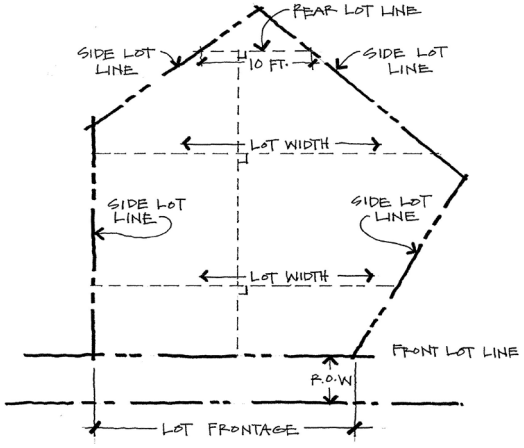
1. **Lot Area:** The area of a horizontal plane bounded by the vertical planes through front, rear and side lot lines.
2. **Lot line, front:** This is the lot line contiguous to the right-of-way line. On a corner lot, the front lot line is resumed to be the lot line along the street on which the lot has the least dimension. An exception may be made for a corner lot whose longer street-side lot line is clearly the primary street and where the orientation of the lot and buildings should face the street, based on the context and orientation of the surrounding lots.

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

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

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

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



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

- **Building coverage, or principal building coverage:** The percentage of the lot or other specified dimension covered by the principle building excluding the following:
  - Eaves or bays projecting less than three feet from a building;
  - Trellises and similar structures which do not have solid roofs; and
  - The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway.
- **Accessory building coverage:** The percentage of the lot or other specified dimension covered by an accessory building.
- **Total surface:** The portion of the lot covered by any structure or constructed element, which impedes infiltration of storm water into the ground or disrupts vegetated surfaces. For purposes of lot coverage standards, structures or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage.

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

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

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

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

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

M

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

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

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

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

Mortuaries, Funeral Homes: The provision of services including preparing human remains for burial, and arranging and managing funerals. *(Amended-Ordinance 63-2011)*

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

N

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

Net Floor Area: Floor Area Net.

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

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

Nonconformity: Any characteristic of a use, building, structure, sign, or lot or building site that was lawful under regulations in effect immediately prior to the effective date of the applicable current City regulation or of any applicable amendment thereto but that does not conform to all requirements of such

current regulation or amendment. A nonconformity is considered lawful and not a violation subject to the provisions of Chapter 1114. It shall be the responsibility of the owner of a property with a Nonconformity to provide proof satisfactory to the Planning Director that a departure from Code requirements is a legal Nonconformity and not a violation.

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

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

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

O

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

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

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

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

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

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

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

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

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

P

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

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

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

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

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

Payday Loans: See Section 1131.03 H(13).

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

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

Planning Commission: The Planning Commission of the City of Cuyahoga Falls, Ohio.

Planning Director: The Planning Director of the City of Cuyahoga Falls, Ohio.

Plat: A map representing a tract of land and the boundaries and locations for lots, rights-of-ways, utilities and other easements and access points. Plats are further defined in Sections 1113.01, 1113.02, 1113.03 and 1113.04.

Porch: A roofed, primarily unenclosed area providing access for persons from within or outside of the building, attached to or functionally related to the principal structure. When the porch is a "front porch," it is projecting from the primary façade of the building, unenclosed, and provides access to the primary entrance of the building.

Portico: A small enclosed and roofed bay projecting from the primary façade of the building and containing the primary entrance to the building

Premise: A lot, parcel, tract, or plot of land with contiguous boundaries grouped by a common ownership, use, operation, purpose or development theme.

Primary Structure: See Structure Main, Primary or Principal.

Primary Use: See Use, Primary.

Property Line: See Lot lines.

Proportion: The relationship of parts of a building or site to other parts or to the whole site, intended to create a balanced or organized appearance, through the application of consistent geometric applications or common ratios.

Q

Queuing area: A small area for moving vehicles to pull out of the flow of traffic to allow on-coming traffic to safely pass. Queuing areas can be any area where parking vehicles are limited either by restrictions or physical conditions. Examples my include bays where "no parking" signs are posted or driveway entrances to a street that prevent on-street parking.

R

Racetrack: A usually oval, specifically surfaced course on which motorized vehicles such as autos, or motorcycles or horse or dog racing. A racetrack can also be used for testing of equipment or for tournaments.

Reception Window: The space between the reflector of a dish antenna and the satellite or other extraterritorial object with which it is communicating.

Recreational Vehicle: When referring to parking or storage on a residential lot, a vehicle portable structure without a permanent foundation designed to be towed or driven and can also be used for living accommodations; or any vehicle used primarily for recreational purposes rather than personal transportation, such as a all-terrain vehicle (ATV), golf cart, or similar vehicle.

Recycling Units: Bins, boxes, or similar containers used for the collection of recyclable materials (e.g., aluminum, glass, plastic and paper).

Relief or Relief Mechanisms: In general the methods where the strict letter of the law of this code shall not be applied. This code generally provides for three types of relief:

- **Waiver:** A determination by the authorized city representative and based on applicable criteria, that a standard is not applicable to the particular situation, and no purpose, intent, or design goal in the code would be served by meeting the requirement.
- **Modification:** A determination by the authorized city representative and based on applicable criteria, that a standard is applicable to the particular situation, but that the collective purposes, intent, or design goals in the code would be better served by meeting the requirement in a manner different than that specified in the code.
- **Variance:** A determination by the Board based on applicable criteria that a standard should not be applied in a specific circumstance.

Rhythm: The reoccurrence or repetition of architectural elements and details or structural forms on a building used to create the proper scale and proportion of the mass. The rhythm may be measured by regular or uniform patterns, and is controlled by the context of the building and recurring items.

Right-of-way: A corridor of public property used for access to lots fronting along or abutting each side of the corridor. (Design elements that make up the design of the right-of-way are more specifically described in Title 2.)

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

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

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

S

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

Schools:

- **Public and private:** Includes elementary, middle, junior high, and high schools serving kindergarten through 12th-grade students, including denominational and sectarian, boarding schools, and military

academies. Preschools and child day-care are included under the definitions of "Child Day-Care Facilities."

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

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

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

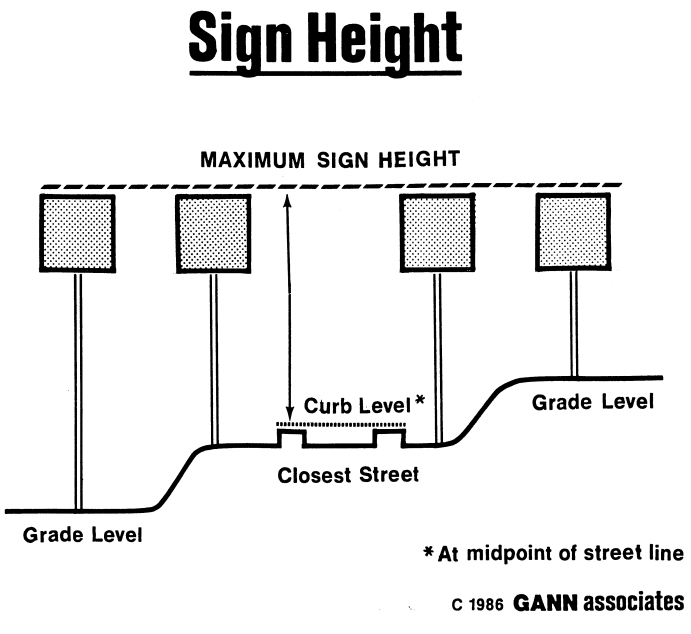
Self-Storage: A structure containing separate storage space that is designed to be leased or rented individually in an enclosed building. This use does not include outdoor storage or recreational vehicles, boats, personal watercraft, motorcycles, or trailers.

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

Service Station: See Vehicle Service Stations.

Sexually Oriented Businesses: See Chapter 1136.

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



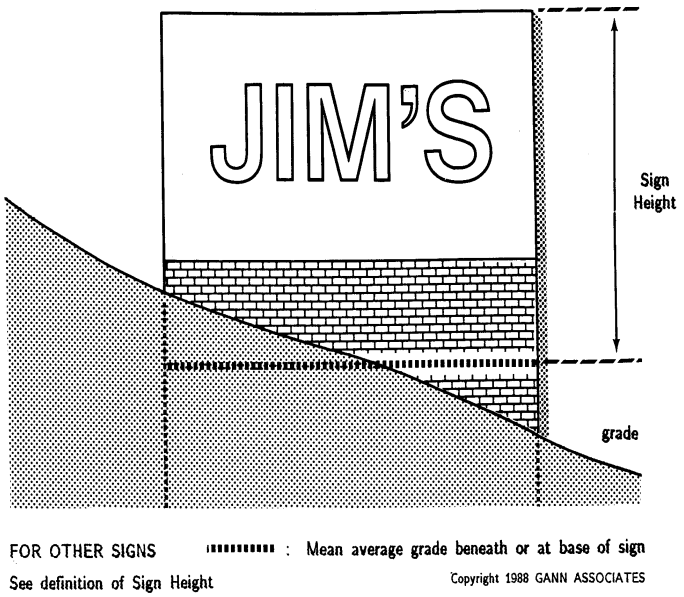
Sign Clearance: The smallest vertical distance to grade (or to the surface of the roof in the case of a sign mounted upon or over a roof) from the lowest edge of a sign extending over that grade or surface, including embellishments but excluding any pole or support structure attached to the ground or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

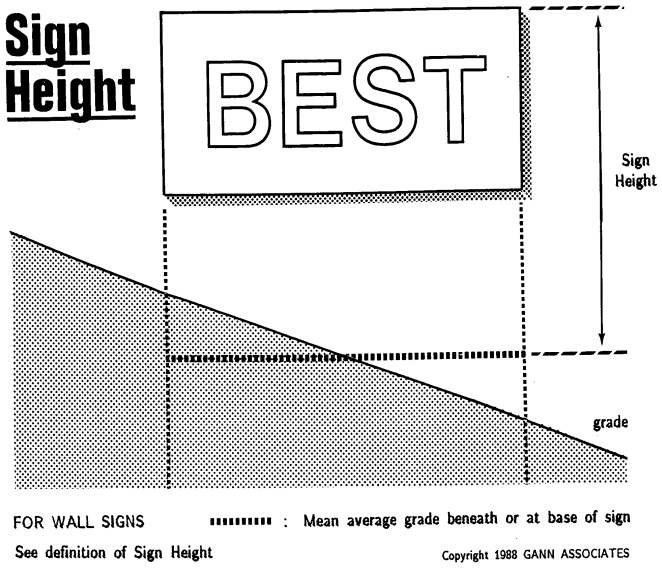
Sign Content: The advertising, informational, or other message directly conveyed by the characters and symbols used on a sign. Messages conveyed indirectly by the dimensions, media, colors, design, materials,

sign form, lighting, positioning, movement, or similar characteristics of a sign--such as emotional messages or psychological effects--are not considered content.

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

Sign Height: The vertical distance from the highest part of a sign, including support structures and embellishments, to the mean average grade of the land or, for roof signs, the level of the roof abutting the base of or directly below the sign. Except that where the curb level of the street from which the sign is intended to be viewed is higher than the specified grade of the land, the difference between the two shall not be counted in determining sign height. In the case of a sign intended to be viewed from more than one street, the mean average curb levels of the applicable streets shall be used.





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

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

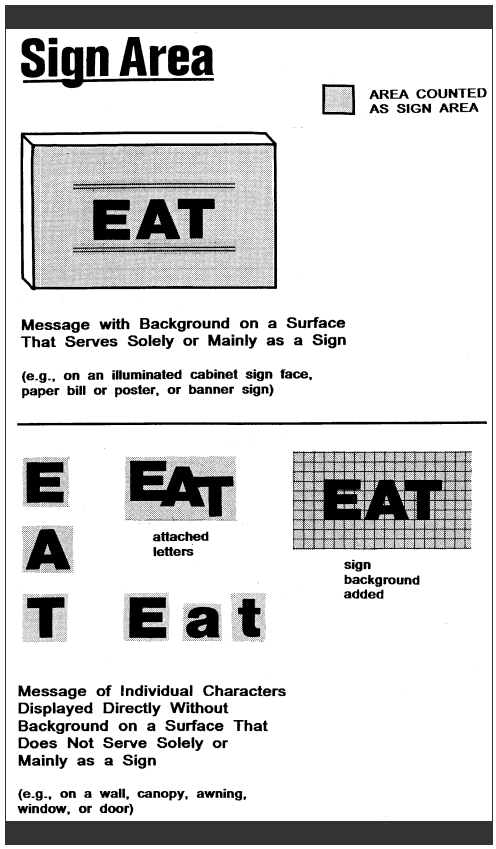
Sign, Air-Activated: A sign all or any part of which is designed to be moved by action of the air to attract attention, including signs with moveable colored disks but excluding flags, banners, or festoons.

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

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

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

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



1986 Gann Associates (Copyright)

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

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

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

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

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

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

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

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

Any sign or exterior display a private party is required to display by government order or regulation with a size or other characteristics regulated herein that do not exceed those required for compliance with such order or regulation. Such Government/Utility Signs include construction signs for government-assisted projects and signs required by legislation on access for the disabled, or

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

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

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

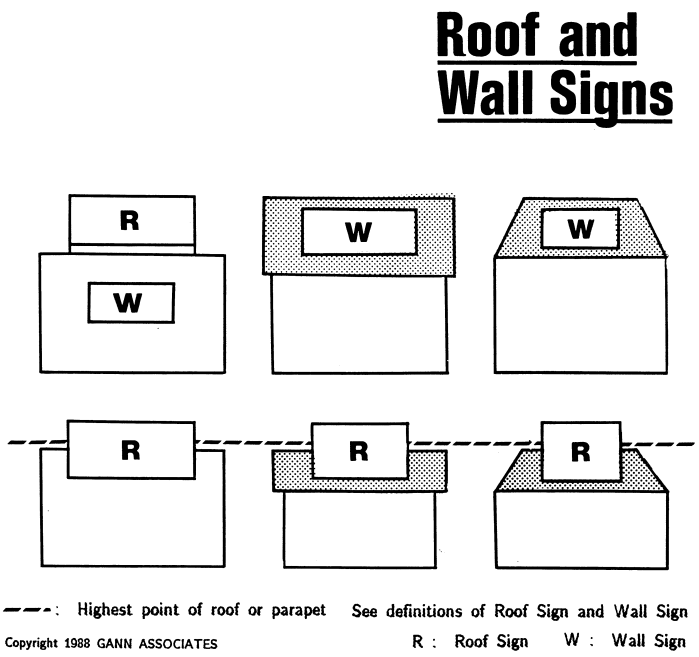
Sign, Moving: A sign other than a multi-prism sign that has one or more visible parts designed to move for the purpose of attracting attention.

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

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

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

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



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

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

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

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

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

- Trailer signs, as defined herein

- Lettering permanently painted on or attached to on aircraft, boats, or commercial vehicles, as defined herein, that are operating or parked during the normal course of business
- Signs on buses or taxicabs that are operating or parked during the normal course of business
- Signs on trailer-housed offices or displays on construction sites
- Signs on manufactured homes
- Bumper stickers
- Placards of 3 square feet or less placed in window of vehicles
- Signs being transported by a vehicle to an installation site
- A motor vehicle for hire or otherwise that is constantly moving on public streets displaying messages or advertising.

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

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

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

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

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

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

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

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

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

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

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

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

- Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream in the vicinity of the stream headwaters, channel bed, or channel banks;
- Flowing water not directly related to a storm event; or historical records of a local high groundwater table, such as well and stream gauge records.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainable Development Practices: Development that meets the needs of the present with out compromising the ability of future generations to meet its own needs, based on all reasonably anticipation or projection of those needs. Sustainable development recognizes the interdependence of environmental,

social, and economic systems and promotes equality and justice through empowering people to influence their community vision and strategy.

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

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

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

T

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

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

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

Transitional Street Network: A system for streets roughly based upon the functional classification of the street, but relying on the design of the entire streetscape area to allow design speeds and streetscape elements to better support planned and existing land uses. For example, a street may be an "arterial street" along its entire length, but a larger buffer area between the sidewalk and the street allows it to best support residential uses along the street. When adjacent land uses transition to commercial or mixed-uses, the same right-of-way width can provide on-street parking, expanded sidewalks, tree wells and an amenity zone to better support these land uses. The transitional street system makes it easier to support connectivity with the appropriate designs, and is more supportive of a nodal development pattern.

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

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

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

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

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

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

U

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

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

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

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

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

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

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

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

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

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

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

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

V

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

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

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

Vehicle Services:

- **Automobile Rental:** Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring vehicle lifts.

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

W

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

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

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

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

X

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

Y

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

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

Z

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

TITLE 2: LAND DIVISION & INFRASTRUCTURE

CHAPTER 1121 GENERAL REGULATIONS 83
1121.01 INTENT AND APPLICABILITY 83
1121.02 LAND DIVISION ELEMENTS 84
1121.03 WAIVERS 84
CHAPTER 1122 STREET NETWORK 86
1122.01 INTENT AND APPLICABILITY 86
1122.02 STREETSCAPE DESIGN ELEMENTS 89
1122.03 STREET STANDARDS 96
1122.04 STREET NAMES AND ADDRESSES 99
1122.05 INTERSECTION DESIGN 100
1122.06 TRAFFIC CALMING MEASURES 102
1122.07 TYPICAL STREETSCAPE CROSS-SECTIONS 104
CHAPTER 1123 BLOCKS AND LOTS 114
1123.01 INTENT AND APPLICABILITY 114
1123.02 BLOCKS TYPES 115
1123.03 BLOCK SIZES 116
1123.04 LOTS 119
CHAPTER 1124 INFRASTRUCTURE 122
1124.01 INTENT AND APPLICABILITY 122
1124.02 OPEN SPACE 122
1124.03 FLOOD PLAIN AND STORM WATER 123
1124.04 UTILITIES 131
1124.05 PUBLIC AND COMMUNITY FACILITIES 132
1124.06 OFF-SITE IMPROVEMENTS 133
CHAPTER 1125 STREAM CORRIDOR PROTECTION 135
1125.01 STREAM CORRIDOR PROTECTION – GENERALLY 135
1125.02 STREAM CORRIDOR PROTECTION 135
CHAPTER 1126 OPEN SPACE 139
1126.01 DESIGN GOALS 139
1126.02 TYPES OF OPEN SPACE 139
1126.03 OPEN SPACE REQUIREMENTS 142

TABLES

TABLE 1122-1 STREET DESIGN TYPES 87
TABLE 1122-2: FUNCTIONAL STREET CLASSIFICATIONS 88
TABLE 1122-3: FINISHED STREET ELEMENTS 91
TABLE 1122-4: PEDESTRIAN ZONE ELEMENTS 93
TABLE 1122-5: BOULEVARD TREATMENT ELEMENTS 94
TABLE 1122-6: STREETSCAPE EDGE TYPES 94
TABLE 1122-7: REQUIRED RIGHTS-OF-WAY WIDTHS 96
TABLE 1122-8: TRAVEL LANE WIDTHS 96
TABLE1122-9: NUMBER OF TRAVEL LANES 97
TABLE 1122-10: LIMITATIONS ON YIELD LANES 97
TABLE 1122-11: PEDESTRIAN FACILITY STANDARDS 98

TABLE 1122-12: CURB RADIUS 100
TABLE 1122-13: MAXIMUM CROSSWALK DISTANCES 100
TABLE 1122-14: CLEAR SIGHT DISTANCE 101
TABLE 1122-15: TRAFFIC CALMING DESIGNS 103
TABLE 1123-16: BLOCK TYPES 115
TABLE1123-17: BLOCK SIZES 116
TABLE 1123-18: CURB-CUT/ACCESS POINT SEPARATION 120
TABLE 1124-19: STORMWATER BEST MANAGEMENT PRACTICES 129
TABLE 1125-20: STREAM TYPES 135
TABLE 1125-21: BUFFER TYPES 136
TABLE 1125-22: REQUIRED BUFFER AREAS 136
TABLE 1125-23: WATER POLLUTION HAZARD SETBACKS 138
TABLE 1126-24: OPEN SPACE CATEGORIES AND TYPES 140
TABLE 1126-25: MINIMUM GENERAL OPEN SPACE REQUIREMENTS 142
TABLE 1126-26: REMNANT OPEN SPACE LIMITATIONS 143
TABLE 1126-27: OPEN SPACE LOCATIONS 143

CHAPTER 1121 GENERAL REGULATIONS

1121.01 INTENT AND APPLICABILITY 83
1121.02 LAND DIVISION ELEMENTS 84
1121.03 WAIVERS 84

1121.01 INTENT AND APPLICABILITY

A. Intent. Development of the city occurs in an incremental manner with various projects occurring at different scales, in different areas, and at different times. However, the Land Division & Infrastructure regulations necessarily view the city as a single element, and therefore do not treat individual subdivisions of land as a complete, self-contained project, but rather as segment of the entire community. As a result, these regulations have a more comprehensive perspective, both physically and temporally, than other regulations.

The intent of this Title 2: Land Division & Infrastructure is to:

1. Implement the General Plan and any other plan or program officially adopted under the guidance of the city.
2. Allow for development to be coordinated across areas and over time.
3. Create development patterns with a system of blocks and lots that are more resilient to long-term cycles of development and redevelopment within the City.
4. To prevent premature subdivisions that predetermine long-term development patterns or lack appropriate infrastructure, both of which may later require excessive expenditures of public funds to correct.
5. Establish standards for the connection of streets, pedestrian facilities, utilities and other systems both within individual subdivisions of land and between adjacent land areas.
6. Provide an orderly system of blocks and lots for efficient development and redevelopment in the City.
7. Create context-based options for street designs that support multiple users and multiple modes of transportation within the rights-of-way.
8. Implement a transitional street network through which the design of a single inter-connected street can transition along its length to better support adjacent land uses.
9. Integrate the use and design standards for private lots with the design standards for public rights-of-way or other public areas to create appropriate transitions between the public realm and the private realm.
10. Maintain a record-keeping system for the division, official recording, and conveyance of land that is in compliance with this Code.
11. Ensure that all development blocks and lots are served by necessary infrastructure services, including utilities, public safety, and community facilities, but recognize that necessary service levels may differ based on the context, character, and intensity of development.
12. Encourage more efficient development by analyzing surroundings and identifying off-site opportunities for infrastructure or facility systems that operate independent of lot and subdivision boundaries.

B. Applicability. The Title 2: Land Division & Infrastructure regulations establishes planning and design standards for infrastructure systems, which are part of new development projects or rehabilitation of existing infrastructure systems. The regulations provide the best opportunity for the original design of these improvements to meet citywide goals and to eventually be accepted by the City. The standards are applied through the platting process for divisions of land identified in Title 1.

C. Specifically, Title 2 applies to:

1. Divisions of land that require a minor plat, or preliminary or final plat according to Chapter 1113;
2. Developments according to Chapter 1132;
3. Any other land development that involves the design, development, alteration, or extension of any public infrastructure or facility, or otherwise impacts existing or planned extensions of public infrastructure or facilities under the General Plan document; and
4. Any infrastructure project or public facility within the jurisdictional boundaries of these regulations, according to the mandatory referral required by Section 1.9 of the City Charter. Under the mandatory referral, infrastructure or public facility projects under the sole planning and design control of the City may deviate from the standards in Title 2 whenever it serves the public health, safety, and welfare, and is consistent with the purposes and intent of these regulations.

1121.02 LAND DIVISION ELEMENTS

Subdivision planning and design involves creating lots for development and potential future sale to other owners. Title 2 is therefore coordinated with Title 3, Districts & Zones, and Title 4, Building & Site Design Regulations to ensure that developable lots are in conformance with these regulations. Additionally, to fulfill the intent of this Title, the Land Division & Infrastructure Design regulations must also ensure that each subdivision is coordinated with the existing conditions, current development, and planned and future development outside its boundaries. Therefore, subdivision design involves the following essential elements, each containing specific standards included as Chapters in this Title:

- Street Network;
- Blocks and Lots;
- Utilities;
- Open Space;
- Storm Water and Flood Control; and
- Other Public and Community Facilities

1121.03 WAIVERS

A. Standards. Waivers to the standards, guidelines, and regulations in Title 2, Land Division & Infrastructure regulations may be granted where the Planning Commission finds that the following conditions exist:

1. Each subdivision standard for which a waiver is requested shall be specifically identified on the preliminary plat application.

2. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.
3. The condition is beyond the control of the subdivider and shall not be due to the convenience or needs of a specific application or development proposal.
4. The requested waiver is the minimum deviation from the required standard necessary to relieve the hardship.
5. The requested waiver shall not alter or impact any specific standard contained in Title 3, Districts & Zones or Title 4, Building & Site Design.
6. The plat shall propose alternatives to required standards for which a waiver is requested with standards that equally or better meet the intent of this Title and the chapter in which the standard is found;
7. The requested waiver shall not compromise the intent or goals in any other standard of this Code, or the goals of long range planning documents, with respect to the proposed plat and with respect to any adjacent sites.
8. The waiver shall not have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development in adjacent areas, or the public.
9. The waiver is necessary to promote efficient development of the land and surrounding areas based on sound planning principles.

B. Conditions. In granting approval of a subdivision with a waiver, the Planning Commission may recommend and the City Council may require conditions to secure the objectives and interest of the City, and to enforce the intent of this Title and the intent and purpose of this Code.

CHAPTER 1122 STREET NETWORK

1122.01 INTENT AND APPLICABILITY 86
1122.02 STREETSCAPE DESIGN ELEMENTS 89
1122.03 STREET STANDARDS 96
1122.04 STREET NAMES AND ADDRESSES 99
1122.05 INTERSECTION DESIGN 100
1122.06 TRAFFIC CALMING MEASURES 102
1122.07 TYPICAL STREETSCAPE CROSS-SECTIONS 104

TABLE 1122-1 STREET DESIGN TYPES 87
TABLE 1122-2: FUNCTIONAL STREET CLASSIFICATIONS 88
TABLE 1122-3: FINISHED STREET ELEMENTS 91
TABLE 1122-4: PEDESTRIAN ZONE ELEMENTS 93
TABLE 1122-5: BOULEVARD TREATMENT ELEMENTS 94
TABLE 1122-6: STREETSCAPE EDGE TYPES 94
TABLE 1122-7: REQUIRED RIGHTS-OF-WAY WIDTHS 96
TABLE 1122-8: TRAVEL LANE WIDTHS 96
TABLE1122-9: NUMBER OF TRAVEL LANES 97
TABLE 1122-10: LIMITATIONS ON YIELD LANES 97
TABLE 1122-11: PEDESTRIAN FACILITY STANDARDS 98
TABLE 1122-12: CURB RADIUS 100
TABLE 1122-13: MAXIMUM CROSSWALK DISTANCES 100
TABLE 1122-14: CLEAR SIGHT DISTANCE 101
TABLE 1122-15: TRAFFIC CALMING DESIGNS 103

1122.01 INTENT AND APPLICABILITY

A. Intent. The specific intent of this Chapter is to:

1. Give priority to design of streets and entire rights-of-way as an important and substantial civic asset that shapes the public realm of the City.
2. Establish a framework to develop balanced street designs that accommodate all potential users of the street, so that the interests of a single mode of transportation do not unnecessarily compromise other modes of transportation.
3. Expand the types of streets developed in the City through a range of design treatments that can be applied to each functional street classification, and which may vary along the length of a single street classification based on context and land uses.
4. Plan streets within an orderly system of blocks and lots, with logical connections to existing, planned, or potential future streets, but allow a variety of street and block types.
5. Provide sufficient and safe access to lots through a variety of modes of transportation, including automobiles, bicycles, pedestrians, and potentially transit.

B. Applicability. Implementation of a transitional street network requires an analysis of the Context and Functional Classification of the street to determine the appropriate streetscape design. Therefore, each street shall have both a Design Type and a Functional Classification.

1. *Design Type*. Context of streets indicates the appropriate design and allocation of elements in the right-of-way. Context is determined by three primary factors:
   a. The Planning Area in which the street is located as indicated in the General Plan and in Chapter 1131 and as shown in the Planning Area Map in the Appendix;

b. The development pattern surrounding the street, including the streets relationship to an overall system of anticipated or planned pedestrian and vehicular connections; and

c. The planned or existing land uses adjacent to the street.

Table 1122-1: The table lists five street design types. These Design Types shall be applied within each of the functional street classifications, based on the applicability guidelines provided in the Table. The Design Types include:

- Rural;
- Standard;
- Pedestrian Enhanced;
- Boulevard; and
- Bicycle Route.

Table 1122-1 Street Design Types

STREET DESIGN TYPES		
	Characteristics	**Applicability**
Rural (R)	▪ Wider buffer area with rough and informal landscape ▪ Little or no on-street parking ▪ No curb and gutter ▪ Pedestrian facility on one side, or none at all. ▪ On major streets or designated pedestrian connections, the pedestrian facility is typically a more rustic path or trail. ▪ Contains a more rural or natural edge to the street with less refined landscape elements	▪ NH Planning Area, except mixed-use areas or mixed-density residential. ▪ Other very low-density areas ▪ Within or immediately adjacent to large natural open-space areas
Standard (S)	▪ Sidewalk on both sides of street with specified minimum width, unless densities allow waiver to apply ▪ Sidewalk separated from finished street with formal tree lawn. ▪ May involve occasional on-street parking although parking is typically "permitted" and not specifically designated with striped parking spots.	▪ Applies to most development situations that do not warrant any of the other specified street design types. ▪ May be allowed in rural areas.
Pedestrian Enhanced (PE)	▪ Wider sidewalks possibly expanded to the street edge anywhere on-street parking is designated. ▪ Tree-wells and landscape beds, with intermittent public seating, bicycle parking facilities, or other similar "street furniture" located in buffer/amenity zone. ▪ Greater separation of pedestrians from moving traffic provided by consistent on-street parking. ▪ Finished street designs slow down vehicle speeds in the through lanes to allow more safe pedestrian movements along and across the street.	▪ Any Mixed-use District, particularly around Center Blocks (see Chapter 1123). ▪ Any development pattern that is encouraging pedestrian activity and minimizing off-street parking with dedicated on-street parking. ▪ Other higher-density residential blocks.
Boulevard (BL)	▪ Vegetated median as focal point of the street; may involve pedestrian facilities and public art where median width allows ▪ May include adjacent frontage access lanes and access lane parking, where both high-speed/high-volume traffic and a pedestrian-oriented streetscape is desired. ▪ Pedestrian facilities may be either "Rural," "Standard," or "Pedestrian Enhanced" depending on the context.	▪ Any street designed to be a focal point for the community. ▪ Should occur along at least one entire block length, preferably more than four contiguous block lengths.
Bicycle Route (BR)	▪ "Dedicated" or "shared" bicycle lanes in the through vehicle lanes ▪ Alternatively, may involve separated bicycle facility where finished street designs or vehicle design speeds are not compatible with bicycle travel. ▪ May be added to any of the other design types where right-of-way permits or with additional right-of-way width	▪ Any area specifically designated as a bicycle route through a city plan. ▪ Areas where bicycle travel is expected or appropriate.

2. *Functional Classification.* Function of streets indicates the overall purpose of the street within the street network, but deals very little with the potential design of the entire streetscape area. *Table 1122-2, Functional Street Classifications,* identifies the basic Functional Street Classifications and describes the general applicability and location requirements for each street classification. This table should be used in conjunction with the Block and Lot standards in Chapter 1123 to determine the specific location, classification, and designs of streets and streetscape areas. The Functional Street Classifications include:
    - Throughway;
    - Arterial;
    - Collector;
    - Local;
    - Access;
    - Close; and
    - Internal Access Street

Table 1122-2: Functional Street Classifications

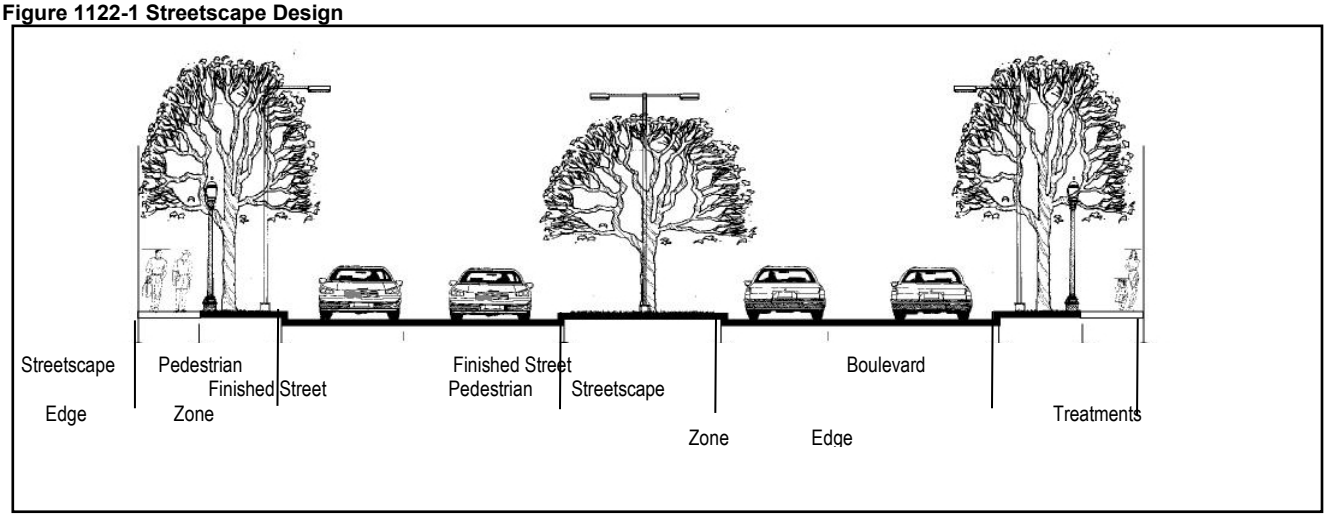
FUNCTIONAL STREET CLASSIFICATIONS		
	Characteristics	**Applicability**
THROUGHWAY	A street of considerable continuity designed to provide accessibility to other portions of a region or to other regions. Throughways are characterized by limited access, high design speeds, and few or no interruptions in traffic flow, and are designed primarily for automobiles.	▪ Locate only after special transportation and planning studies, identifying the need for and weighing the impact of high volume streets. ▪ Because of their design, throughways typically have little benefit to adjacent land uses and should be designed to include substantial buffers to mitigate negative impacts
ARTERIAL	A street of considerable continuity that provides direct and continuous connections to different areas within a region, but also provides connections for points along the route. Arterial streets are characterized by few interruptions, except at major community destinations or at topographical obstacles and important natural features, but are designed to accommodate multiple modes of travel.	▪ Arterial streets shall be located as follows: ▪ NH Planning Area – every 1 ½ to 3 miles ▪ BMF, SPT and CR Planning Areas – every ½ to 1¼ miles
COLLECTOR	A street of moderate continuity that provides direct and continuous access between adjacent neighborhoods or districts. Collector streets are occasionally interrupted or diverted by neighborhood destinations or natural barriers. Collector streets provide the most convenient routes for short trips to the daily destinations of residents, and therefore are characterized by lower vehicle speeds and prioritize pedestrian movements.	▪ Collector streets shall be located as follows: ▪ NH Planning Area – as needed, but never closer than every ½ mile apart. ▪ BMF, SPT and CR Planning Areas – every 1/4 to 5/8 mile
LOCAL	A street of limited continuity that provides access to abutting property over short distances. Local streets are interrupted frequently by neighborhood destinations, natural elements, or interruptions in the street grid (i.e. "T-intersections"). Local streets should have high connectivity to other local streets, collector streets, or arterial streets, but should be designed to discourage through traffic and encourages high pedestrian or bicycle use.	▪ Local streets shall be located as follows: ▪ NH Planning Area – as needed to serve platted lots ▪ BMF, SPT and CR Planning Areas – every 1/16 to 3/16 mile

FUNCTIONAL STREET CLASSIFICATIONS		
	Characteristics	**Applicability**
ACCESS	A street of little continuity designed solely for access to lots or interiors of blocks and not designed for through traffic. Access streets are typically located to the rear of lots or occasionally to the side of lots. Layouts and designs should accommodate minimal traffic, typically allowing for access of one vehicle at a time or very low design speeds when designed for simultaneous access or more than one vehicle.	▪ Access streets shall be located as needed to serve the vehicle access needs and design goals of lots. Specifically access streets should be used to provide: ▪ More discrete service access ▪ Continuous streetscape building frontages ▪ Small-lot residential development
CLOSE	A right-of-way that contains no direct motor vehicle access, but which forms a public space upon which lots and buildings front. Closes typically include well-designed landscape and pedestrian areas. Layouts utilizing a close should only provide very short linear connections between two streets that have motor vehicle access and be used in limited and unique physical circumstances.	▪ Only where lots have alternative vehicle access by way of a rear access lane. Designs of lots must clearly emphasize the lot line on the close as the primary frontage. ▪ The close shall connect to public right-of-way including streets at both ends and be no longer than 400 feet. ▪ Closes are most appropriate in residential settings, and are generally not appropriate for commercial uses due to no vehicle traffic and no on-street parking
INTERNAL ACCESS	Internal accesses are private streets used when the street network and block structure does not accommodate access to lots in large-scale development, such as campuses or other centers. Rather than simply provide driveways or drive aisles through parking lots, internal access streets should be designed to mimic the block structure and streetscape design standards of the public streets, including sidewalks, on-street parking, and tree lawns.	▪ Internal Access Streets shall be used on any development block larger than 7 acres used for non-residential uses ▪ Internal Access Streets should be located at roughly the same frequency for local and collector streets, and divide parcels into development blocks between 2 and 6 acres.

1122.02 STREETSCAPE DESIGN ELEMENTS

Streetscape design elements include the following four main categories (See Figure 1122-1.): Finished Street; Pedestrian Zone; Boulevard Treatments, and Streetscape Edge. Varying the design and application of each of the elements in these categories depends on the streets Design Type allows for implementation of the transitional street network and enables land uses to better relate to transportation designs.

Figure 1122-1 Streetscape Design



Streetscape Design consists of four main categories: Streetscape Edge, Pedestrian Zone, Finished Street, and optional Boulevard Treatments. Each category has a series of elements that can vary in design and application to make up the overall streetscape design.

A. Finished Street Elements. The Finished Street category of the Streetscape is the portion of the public right-of-way made up the paved street from curb to curb, or edge to edge where curb and gutter is not provided. The Finished Street includes the following design elements:

1. Vehicle Travel Lanes;
2. On-street Parking, where applicable;
3. Turn Lanes, where necessary;
4. On-street Bicycle Facilities, where applicable; and
5. Finished Street Edge.

Table 1122-3: Finished Street Elements identifies the different types, design characteristics, and applicability of each of these elements.

Table 1122-3: Finished Street Elements

FINISHED STREET ELEMENTS			
	Type	Characteristics	Applicability
VEHICLE TRAVEL LANES	THROUGH LANES	Lanes that are dedicated to clear, unobstructed movement of vehicles in a single direction. The quantity and size of through-lanes should be based upon the functional street classification, the desired speed and the anticipated quantity of traffic.	▪ See Section 1122.03, Street Standards
	YIELD LANE	A vehicle lane that provides unobstructed vehicle movement in only one direction but allows vehicle flows in both directions intermittently. Opposing vehicles must yield in queuing areas to allow opposing vehicles to pass. Queuing areas are created by curb cuts or other mid-block areas that effectively prohibit on-street parking and allow sufficient room for a vehicle to pause while the other vehicle passes.	▪ See Section 1122.03, Street Standards
	TURN LANES	Turn lanes occupy short distances approaching major intersections or at major entrance points, in order to allow turning vehicles to exit through lanes and not slow through-lane traffic. Because turn lanes accommodate decelerating traffic, and because they increase street widths and speeds of vehicles in through-lanes, they should be limited in length, width, and scope of application.	▪ Combine turn lanes with an intermittent vegetated median wherever possible. ▪ Prohibit on-street parking near intersections where turn lanes are necessary in order to accommodate turn lanes in the same finished street width and avoid adding unnecessary width to streets.
ON-STREET PARKING LANE	DEDICATED PARKING	The area of the finished street where parking is dedicated through striping of specific parking spaces. Dedicated on-street parking may be either parallel or angled, depending on the context.	▪ On-street parking lane widths shall be: ▪ 7' to 8', parallel ▪ 17' to 19', angled (60°) ▪ Angled parking should only used where designed speeds are 25 mph or less, typically at pedestrian-oriented mixed-use developments.
	PERMITTED PARKING	The area of the street where parking is permitted even though specific parking spaces are not specifically dedicated with on-street marking. Although in some cases, this may be angled parking, typically it is only for parallel parking.	
	LIMITED PARKING	The area of the street where parking may be allowed for only limited lengths of the street or during specified times of day. It is limited by posting of signs. During the limited hours or over the limited distances, this area of the street is used as a through-lane. Limited on-street parking may only be parallel.	▪ 9' to 10', parallel. Additional width allows lane to perform through lane functions at limited times. ▪ No angled parking permitted as "limited" parking
BICYCLE FACILITIES ON-STREET	DEDICATED BICYCLE LANE	Areas of the street immediately adjacent to vehicle travel lanes, but specifically designated for only bicycle use and separated from vehicular travel lanes. Dedicated bicycle lanes are usually indicated by any combination of a separating stripe colored or painted pavement, and periodic raised reflectors.	▪ 5' to 6' wide, each direction ▪ located immediately adjacent to outermost vehicle lanes. ▪ Preferred on identified bike routes with speeds above 35 mph.
	SHARED BICYCLE LANE	The outer most through vehicle lane used and designed for both vehicles and bicycles. Shared bicycle lanes are usually indicated with bicycle route or "share the road" signs and painted pavement markings.	▪ 4' added to outer most vehicle lane, but no more than 14' total lane width. ▪ Acceptable on identified bike routes with speeds below 35 mph
	COMBINED BICYCLE LANE	Area of the street where vehicular volumes are so light or design speeds are so low that bicycles and vehicles compatibly and safely share the same area.	▪ Acceptable on any portion of the street with design speeds of 25 mph or less. ▪ Often associated with streets with yield lanes or where angled parking is allowed.
FINISHED STREET EDGE	CURB AND GUTTER	A constructed concreted edge designed to rapidly convey street storm water runoff into the storm water system.	▪ Use in urban areas or high traffic streets where frequent on-street parking is expected.
	SWALE / DITCH	A shallow roadside depression in the grade designed to collect street storm water run-off and either infiltrate it into the groundwater or slowly convey it to the storm water system.	▪ Use in sub-urban or rural areas where on-street parking is either prohibited or only occasionally expected.
	SHOULDER	A small and either gradual or abrupt transition of the street from paved surface to permeable ground cover. Gradual transitions can include small gravel areas while abrupt transitions may require a special pavement-terminating feature such as a below-grade curb. The shoulder is designed to provide emergency vehicle stopping areas, and infiltrates street storm water runoff into the ground. Wider shoulders can occasionally accommodate bicycle travel.	▪ Only use in rural areas, or areas where curb and gutter is not provided. ▪ Shoulder widths shall be between 2' and 6'

Pedestrian Zone Elements. The Pedestrian Zone category is the portion of the public right-of-way that accommodates primarily pedestrian movement and buffers pedestrians and adjacent land uses from moving vehicles on the Finished Street. The Pedestrian Zone includes the following design elements:

6. *Pedestrian Facility*, providing dedicated areas for pedestrian travel along streets;
7. *Amenity/Buffer Area*, providing separation of pedestrians from moving vehicle lanes and providing a landscape amenity or occasionally street furniture along the street; and
8. *Off-street Bicycle Facilities (optional)*, providing dedicated or shared off-street bicycle facilities along bike routes where on-street facilities would be inappropriate or impractical.

Table 1122-4: Pedestrian Zone Elements identifies the different types, design characteristics, and applicability of each of these elements. (see page 90)

Table 1122-4: Pedestrian Zone Elements

PEDESTRIAN ZONE ELEMENTS			
	TYPE	CHARACTERISTICS	APPLICABILITY
PEDESTRIAN FACILITY	SIDEWALK	A paved pedestrian facility directly parallel to the street and providing direct connections at all street intersections, or at designated mid-block crossings.	▪ See Section 1122.03, Street Standards
	PATH OR TRAIL	A paved surface that is adjacent to the street but may meander in a manner that it is not always an equal distance from the street. A stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, may be approved by the City provided it is low maintenance and provides storm water benefits	▪ See Section 1122.03, Street Standards
	MULTI-PURPOSE TRAIL	A paved surface that follows the same general pattern as the street but may meander to accommodate natural features and provide the most desirable route for non-motorized travelers. The City may approve a stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, provided it is low maintenance and provides storm water benefits.	▪ See Section 1122.03, Street Standards
AMENITY/BUFFER AREA	RURAL BUFFER	An area of rough natural vegetation providing separation between the Finished Street and any Pedestrian Facility. Where a Pedestrian Facility is not provided, the Rural Buffer provides a direct transition to lots fronting on the street. (*See* Section 1122.03.D., Rural Streetscape Edge)	▪ 9' minimum ▪ Over 20' preferred, particularly on sides of streets where no pedestrian facility is provided.
	TREE LAWN	An area of formal manicured vegetation and street trees providing separation between the Finished Street and the Pedestrian Facility.	▪ 4' minimum ▪ Over 7' preferred
	EXPANDED SIDEWALK / AMENITY AREA	In cases where on-street parking is allowed the Amenity/Buffer Area can be used for expanded sidewalks, public seating and art, bicycle parking racks, occasional street-tree wells and landscape beds, or other amenities.	▪ Amenity/buffer area and sidewalk are combined into a single paved area to meet the necessary sidewalk widths. ▪ Tree wells shall be at least 4' wide in all directions.
OFF-STREET BICYCLE FACILITIES	DEDICATED	A paved area separated from both the finished street and the pedestrian facility, providing either one-way lanes for bicycles on each side of the street, or a two-way lane for bicycles on a single side of the street.	▪ 5' to 6' minimum, each lane ▪ ▪ Use only on high traffic bicycle routes where on-street facilities are not appropriate or are impractical.
	MULTI-PURPOSE FACILITY	A paved surface that follows the same pattern as the street but may meander to accommodate natural features and provide the most desirable route for non-motorized travelers. A stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, may be approved by the City provided it is low maintenance and provides storm water benefits	▪ See Section 1122.03, Street Standards

B. Boulevard Treatment. The Boulevard Treatment is an optional streetscape category that includes a landscape median as the focal point of the street, and may include additional streetscape elements. *Table 1122-5: Boulevard Treatment Elements* identifies the different types, design characteristics, and applicability of each of the Boulevard Treatment elements.

Table 1122-5: Boulevard Treatment Elements

BOULEVARD TREATMENT ELEMENTS		
Treatment	**Characteristics**	**Applicability**
MEDIAN	A wide strip separating opposing vehicle lanes consisting primarily of vegetative coverage and formal landscaping. Typically, the median is raised and separated from the road surface with a curb and gutter, although in rural or less-formal settings it may have a natural edge to perform better stormwater management.	▪ Median widths shall be: ▪ Arterial streets – at least 12' ▪ Collector streets – at least 10' ▪ Local streets – at least 8' ▪ Larger median widths are required in order for the median to count towards the minimum Open Space requirement. (See Title 4, Chapter 1145)
FRONTAGE ACCESS LANE	An optional boulevard element used only on high traffic areas, but where adjacent land uses are also developing in a pedestrian-oriented form. The Frontage Access Lane provides a one-way, pedestrian-oriented street, with frontages for adjacent land uses. Access points to the through vehicle lanes is limited to intersections or limited mid-block points.	▪ Access points to Through Lanes are limited to a few specific points on the block. ▪ Frontage Access Lane shall be 9' to 10' wide.
BUFFER STRIP	A buffer strip is only used on boulevards that employ the Frontage Access Lane. This lane separates the through vehicle lanes from the access lane. It is typically between 6' and 12' and includes vegetated landscaping in a formal pattern.	▪ 6' to 12' ▪ Shall be planted with vegetated cover and street trees.
PARKING	Parking is provided on one or both sides of the access lane so that off-street parking needs are eliminated or minimized, and buildings can front directly on the access lane for the entire block face. Parking along the access lane can be parallel or angled since speeds along the access lane will be slow by design.	Parking lanes on the Frontage Access Lane shall be: ▪ 7' to 8', parallel ▪ 17' to 19', angled (60°)

C. Streetscape Edge. The Streetscape Edge category is the private portion of the overall streetscape design. *Table 1122-6: Streetscape Edge Types* identifies the different types, design characteristics, and applicability of each type of Streetscape Edge.

Table 1122-6: Streetscape Edge Types

STREETSCAPE EDGE TYPES*			
	Type	**Characteristics**	**Applicability**
RURAL EDGE	**BERM**	A mound typically between 2' and 4' high, which is planted with landscape elements in irregular patterns. This is typically only appropriate in rural settings.	▪ Any area in the NH Planning Area where uses or site elements in the setback area should be screened from streets. ▪ Any area where uses or site elements in front of the building needs to be screened.
	NATURAL BUFFER	Areas of natural or planted dense vegetation that screens land uses that are setback from the roadway. Typically, the buffer area is anywhere from 20' to 50' wide, but can be wider depending on natural conditions. Buildings are usually setback more than 80' from the right-of-way.	▪ Any area in the NH, SPT, or BMF Planning Areas where existing conditions create a natural screen and where uses adjacent to the street should be screened.

	OPEN VISTA	Areas of no particular or specific edge treatment, where land uses may be remote from the roadside, and views from the streetscape area are of open, undeveloped, or natural areas.	▪ Any area in the NH Planning Area where conditions create open views. This edge treatment should be associated with either larger than required setbacks or areas designated as conservation areas or natural open space.
BUILDING SETBACK	**LAWN AND LANDSCAPE**	Buildings are setback anywhere from 20' to 80' from the right-of-way line depending on the zoning district. The setback area primarily consists of lawn or landscape beds. Vehicle surfaces in and through these areas are limited to driveways or access lanes.	▪ All Residential Neighborhood Districts. ▪ Any non-residential district or use that is not appropriate for street front buildings ▪ Civic uses
	LIMITED ON-SITE PARKING	Buildings are setback a limited distance from the right-of-way line, depending on the zoning district, to accommodate small amounts of front parking. Limitations may be placed on the size, quantity, location, and design of the parking in order to minimize the impact on the streetscape.	▪ Any non-residential area, particularly Mixed-Use Districts, where it is impractical for all necessary on-site parking to be located entirely to the side or behind buildings. ▪ *Note:* Limited on-site parking in the setback area should be accompanied by and Alternative Building Edge or a Berm or Natural Buffer to screen parking, depending on the context.
	OPEN ON-SITE PARKING	Buildings are setback far enough from the right-of-way line to accommodate all necessary parking. General parking lot size, landscape, and design standards for the zoning district minimize the impact of the parking on the streetscape.	▪ Standard Districts where location of necessary on-site parking behind or to the side of the building is not practical. ▪ *Note:* Open on-site parking in the setback area should be accompanied by and Alternative Building Edge or a Berm or Natural Buffer to screen parking, depending on the context.
STREET-FRONT BUILDING	**IMMEDIATE FRONTAGE**	Buildings set back 2' to 10' from the right-of-way line form the edge of the streetscape, often paved as additional sidewalk width. The front facade should have a highly "permeable" design with frequent doors and windows, and a variety of architectural details to create visual interest and stimulate activity along the public streetscape.	▪ Any Mixed-use District where the Pedestrian Enhanced streetscape designs is used. ▪ Residential Neighborhood Districts with densities greater than 16 dwelling units per acre and where a Pedestrian Enhanced streetscape design is used.
	LIMITED SETBACK	Buildings setback 10' to 20' from the right-of-way line, or where courtyards or plazas occupy portions of the immediate frontage area. Setback areas should include active spaces with frequent landscape and pedestrian amenities such as terraces, courtyards, or plazas. The front façade should have a highly "permeable" design with frequent doors and windows, and a variety of architectural details to create visual interest and stimulate activity along the public streetscape.	▪ Any Mixed-use District ▪ Any Standard District where the Pedestrian-Enhanced street design type is used. ▪ Residential districts with densities greater than 8 dwelling units per acre.
	ALTERNATIVE BUILDING EDGE	Any combination of a decorative wall, ornamental fence, or dense landscape element that provides a mostly continuous streetscape edge at the front building line on portions of the site where frontage of the building façade is not possible. The materials are selected to match adjacent buildings or match street furniture and design concepts in the public streetscape.	▪ Any district where Immediate Frontages or Limited Setbacks are used, but on portions of the site where the street-front façade is impractical. ▪ Any area where uses or site elements in front of the building need to be screened.

**Actual lot, building, and site design standards shall be based on Title 3, Zoning Regulations and Title 4, Design Regulations.*

1122.03 STREET STANDARDS

The following standards shall be used in assembling the streetscape elements into appropriate streetscape cross-sections.

A. Rights-of-way Widths. *Table 1122-7: Required Rights-of-way Widths* specifies the width for each functional street classification. Streetscape design elements shall be designed and allocated within these widths in a manner that best supports adjacent land uses, based on the guidelines in Section 1122.02, Streetscape Design and the Street Standards in this section.

Table 1122-7: Required Rights-of-Way Widths

REQUIRED RIGHTS-OF-WAY WIDTHS	
Functional Classification	WIDTH*
Arterial	80' to 100'
Collector	60' to 80'
Local	40' to 60'
Close	40' to 60'
Access	20' to 24'

*****Widths may be expanded to accommodate boulevard treatments, bicycle facilities, or expanded pedestrian zones.*

B. Travel Lane Widths. *Table 1122-8: Travel Lane Widths* specifies the travel width for each functional street classification. Lane widths best support adjacent land uses, based on the guidelines in Section 1122.02, Streetscape Design and the Street Standards in this section.

Table 1122-8: Travel Lane Widths

TRAVEL LANE WIDTHS		
THROUGH LANES	**Arterial streets**	▪ 11' – 12' ▪ 9' – 10' lanes may be used as a "slow lane" or limited parking lane on multi-lane arterials
	Collector Streets	▪ 10' – 11'
	Local Streets	▪ 9' – 10'
	Close Streets	▪ None
	Access Streets	▪ 8' to 10'
YIELD LANES	**Local Streets**	▪ 12' to 16', provided on-street parking is added as part of the finished street
	Access Streets	▪ 12' to 16'

** These widths shall be interpreted as the standard. Widths shall not be deviated from, either above or below the specific width without justification under the waiver provisions of this Title.*

C. Number of Travel Lanes. *Table 1122-9: Number of Travel Lanes*, indicates the typical number of travel lanes that should be provided for each functional street category, based on the streets Design Type in the Planning Areas. A different number of travel lanes may be required based on specific traffic conditions and land use conditions.

Table1122-9: Number of Travel Lanes

NUMBER OF TRAVEL LANES			
PLANNING AREA➢ FUNCTIONAL CATEGORY	**NH PLANNING AREA**	**BMF & SPT PLANNING AREAS**	**CR PLANNING AREA**
ARTERIAL	▪ 2 – 4 ▪ (if over 4 lanes, consider boulevard treatment)	▪ 2-6 ▪ (if over 4 lanes, consider boulevard treatment)	▪ 4-6 ▪ (if over 4 lanes, consider boulevard treatment)
COLLECTOR	▪ 2	▪ 2-4	▪ 2-4
LOCAL	▪ 2; or ▪ 1 yield lane	▪ 2; or ▪ 1 yield lane	▪ 2 ▪ 1 yield lane
ACCESS	▪ 1 yield	▪ 2; or ▪ 1 yield lane	▪ 2; or ▪ 1 yield lane

** Numbers indicate total travel lanes for the functional category, including both directions. All lanes are through travel lanes except where specified as "yield lane."*

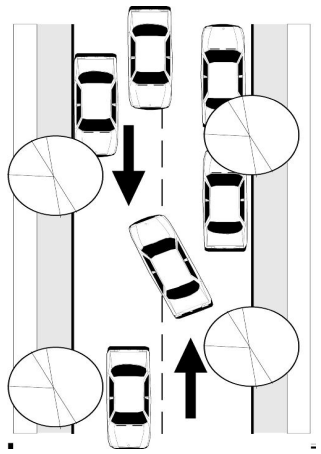
D. Limitations on Yield Lanes. Yield lanes are only appropriate on access streets or on local streets supporting only residential uses and meeting the characteristics in *Table 1122-10: Limitations on Yield Lanes*. *(See Figure 1122-2)*

Table 1122-10: Limitations on Yield Lanes

LIMITATIONS ON YIELD LANES		
Residential Density a)	**Length Limitation b)**	**Queuing Requirements**
LESS THAN 4 DU/AC	▪ Any street length may use a yield lane	▪ No specific queuing area required
OVER 4 BUT LESS THAN 8 DU/AC	▪ 660'	▪ Queuing areas at least every 100 feet
OVER 8 BUT LESS THAN 12 DU/AC	▪ 500'	▪ Queuing area at least every 150 feet
OVER 12 DU/AC	▪ 440'	▪ At least 1 mid-block queuing area

a.) DU/AC = dwelling units per acre.
b.) Length specifies maximum distance between intersections with other through streets, measured from the centerlines of the intersecting streets.

Figure 1122-2 Yield Lanes



Yield lanes allow two-way traffic intermittently when cars yield in queuing areas to let on-coming traffic pass.

E. Pedestrian Facility Requirements. Table 1122-11 represents the minimum requirements for all pedestrian facilities.

Table 1122-11: Pedestrian Facility Standards

PEDESTRIAN FACILITY STANDARDS*				
FUNCTIONAL CATEGORY ➢ LAND USE AND CONTEXT		ARTERIAL	COLLECTOR	LOCAL
RESIDENTIAL STREETS	**Less than 2 dwelling units per acre**	▪ 8' path, one side; or ▪ 12' multi-purpose trail, one side	▪ 8' path, one side	▪ None
	2 to 4 dwelling units per acre	▪ 5' sidewalk, both sides ▪ 8' path, one side; or ▪ 12' multi-purpose trail, one side	▪ 5' sidewalk, one side; or ▪ 8' path, one side	▪ 5' sidewalk, both sides ▪ 5' sidewalk, one side
	4 to 8 dwelling units per acre	▪ 6' sidewalk, both sides	▪ 5' sidewalk, both sides	▪ 5' sidewalk, both sides
	8 to 16 dwelling units per acre	▪ 8' sidewalk, both sides	▪ 8' sidewalk, both sides	▪ 6' sidewalk, both sides
	More than 16 dwelling units per acre.	▪ 10' sidewalk, both sides	▪ 8' sidewalk, both sides	▪ 8' sidewalk, both sides
NON-RESIDENTIAL OR MIXED-USE STREETS	**NH Planning Area**	▪ 8' path one side; or ▪ 12' multi-purpose trail, one side. ▪ 8' sidewalk may be required in high pedestrian areas.	▪ 8' path one side; or ▪ 12' multi-purpose trail, one side. ▪ 8' sidewalk may be required in high pedestrian areas.	▪ 8' path one side; or ▪ 12' multi-purpose trail, one side. ▪ 8' sidewalk may be required in high pedestrian areas.
	BMF & SPT Planning Areas	▪ 8' sidewalk, both sides ▪ 12' sidewalk may be required in high pedestrian areas. ▪	▪ 8' sidewalk, both sides	▪ 6' sidewalk, both sides
	CR Planning Area	▪ 8' sidewalk, both sides ▪ 12' sidewalk may be required in high pedestrian areas.	▪ 8' sidewalk, both sides	▪ 8' sidewalk, both sides

**Widths are the minimum widths required. Additional widths may be provided as necessary to accommodate anticipated pedestrian traffic and implement appropriate streetscape designs.*

F. Unconnected Streets. Unconnected streets, such as cul-de-sacs, dead-end streets, or stub streets with temporary turn-around facilities shall be allowed as provided in Chapter 1123, Blocks and Lots.

G. Private Street. Rights-of-way for all new streets and alleys shall be dedicated to the public except where the Planning Commission determines private streets or alleys to be desirable. Private streets and alleys shall conform to all regulations herein applicable to public streets. The developer shall maintain a street segment not yet conveyed to a public agency or homeowners association in passable condition once any premises along such segment become occupied.

1122.04 STREET NAMES AND ADDRESSES

A. Generally. The names and numbering of streets shall be established on a uniform system based on two points, a Meridian and a Base Line.
   1. *Meridian.* The Meridian shall divide the City into two parts as follows:
      a. The centerline of Bailey Road, south from the intersection of Graham and Bailey Roads to Tifft Street;
      b. The centerline of Tifft Street, south Garfield;
      c. Continuing south as if Tifft Street continued to the Center of the Cuyahoga River to the Old Portage-Tallmadge Township line; and
      d. Continuing on the Old Portage – Tallmadge Township line to the City limits.
   2. *Base Line*. The Base Line shall divide the City into two parts as follows:
      a. The Northampton –Portage Township line between the City limits on the west to the City limits on the east.

B. Numbering.
   1. The Meridian shall be number 0.
   2. East and west from the Meridian, the numbers shall increase roughly 100 numbers to the block.
   3. The Base Line shall be number 2100.
   4. North of the baseline the numbers shall increase roughly 100 numbers to the block.
   5. South of the Base Line the numbers shall decrease roughly 100 numbers to the block.

C. Names.
   1. *Prefixes.* All prefixes of "North," "East," "South," or "West" shall not be used but may be used as a suffix after street or avenue to designate a section of an intermittent or broken street or for other identification.
   2. *Suffixes.* Suffixes shall be given according to the following:
      a. "Avenue" – a street whose general direction runs east and west.
      b. "Street" – a street whose general direction runs north and south.
      c. "Road" – a diagonal street crossing the Meridian and Base Line.
      d. "Drive" – a winding street crossing the Meridian and Base Line, where permitted.
      e. "Boulevard" – a street designated for prominent civic infrastructure such as a landscaped median, enhanced public streetscape amenities, or other prominent civic focal point.
      f. "Place" – an extra numerically named street.
      g. "Court" – a street with a blind end, where permitted.
      h. "Close" or "Green" – a right-of-way closed to motor vehicles, where permitted.
      i. "Parkway" – a street crossing a park.
   3. *Names.* Names shall generally correspond to any similarly oriented and established street along the same Baseline or Meridian. Where no such street exists, a new name may be established.

1122.05 INTERSECTION DESIGN

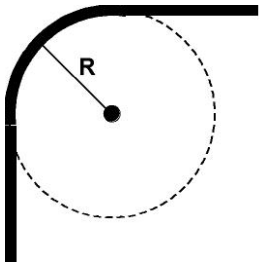
A. Street Intersections.
   1. Streets shall be laid out to intersect at right angles to the greatest extent practical.
   2. The intersections of two streets shall not be at an angle of less than sixty degrees.
   3. Intersections of three or more streets are prohibited, except that up to three streets may intersect if at least two of them are local streets.
   4. Where there is an off-set in the alignment of a street across an intersection, the offset in the alignment of the centerline shall either be less than 25 feet or more than 125 feet.

B. Curb Radii. The following *Table 1122-12: Curb Radius* establishes the minimum requirements for curb radii. In areas where large vehicles will make frequent turning movements, the Commission may require greater turning radius. *(See Figure 1122-3)*

Table 1122-12: Curb Radius

CURB RADIUS	
Intersection Type	**Maximum Curb Radius**
LOCAL / LOCAL	20’
LOCAL / COLLECTOR	25’
LOCAL / ARTERIAL	25’
COLLECTOR / COLLECTOR	30’
COLLECTOR / ARTERIAL	35’
ARTERIAL / ARTERIAL	50’

Figure 1122-3 Curb Radius



Measured as the radial distance at which the finished street edge tapers to the intersecting street, curb radii should be minimized to shorten pedestrian crossing distances and limit high-speed vehicle turns. Centerline turn radii, rather than curb radii, are most important for large vehicle turning movements, while increased curb radii often unnecessarily compromise pedestrian-oriented goals.

C. Sidewalk Intersections and Crosswalks. Crosswalks across the finished street surface shall be provided at all intersections where pedestrian facilities intersect involving a Collector Street or higher, and at any appropriate mid-block crossing.
   1. Crosswalks shall be differentiated from the finished street surface by any combination of textured or differentiated paving, paint, colored paving, or other alternative materials subject to approval of the Department of Public Services.
   2. Pedestrian crosswalks over street surfaces shall not exceed the distances specified in *Table 1122-13: Maximum Crosswalk Distances*.
   3. All sidewalks shall have a straight and direct approach to a wheelchair accessible ramp at all intersections. *(See Figure 1122-4)*

Table 1122-13: Maximum Crosswalk Distances

MAXIMUM CROSSWALK DISTANCES	
Street Functional Classification	**Maximum Distance ***
LOCAL	32’
COLLECTOR	50’
ARTERIAL	75’

**Distance measured from curb to curb at the centerline of the crosswalk.*

In instances where pedestrian crosswalks will exceed these maximum distances, traffic calming measures as indicated in Section 1122.15 shall be used to shorten crosswalk distances.

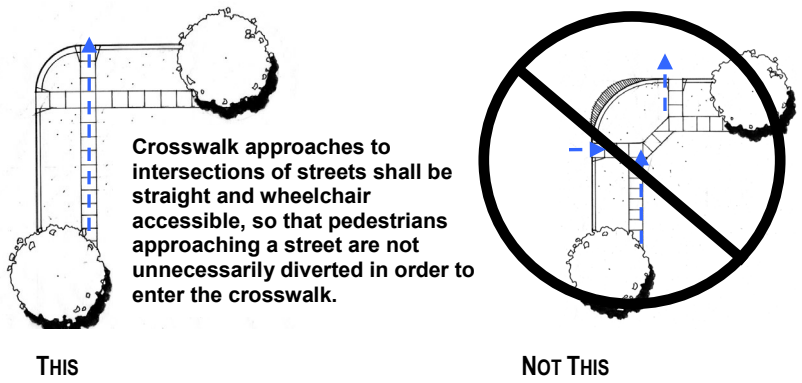


Figure 1122-4 Crosswalk Approach

D. Sight Lines. Proper lines of sight shall be maintained at all intersections.

1. *Limited-Controlled Intersections.* Traffic on lower class streets shall stop or yield at intersections with equal or higher-class streets. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersection street, specified in *Table 1122-14: Clear Sight Distance*.

Table 1122-14: Clear Sight Distance

CLEAR SIGHT DISTANCE	
Design Speed of Intersecting Street	**Intersection Sight Distance***
15 mph	105’
20 mph	125’
25 mph	150’
30 mph	200’
35 mph	225’-250’
40 mph	275’-325’
45 mph	325’-400’

**Measured along centerline of intersecting street – Distance is “Y” in associated figure 1122-5.*
SOURCE: AASHTO, Policy on Geometric Design of Highways and Streets (Washington, D.C., AASHTO, 1990)

2. *Sight Triangle.* No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 1122-14: Clear Sight Distance to the centerline of the intersecting street. (See Figure 1122-5)

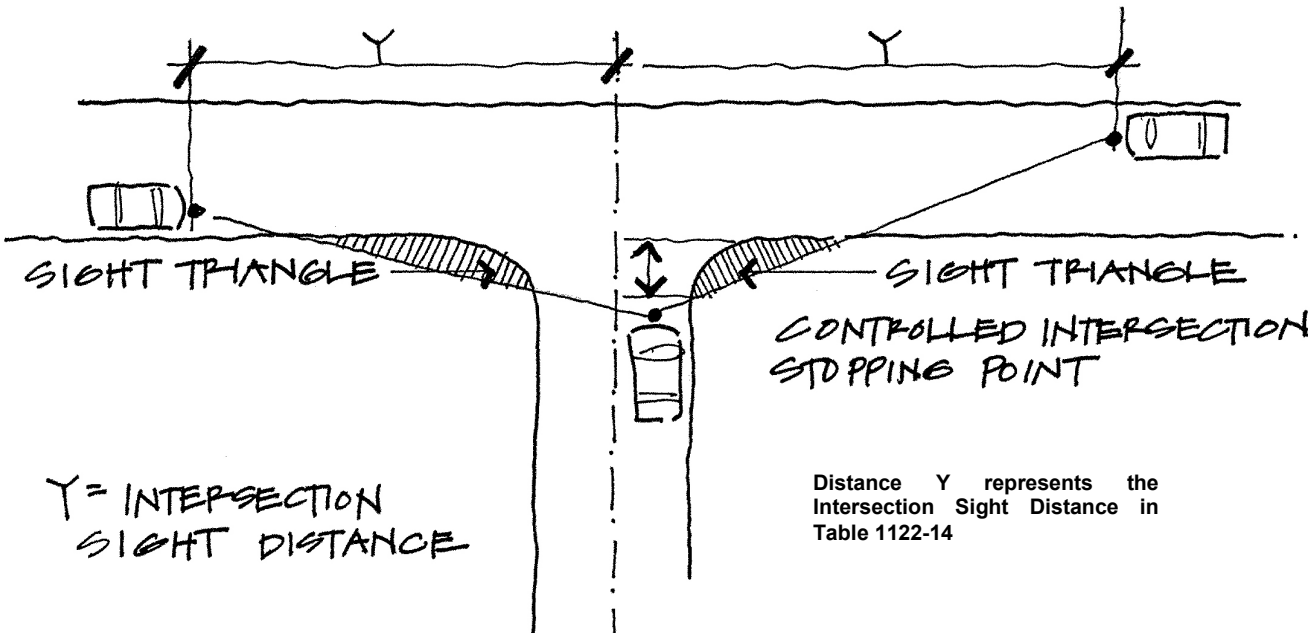


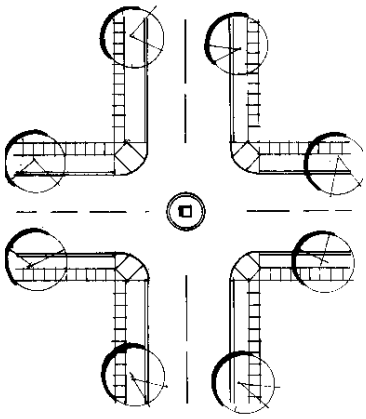
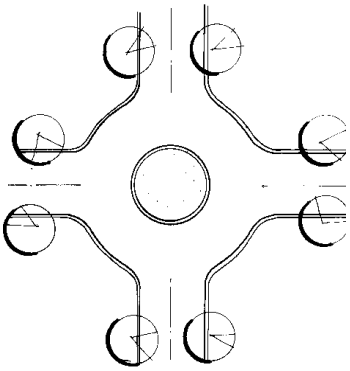
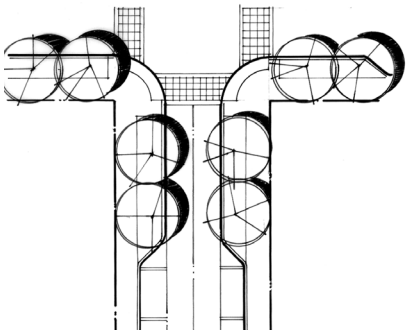
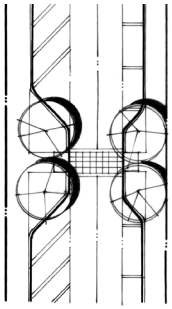
Figure 1122-5 Sight Distances on Limited Controlled Intersections

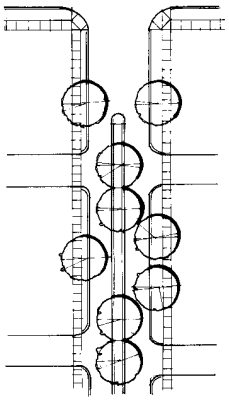
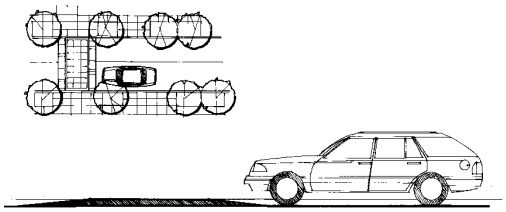
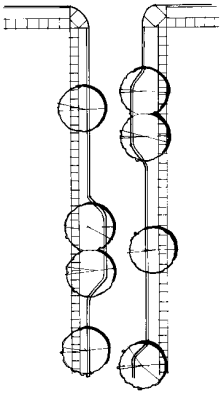
3. *Limited Obstructions.* Street trees are allowed within the sight triangle provided that they do not have any foliage, limbs, or other broad obstructions between 2 and 8 feet (vertical), and are no closer than 30 feet to the intersecting right-of-way line.
4. *Fully Controlled Intersections.* Fully controlled intersections, where signalization establishes and prioritizes safe turning movements, may deviate from the above sight triangle standards if site conditions warrant.

1122.06 TRAFFIC CALMING MEASURES

To maintain the function, desired speed, and appropriate streetscape and intersection designs specified in this Chapter, traffic calming measures shall be introduced into the street design whenever practical. Traffic calming measures are also required in new subdivision with maximum length blocks as specified in Table 1123-17. All traffic calming designs shall be based on sound engineering principles and are subject to approval by the City. A list and description of traffic calming designs is included in *Table 1122-15: Traffic Calming Designs.*

Table 1122-15: Traffic Calming Designs

TRAFFIC CALMING DESIGNS		
TRAFFIC CIRCLE	A circular raised island, centered in the intersection, around which traffic must negotiate turning movements. Traffic circles require no geometric changes to the intersection and merely alter the flow of traffic through the intersection.	
ROUNDABOUT	A circular raised island centered in the intersection, around, which traffic flows. Unlike traffic circles, roundabouts require geometric alterations to the intersection and are used on higher-volume streets to allocate rights-of-way among competing movements.	
"BULB-OUT," CURB PROJECTIONS, OR NECK DOWNS	Curb extensions placed at mid-block locations or at intersections, which narrow the street to provide "visible friction" for vehicles and shorter crossing distances for pedestrians. These are often used in conjunction with on-street parking to help define parking areas from vehicle travel lanes.	 *CURB "BULB-OUT" AT INTERSECTION*  *CURB "NECK DOWN" AT MID-BLOCK*

TRAFFIC CALMING DESIGNS		
PEDESTRIAN REFUGE MEDIANS	Raised islands located along the centerline of the street to provide "visible friction" for vehicles, to block certain turning movements of vehicles, and to provide refuge for pedestrians crossing the street	
SPEED TABLE	A flat-topped speed hump with at least 5' to 10' of level surface, that provides less abrupt bumps. These are typically brick or other textured material and used in conjunction with mid-block crosswalks.	
CHICANE, CHOKER, OR DIVERTER	Curb extensions on one or both sides of the street that cause S-shaped traffic movements, create "visual friction" for vehicles, or force specific turning movements.	

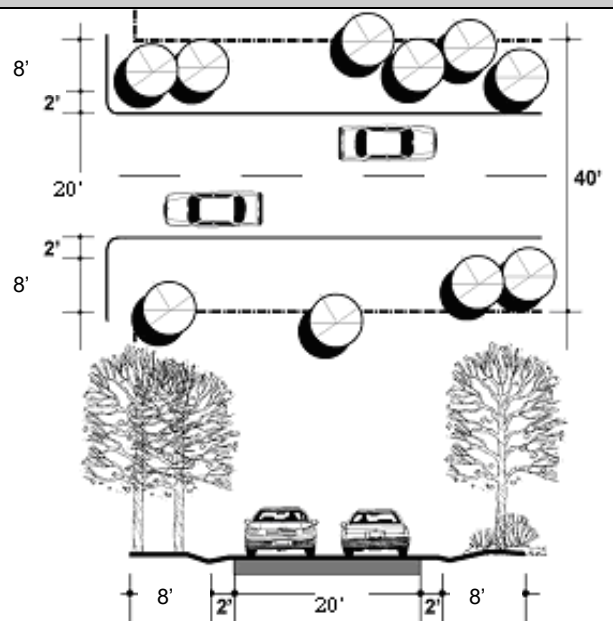
1122.07 TYPICAL STREETSCAPE CROSS-SECTIONS

This section presents typical cross-section designs of streetscapes using the standards and guidelines of this Chapter. It is exemplary of the application of the street network and design standards and guidelines, and is not exhaustive. Other similar streets could be designed using the design concepts of this Chapter with approval of the Planning Commission.

The cross-sections are grouped into the Functional Classifications indicated by the prefixes of Local (L), Collector (C), and Arterial Street (A), followed by the standard right-of-way width. Each classification also applies one of the Contextual Design Packages indicated by the suffixes of Rural (R), Standard (S), Pedestrian Enhanced (P), Boulevard (BL), or Bicycle Route (BR).

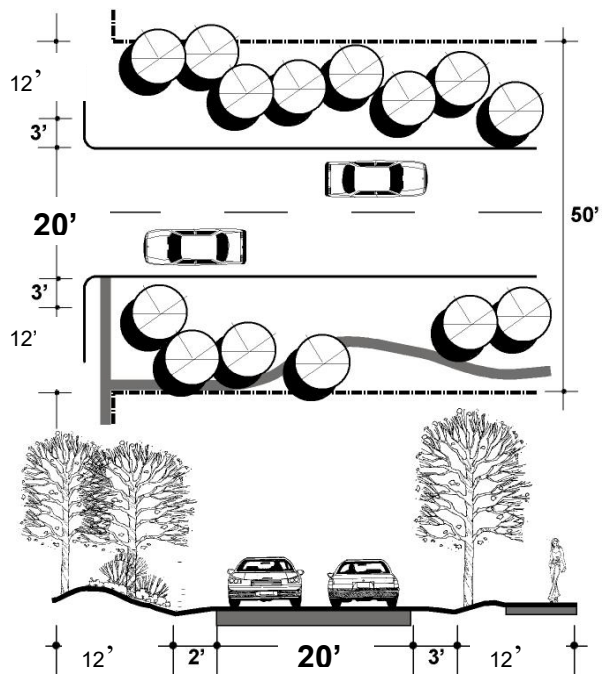
Each cross-section example contains the specifications for the street and a list of the characteristics and design qualities of adjacent lots that are most appropriate for that particular street design. Street cross-sections shall also guide street reconstruction in planning areas and established neighborhoods.

A. Local Street Cross-sections.

L-40/R: LOCAL / RURAL		
TOTAL ROW	40’	
TRAVEL LANES	2 at 9’-10’	
BIKE LANES	Combined	
PARKING LANES	N/A	
FINISHED STREET TOTAL	20’	
BUFFER AREA	8’ - 9’ rural buffer	
PEDESTRIAN FACILITY	(Optional path or trail)	
DESIGN SPEED	15 – 20 mph	
STREET EDGE	2’ shoulder; buffer area can accommodate swale or ditch. Standard curb can also be used with 22’ wide street..	

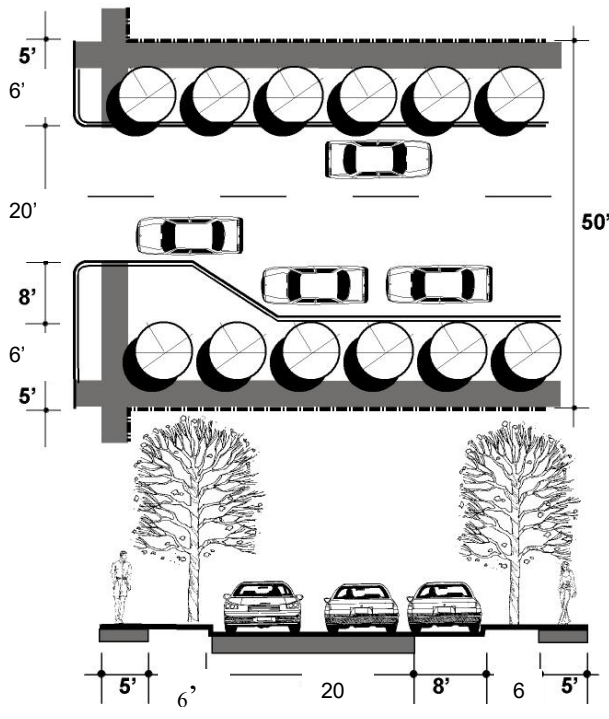
Streetscape Edge Types:
- *Rural Edge* (all types)
- *Building Setback* (large lawn and landscape setback)

Application: For use at residential densities below 1 unit per 3 acres or in Rural Cluster residential neighborhoods with adequate access to collector or arterial streets.

L-50/R: LOCAL / RURAL		
TOTAL ROW	50’	
TRAVEL LANES	2 at 9’ – 10’	
BIKE LANES	Combined	
PARKING LANES	N/A	
FINISHED STREET TOTAL	20’	
BUFFER AREA	9’ rural buffer 13’ if no path provided	
PEDESTRIAN FACILITY	Optional 8’ path one-side	
DESIGN SPEED	15-25 mph	
STREET EDGE	2’ - 3’ shoulder; buffer area can accommodate swale or ditch. Standard curb can also be used with 22’ wide street..	

Streetscape Edge Types:
- *Rural Edge* (all types)
- *Building Setback* (large lawn and landscape setback)

Application:
For use at any residential densities less than 4 units per acre or in Rural Cluster residential neighborhoods with adequate access to collector or arterial streets.

L-50/S: LOCAL / STANDARD		
TOTAL ROW	50’	
TRAVEL LANES	• 2 at 9 -10”; or • 1 at 12’ yield flow*	
BIKE LANES	Combined	
PARKING LANES	• 8’ one side parallel; or • 7’ each side with yield flow option	
FINISHED STREET TOTAL	26’ – 28’	
BUFFER AREA	6’ - 7’ tree lawn	
PEDESTRIAN FACILITY	5’ sidewalk, both sides	
DESIGN SPEED	15-25 mph	
STREET EDGE	Curb and gutter optional; buffer area can accommodate swale; 1’ to 2’ curb and gutter, where provided, factored into on-street parking width	

Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* at densities over 12 dwelling units/acre;

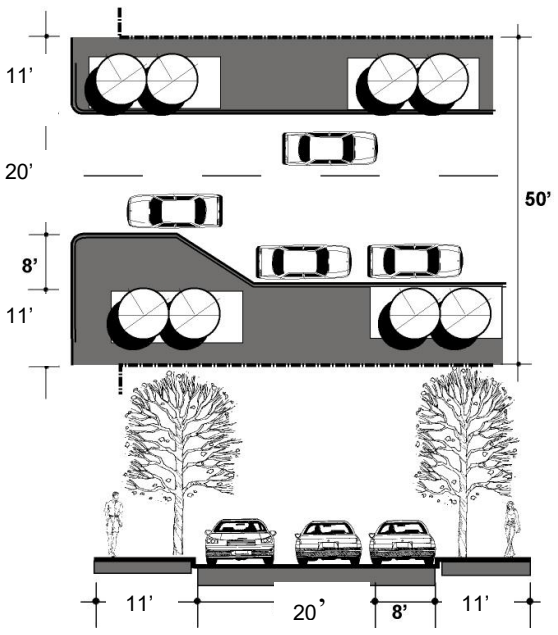
Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
Appropriate at any residential densities more than 2 units per acre

* Yield flow option subject to limitations in Section 1122.03.C

L-50/PE: LOCAL / PEDESTRIAN ENHANCED

TOTAL ROW	50'
TRAVEL LANES	• 2 at 9 – 10''; or • 1 at 12' yield flow*
BIKE LANES	Combined
PARKING LANES	• 8' parallel one side; or • 7' on each side with yield flow option
FINISHED STREET TOTAL	26' – 28'
BUFFER AREA	Expanded sidewalk with tree / landscape wells
PEDESTRIAN FACILITY	11' -12' including expanded sidewalk / tree well area
DESIGN SPEED	15-25 mph
STREET EDGE	1' to 2' curb and gutter, factored into on-street parking width



Streetscape Edge Types:
- *Building Setback* (small lawn and landscape setback)
- *Street-front Buildings* at densities over 12 dwelling units/acre or mixed-use centers

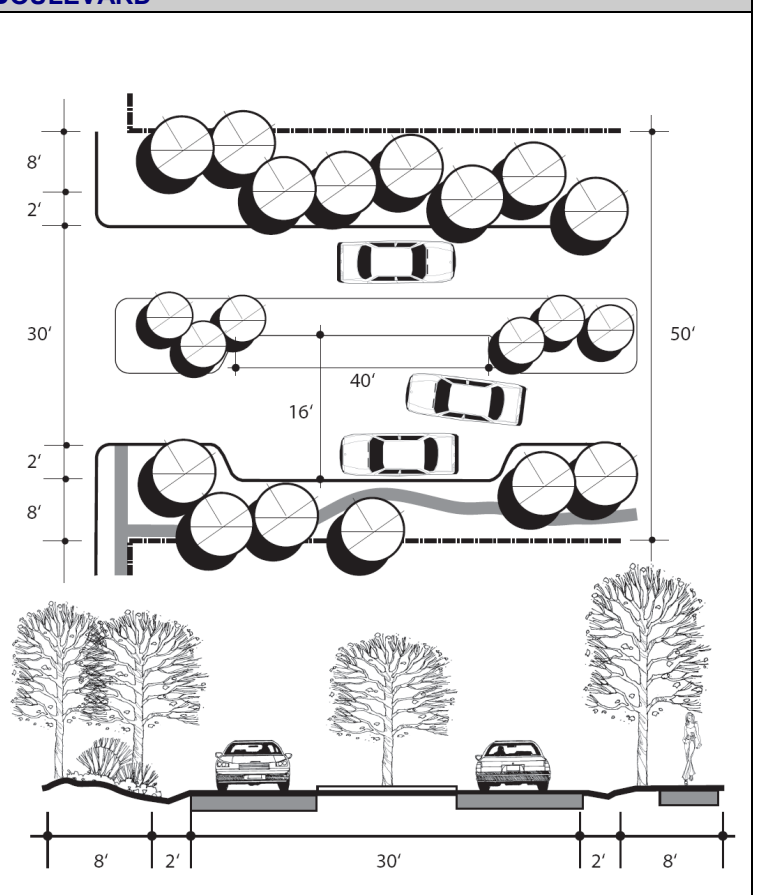
Building height to streetscape width rations should be between 1:4 and 1:2

Application:
- Appropriate at any residential density of over 8 units per acre where frequent on-street parking is expected and curb cuts are limited.
- Appropriate on side commercial streets in mixed-use developments, provided block faces are small and 2 through lanes are provided.

* Yield flow option subject to limitations in Section 1122.03.C

L-50/R-BL: LOCAL / RURAL - BOULEVARD

TOTAL ROW	50'
TRAVEL LANES	2 at 9' – 10'
BIKE LANES	Combined
PARKING LANES	N/A
MEDIAN	8' (+)
FINISHED STREET TOTAL	34' -36'
BUFFER AREA	7' - 8' (+) rural buffer
PEDESTRIAN FACILITY	(Optional trail)
DESIGN SPEED	15-25 mph
STREET EDGE	2' shoulder; buffer area and median can accommodate swale or ditch. Standard curb may also be used.



Streetscape Edge Types:
- *Rural Buffer* (all types)
- *Building Setback* (large setbacks, lawn and landscape or limited on-site parking)

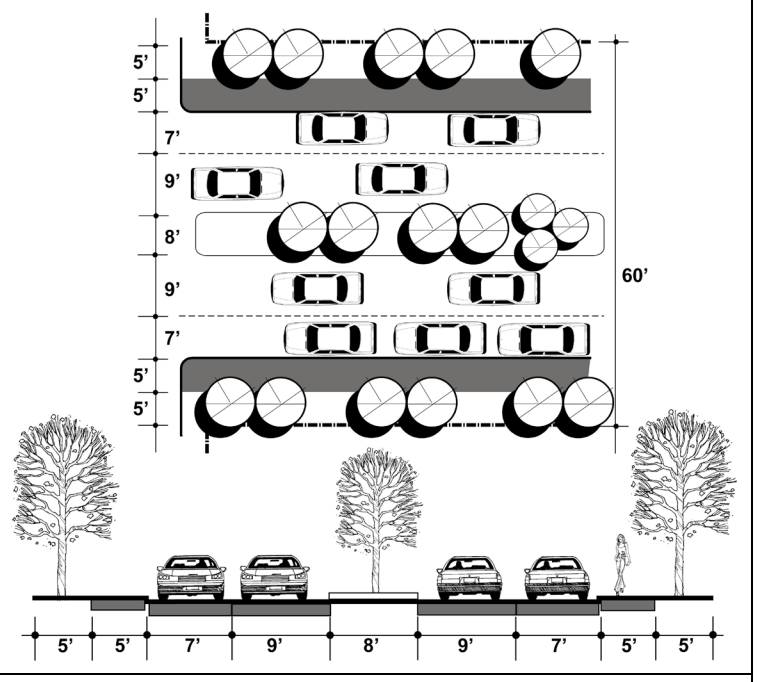
Application:
Appropriate at any residential densities less than 4 units per acre or in Rural Cluster residential neighborhoods with adequate access to collector or arterial streets.

- A parking area or queuing area shall be provided on each side of the divided finished street at least every 300 feet, sufficient to allow parking, stopping, or standing of vehicles and the free movement of vehicles in the travel lane. The parking or queuing area shall result in a roadway width of at least 16' for a length of at least 40'. The added road width may com out of the median, the buffer area, or a combination of both.

(+) Median may be expanded or optional trail added with corresponding expansion of right-of-way

L-60/BL: LOCAL / BOULEVARD

TOTAL ROW	60'
TRAVEL LANES	2 at 9' – 10'
BIKE LANES	combined
PARKING LANES	2 at 7' parallel
MEDIAN	8' (+)
FINISHED STREET TOTAL	40'
BUFFER AREA	4' - 5' tree lawn
PEDESTRIAN FACILITY	5' sidewalk
DESIGN SPEED	15-25 mph
STREET EDGE	1' to 2' curb and gutter, where provided, factored into on-street parking width



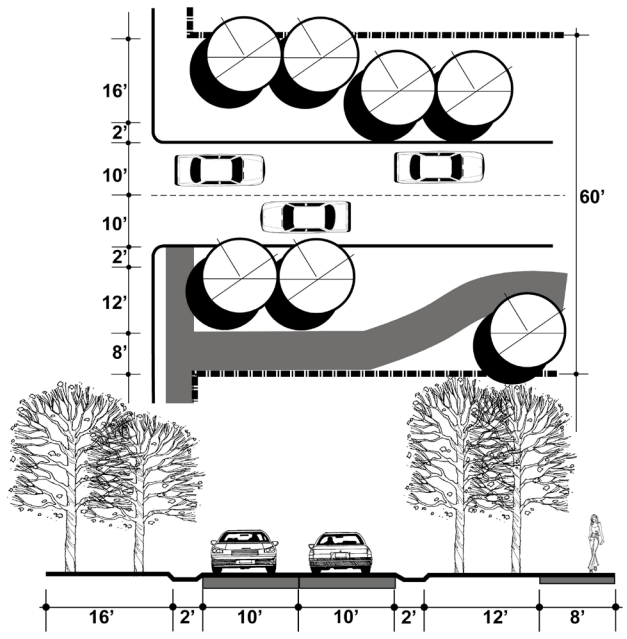
Streetscape Edge Types:
- *Building Setback* (lawn and landscape or limited on-site parking)
- *Street-front Buildings* at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at any residential density more than 2 units per acre.
- Appropriate on side commercial streets in mixed-use developments, provided block faces are small.

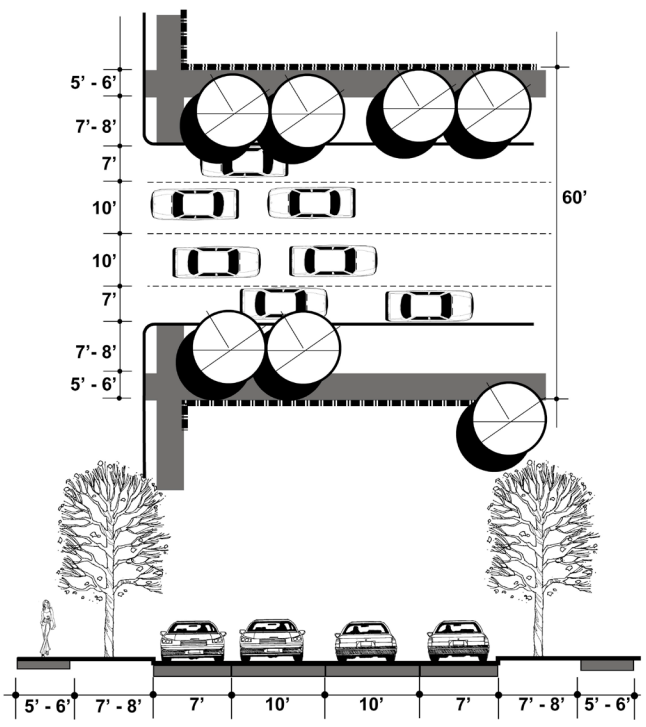
(+) Median may be expanded or optional trail added with corresponding expansion of right-of-way

B. Collector Street Cross-sections.

C-60/R: COLLECTOR / RURAL		
TOTAL ROW	60’	
TRAVEL LANES	2 at 10’ – 11’	
BIKE LANES	Combined	
PARKING LANES	N/A	
FINISHED STREET TOTAL	24’ – 26’	
BUFFER AREA	• 11’ - 12’rural buffer, path side • 15’ - 16’ non-path side	
PEDESTRIAN FACILITY	8’ path, one side	
DESIGN SPEED	30 – 35 mph	
STREET EDGE	Curb and gutter optional – 2’ shoulder, where no curb and gutter; buffer area can accommodate swale 1’ to 2’ curb and gutter, where provided, factored into on-street parking width	

Streetscape Edge Types:
- *Rural Buffers* (all types)
- *Building Setback* (with large setbacks)

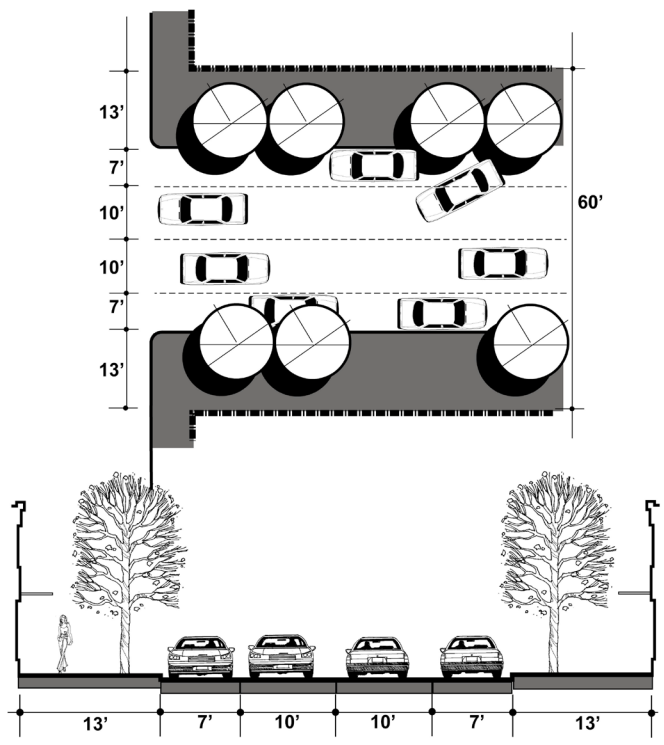
Application:
Appropriate at any residential densities less than 4 units per acre or in Rural Cluster residential neighborhoods with adequate access to collector or arterial streets, and where local street is combined with significant pedestrian connection route.

C-60/S: COLLECTOR / STANDARD		
TOTAL ROW	60’	
TRAVEL LANES	2 at 10’ – 11’	
BIKE LANES	Combined	
PARKING LANES	2 at 7’-8’ parallel	
FINISHED STREET TOTAL	34’ – 36’	
BUFFER AREA	6’’ – 8’ tree lawn	
PEDESTRIAN FACILITY	5’ – 6’ sidewalk	
DESIGN SPEED	30 – 35 mph	
STREET EDGE	1’ to 2’ curb and gutter can be factored into on-street parking width	

Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
Appropriate at any residential density more than 2 units per acre.

C-60/PE: COLLECTOR / PEDESTRIAN ENHANCED		
TOTAL ROW	60’	
TRAVEL LANES	2 at 10’ – 11’	
BIKE LANES	Combined	
PARKING LANES	2 at 7’-8’ parallel	
FINISHED STREET TOTAL	34’ – 36’	
BUFFER AREA	Expanded sidewalk with tree / landscape wells	
PEDESTRIAN FACILITY	12’ - 13’ including expanded sidewalk / tree well area	
DESIGN SPEED	20-25 mph	
STREET EDGE	1’ to 2’ curb and gutter can be factored into on-street parking width	

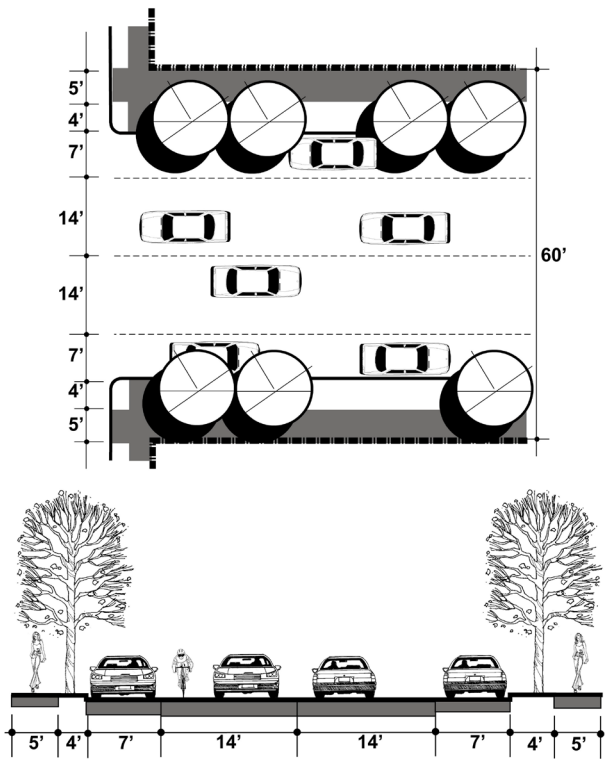
Streetscape Edge Types:
- *Building Setback* (small setbacks with lawn and landscape or limited on-site parking)
- *Street-front Buildings* at densities over 12 dwelling units/acre;

Building height to streetscape width rations should be between 1:4 and 1:2

Application:
Appropriate at any residential density more than 8 units per acre where frequent on-street parking is expected and curb cuts are limited.
Appropriate on commercial streets in mixed-use developments.

C-60/BR: COLLECTOR / BICYCLE ROUTE

TOTAL ROW	60’
TRAVEL LANES	2 at 14’ – 16’ shared bike/vehicle lanes
BIKE LANES	2 shared lanes
PARKING LANES	2 at 7’-8’ (optional)
FINISHED STREET TOTAL	• 30’ – 34’ without parking • 42’ – 44’ with parking
BUFFER AREA	• 4’ tree lawn w/ parking • 8’ - 9’ without parking
PEDESTRIAN FACILITY	5 - 6’ sidewalk
DESIGN SPEED	30-35 mph
STREET EDGE	1’ to 2’ curb and gutter can be factored in to parking lane width, if provided

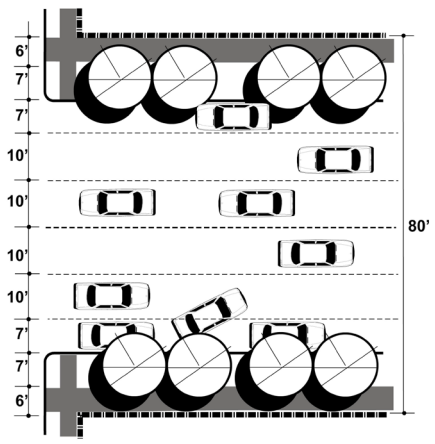


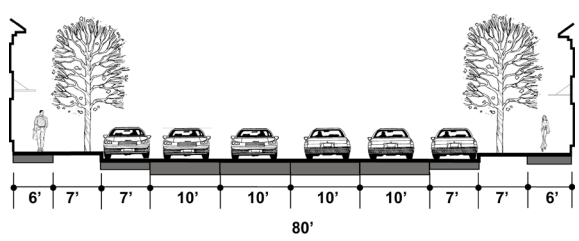
Streetscape Edge Types:
- *Building Setback* (all types)

Application:
- Appropriate on designated bicycle routes at residential densities between 4 and 12 units per acre.
- Appropriate on designated bicycle routes for non-residential corridors where low traffic counts are expected.

C-80/S: COLLECTOR / STANDARD

TOTAL ROW	80’
TRAVEL LANES	4 at 10’ – 11’
BIKE LANES	Combined
PARKING LANES	2 at 7’-8’ parallel (optional)
FINISHED STREET TOTAL	44’ – 48’ without parking 54’ – 58’ with parking
BUFFER AREA	6’ - 7’ tree lawn w/ parking 10’ - 12’ without parking
PEDESTRIAN FACILITY	5’ - 6’ sidewalk
DESIGN SPEED	30 – 35 mph
STREET EDGE	1’ to 2’ curb and gutter can be factored into on-street parking width





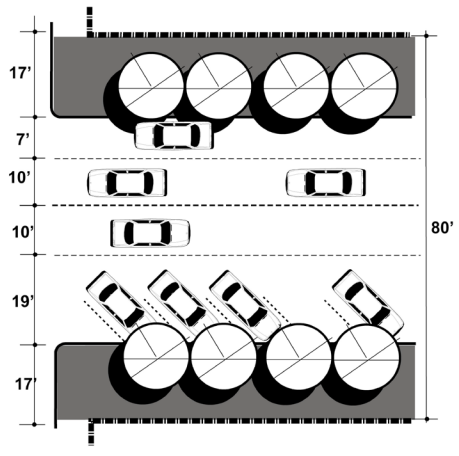
Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* at densities over 12 dwelling units/acre or Mixed-Use centers;

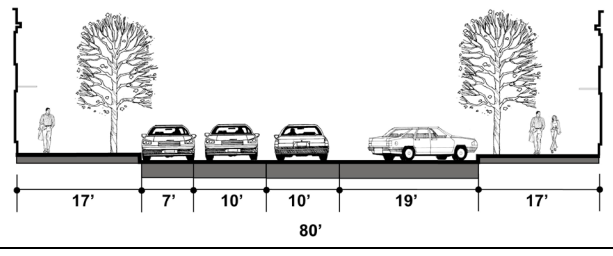
Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at residential densities of more than 4 units per acre where larger traffic counts are expected
- Appropriate in non-residential corridors with low or moderate traffic counts expected.

C-80/PE: COLLECTOR / PEDESTRIAN ENHANCED

TOTAL ROW	80’
TRAVEL LANES	2 at 10’ – 11’
BIKE LANES	Combined
PARKING LANES	1 at 7’-8’ parallel, and 1 at 19’ angled
FINISHED STREET TOTAL	46’ – 48’
BUFFER AREA	Expanded sidewalk with tree / landscape wells
PEDESTRIAN FACILITY	16’ - 17’including expanded sidewalk / tree well area
DESIGN SPEED	20 – 25 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into on-street parking width





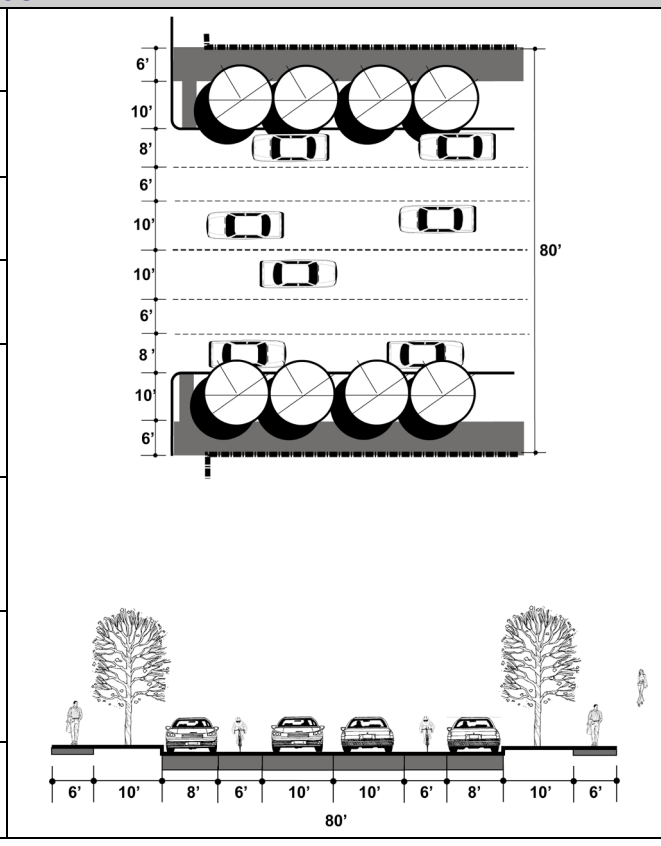
Streetscape Edge Types:
- *Building Setback* (small setbacks with lawn and landscape or limited on-site parking)
- *Street-front Buildings* at densities over 12 dwelling units/acre;

Building height to streetscape width rations should be between 1:4 and 1:2

Application:
- Appropriate at any residential density more than 8 units per acre where frequent on-street parking is expected and curb cuts are limited.
- Appropriate on commercial streets in mixed-use developments.

C-80/BR: COLLECTOR / BICYCLE ROUTE

TOTAL ROW	80’
TRAVEL LANES	2 at 10’ – 11’
BIKE LANES	2 at 6’
PARKING LANES	2 at 7’ - 8’ (optional)
FINISHED STREET TOTAL	• 48’ with parking • 36’ without parking
BUFFER AREA	• 10’ tree lawn w/ parking • 16’ without parking
PEDESTRIAN FACILITY	6’ sidewalk
DESIGN SPEED	30 – 35 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into on-street parking width, if provided

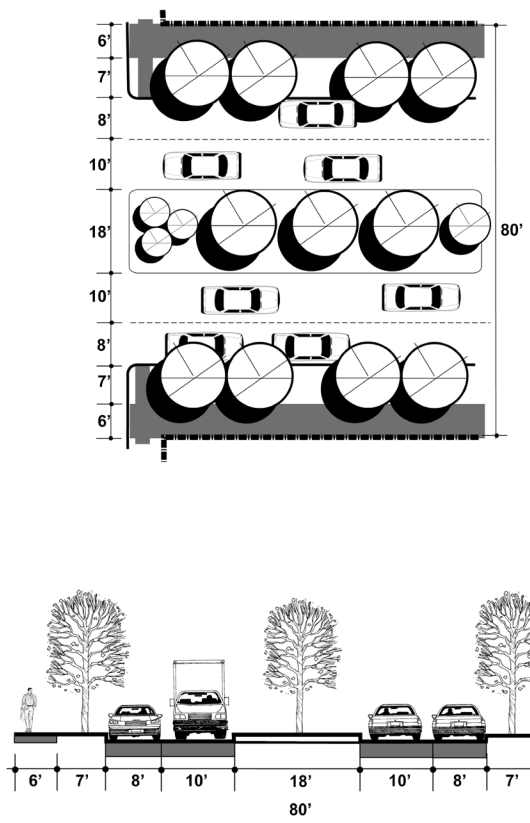


Streetscape Edge Types:
- *Building Setback* (all types)

Application:
- Appropriate on designated bicycle routes at residential densities between 4 and 12 units per acre
- Appropriate on designated bicycle routes for non-residential corridors where light to moderate traffic is expected.

C-80/BL: COLLECTOR / BOULEVARD

TOTAL ROW	80
TRAVEL LANES	2 at 10’ – 11’
BIKE LANES	Combined
PARKING LANES	• 2 at 7’ - 8’ parallel; or • 2 at 9’ - 10’ limited travel/parking lanes
MEDIAN	• 10’ (+) with limited travel/parking lane • 18’ (+) with parallel parking
FINISHED STREET TOTAL	54’
BUFFER AREA	7’ tree lawn
PEDESTRIAN FACILITY	6’ sidewalk
DESIGN SPEED	30 – 35 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into parallel parking lane width



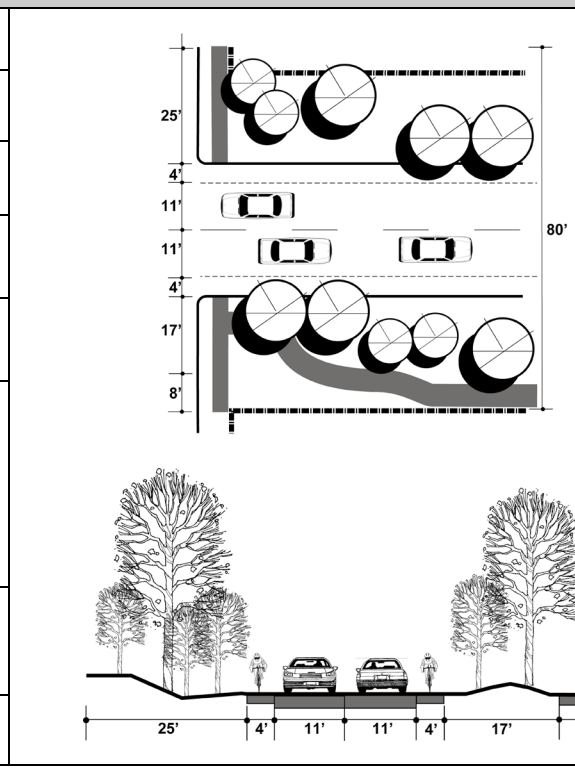
Streetscape Edge Types:
- *Building Setback* (small setbacks with lawn and landscape or limited on-site parking)
- *Street-front Buildings* at densities over 12 dwelling units/acre or at mixed-use centers;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at residential densities of more than 2 units per acre.
- Appropriate in non-residential corridors with low or moderate traffic counts expected.

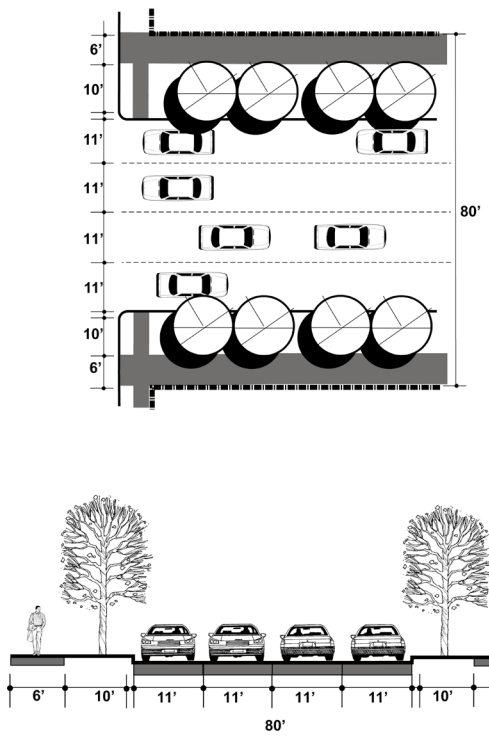
(+) Median may be expanded with corresponding expansion of right-of-way

C. Arterial Street Cross-sections.

A-80/R: ARTERIAL / RURAL		
TOTAL ROW	80’	
TRAVEL LANES	2 at 11’ – 12’	
BIKE LANES	4’ shoulder	
PARKING LANES	N/A	
FINISHED STREET TOTAL	30’ – 32’	
BUFFER AREA	• 16’ - 17’ rural buffer, path side • 24’ - 25’ rural buffer, non-path side	
PEDESTRIAN FACILITY	8’ path, one side (optional)	
DESIGN SPEED	35 – 45 mph	
STREET EDGE	4’ shoulder; buffer can accommodate swale or ditch. Standard curb may also be used.	

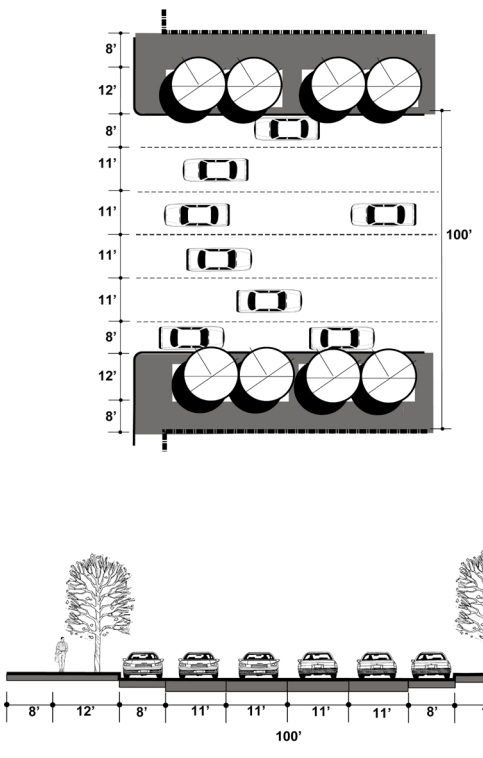
Streetscape Edge Types:
- *Rural Buffer* (all types)
- *Building Setback* (with a large lawn and landscape setbacks)

Application:
Most appropriate at residential densities below 2 units per acre or in Rural Cluster residential neighborhoods.

A-80/S: ARTERIAL / STANDARD		
TOTAL ROW	80’	
TRAVEL LANES	4 at 11’ – 12’	
BIKE LANES	N/A	
PARKING LANES	N/A	
FINISHED STREET TOTAL (INCLUDIGN STREET EDGE)	48’ – 52’	
BUFFER AREA	9’ - 10’ both sides	
PEDESTRIAN FACILITY	6’ both sides	
DESIGN SPEED	35 – 45 mph	
STREET EDGE	1’ to 2’ curb and gutter	

Streetscape Edge Types:
- *Building Setback* (all types)

Application:
- Appropriate at residential densities above 2 units per acre
- Appropriate for non-residential corridors where light traffic is expected.

A-100/S: ARTERIAL / STANDARD		
TOTAL ROW	100’	
TRAVEL LANES	4 at 11’ – 12’ 2 additional at 9’ - 10’ limited travel/parking lane (optional)	
BIKE LANES	N/A	
PARKING LANES	2 at 7’ - 8’, parallel (optional); or 2 at 9’ - 10’, limited travel/ parking lane (optional)	
FINISHED STREET TOTAL	48’ – 52’ without parking 60’ – 62’with parallel parking 64’ – 66’ w/ limited travel/parking lane	
BUFFER AREA	16’ - 18’ without parking 10 - 12’ with parallel parking 9’ - 10’ w/ limited travel/parking lane	
PEDESTRIAN FACILITY	8’ sidewalk	
DESIGN SPEED	35-45 mph	
STREET EDGE	1’ to 2’ curb and gutter, factored into on-street parking width, if provided	

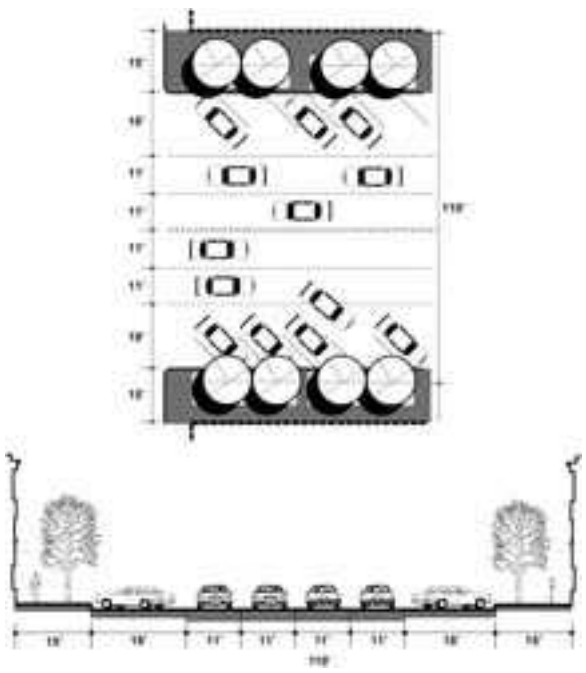
Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* for non-residential uses and residential uses at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at residential densities above 4 units per acre.
- Appropriate for non-residential corridors where moderate to heavy traffic is expected.

A-110/PE: ARTERIAL / PEDESTRIAN ENHANCED

TOTAL ROW	110’
TRAVEL LANES	4 at 11’ – 12’
BIKE LANES	Combined
PARKING LANES	2 at 18’, angled
FINISHED STREET TOTAL	80’ - 84’
BUFFER AREA	Expanded sidewalk with tree / landscape wells
PEDESTRIAN FACILITY	13’ - 15’ including expanded sidewalk / tree well area
DESIGN SPEED	20 – 25 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into parking lane width



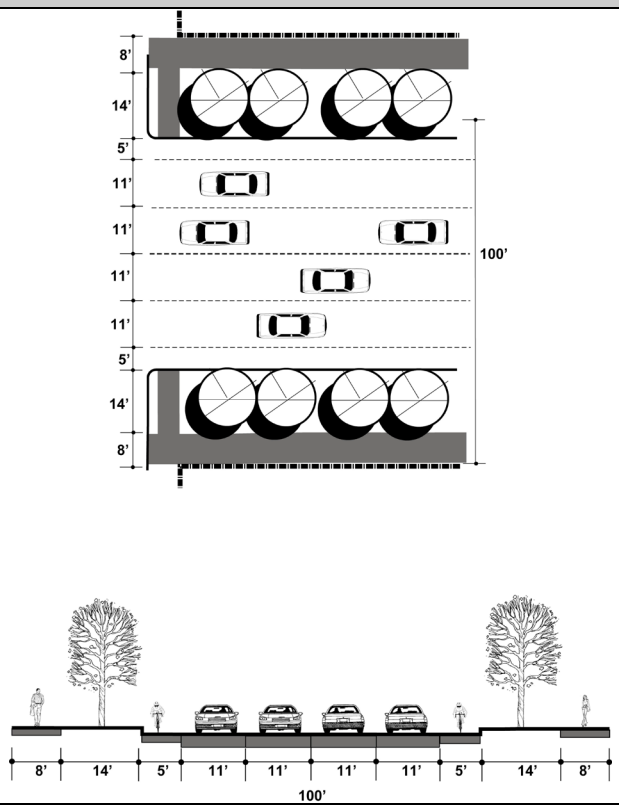
Streetscape Edge Types:
- *Building Setback* (small setbacks with lawn and landscape or limited on-site parking)
- *Street-front Buildings* for non-residential uses and residential uses at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at any residential density more than 8 units per acre where frequent on-street parking is expected and curb cuts are limited.
- Appropriate on commercial streets in mixed-use developments.

A-100/BR: ARTERIAL / BICYCLE ROUTE

TOTAL ROW	100’
TRAVEL LANES	4 at 11’ – 12’
BIKE LANES	2 at 5’
PARKING LANES	2 at 7’ - 8’ (optional)
FINISHED STREET TOTAL	• 70’ – 72’ with parking • 56’ – 60’ without parking
BUFFER AREA	• 6’ - 7’ tree lawn w/ parking • 12’ - 14’ w/o parking
PEDESTRIAN FACILITY	8’ sidewalk
DESIGN SPEED	35 –45 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into on-street parking width, if provided



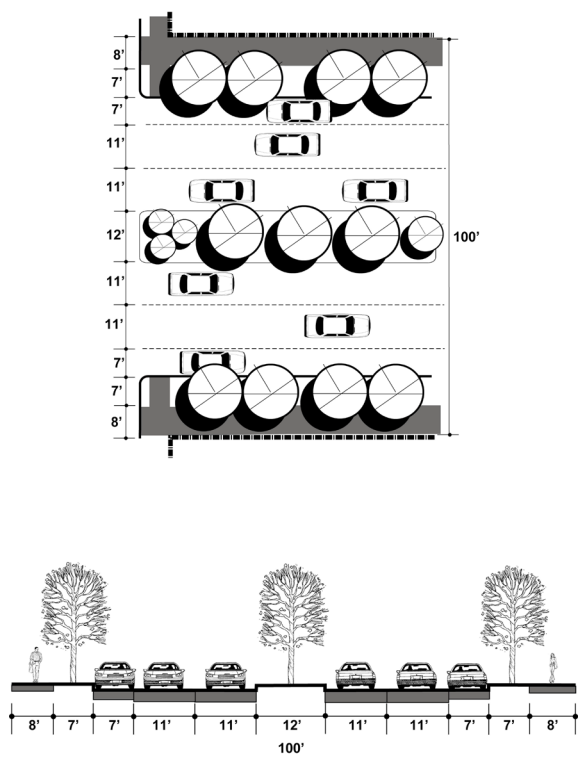
Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* for non-residential uses and residential uses at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate on bicycle routes at residential densities above 4 units per acre.
- Appropriate on bicycle routes for non-residential corridors where moderate to heavy traffic is expected.

A-100/BL: ARTERIAL / BOULEVARD

TOTAL ROW	100’
TRAVEL LANES	4 at 11’ – 12’
BIKE LANES	N/A
PARKING LANES	2 at 7’ parallel (optional)
MEDIAN	12’ (+)
FINISHED STREET TOTAL	70’ – 74’ with parking 60’ – 64’ without parking
BUFFER AREA	• 5’ - 7’ tree lawn with parking • 11’ - 12’ without parking
PEDESTRIAN FACILITY	8’ sidewalk
DESIGN SPEED	35 – 45 mph
STREET EDGE	1’ to 2’ curb and gutter, factored into on-street parking width if provided



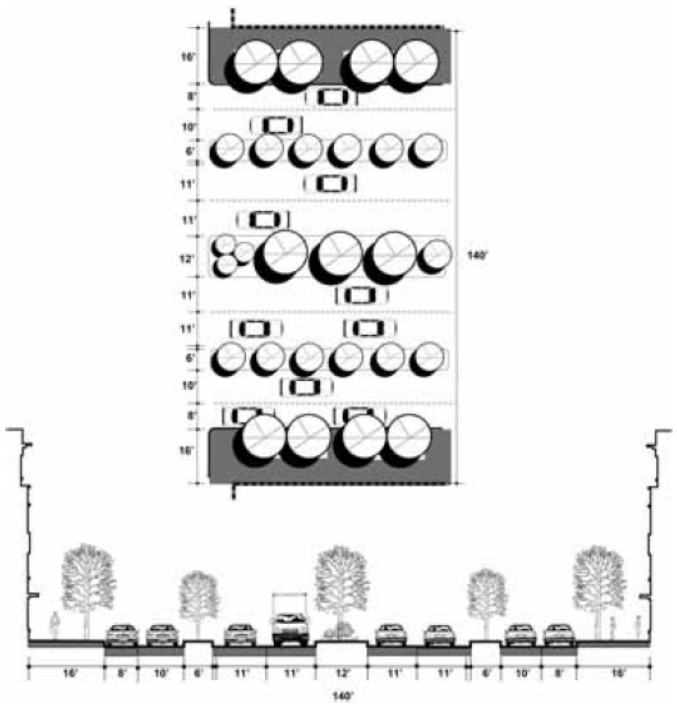
Streetscape Edge Types:
- *Building Setback* (all types)
- *Street-front Buildings* for non-residential uses and residential uses at densities over 12 dwelling units/acre;

Building height to streetscape width ratios should be between 1:4 and 1:2

Application:
- Appropriate at residential densities above 4 units per acre.
- Appropriate for non-residential corridors where moderate to heavy traffic is expected.

(+) Median may be expanded with corresponding expansion of right-of-way

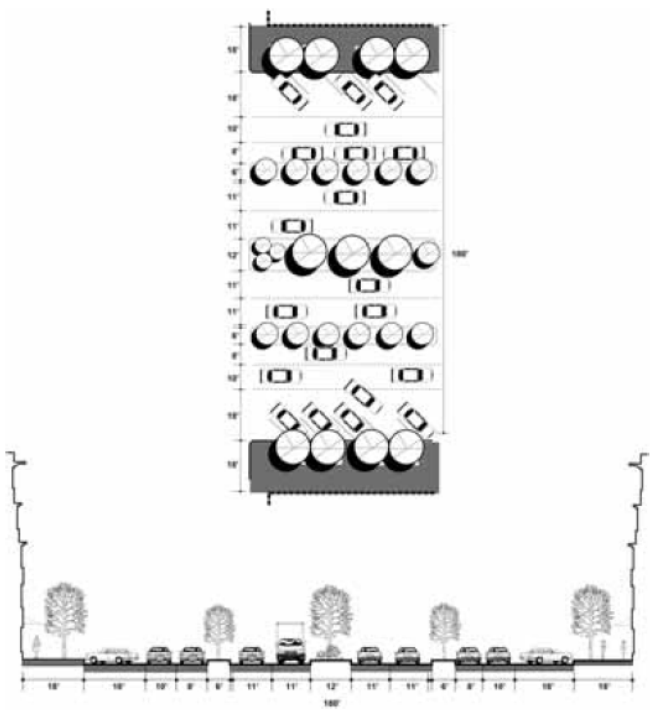
A-140/BL: ARTERIAL / BOULEVARD	
TOTAL ROW	140’
TRAVEL LANES	4 at 11’ – 12’
BIKE LANES	N/A
PARKING LANES	N/A
MEDIAN	12’ (+)
FINISHED STREET TOTAL	60’ – 64’
BUFFER STRIP	5’ - 6’ tree lawn
FRONTAGE ACCESS LANE	2 at 10’
FRONTAGE LANE PARKING	2 at 7’ - 8’ parallel
BUFFER AREA	Expanded sidewalk with tree / landscape wells
PEDESTRIAN FACILITY	• 16’ including expanded sidewalk/tree well area
DESIGN SPEED	• 35 –45 mph for through lanes • 10 – 20 mph for access lanes
STREET EDGE	• 1’ to 2’ curb and gutter, factored into parking lane width



Streetscape Edge Types:
- *Street-front Buildings*

Application:
- Appropriate at any residential density more than 16 units per acre where frequent on-street parking is expected and curb cuts are limited.
- Appropriate on commercial streets in mixed-use developments where heavy traffic is expected.

A-180/BL: ARTERIAL / BOULEVARD	
TOTAL ROW	180’
TRAVEL LANES	4 at 11’ – 12’
BIKE LANES	N/A
PARKING LANES	N/A
MEDIAN	12’ (+)
FINISHED STREET TOTAL	60’ – 64’
BUFFER STRIP	5’ - 6’ tree lawn
FRONTAGE ACCESS LANE	2 at 10’
FRONTAGE LANE PARKING	1 at 7 - 8’, parallel and 1 at 18’, angled, each side
BUFFER AREA	Expanded sidewalk with tree / landscape wells
PEDESTRIAN FACILITY	18’ including expanded sidewalk/ tree well area
DESIGN SPEED	• 35 –45 mph for through lanes • 10 – 20 mph for access lanes
STREET EDGE	• 1’ to 2’ curb and gutter, factored into parking lane width

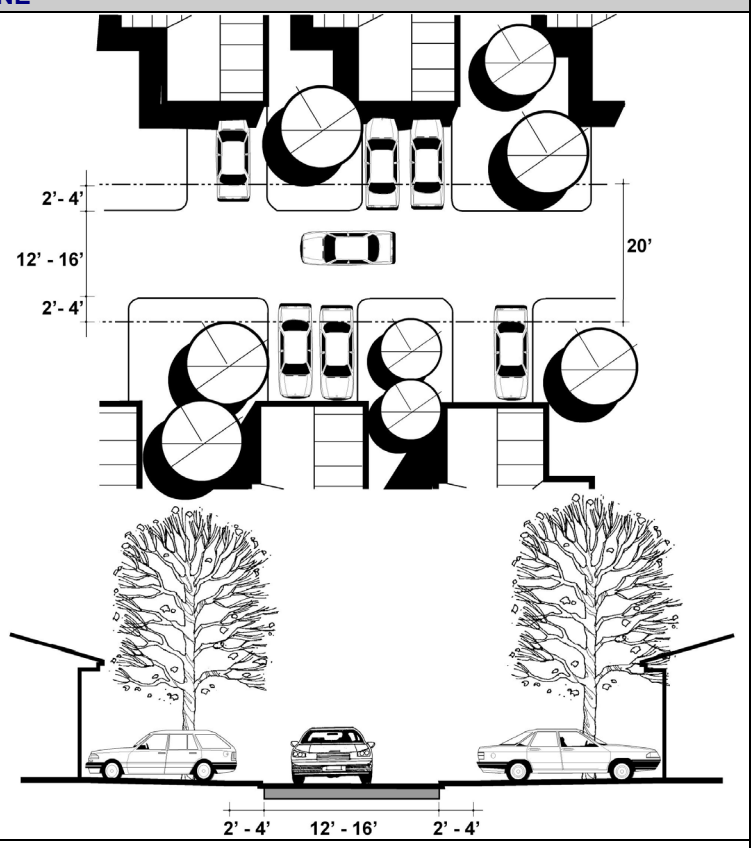


Streetscape Edge Types:
- *Street-front Buildings*

Application:
- Appropriate at any residential density more than 24 units per acre where frequent on-street parking is expected and curb cuts are limited.
- Appropriate on commercial streets in mixed-use developments where heavy traffic is expected.

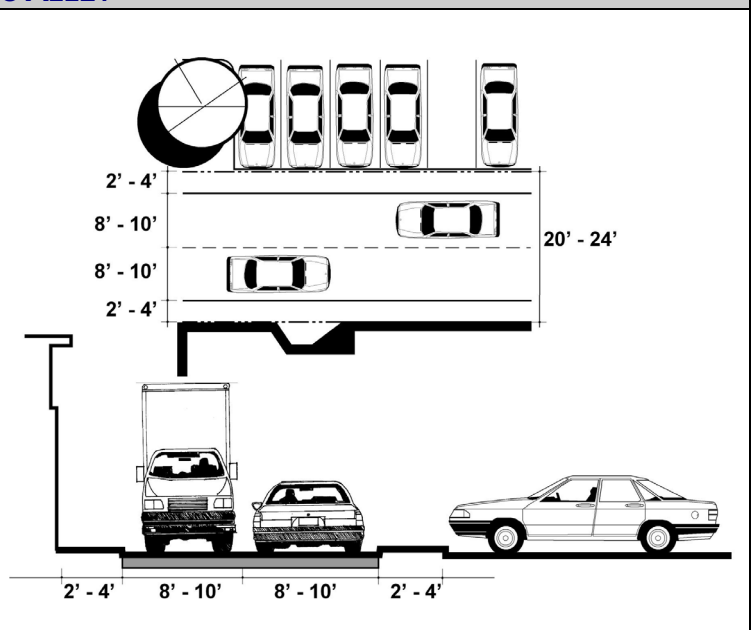
(+) Median may be expanded or optional trail added with corresponding expansion of right-of-way

D. Miscellaneous Street Cross-Sections.

RESIDENTIAL REAR ACCESS LANE		
TOTAL ROW	20’	
TRAVEL LANES	1 at 12’ – 16’, yield	
BIKE LANES	None	
PARKING LANES	N/A	
FINISHED STREET TOTAL	12’ – 16’	
BUFFER AREA	2’ -4’	
PEDESTRIAN FACILITY	N/A	
DESIGN SPEED	5-10 mph	
STREET EDGE	None – similar to driveways; Curb and gutter optional if storm water treatment necessary	

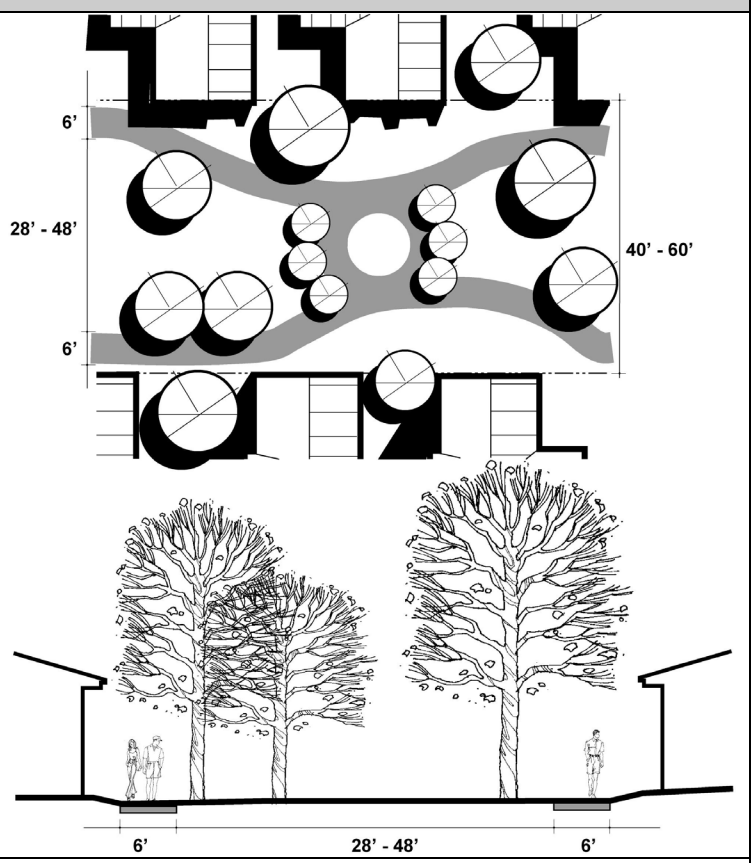
Streetscape Edge Types:
- Rear facing garage doors and landscape edges within 5’ or ROW. Buildings should have other doors and windows, or yard areas should provide open views to provide real and perceived surveillance of residential rear access lane.
- Rear facing garages set back 16 to 20’ of ROW to allow one parked car length outside of garage.

Application:
- Internal to residential blocks in a Mid-block or H-shaped pattern
- Most appropriate at densities above 6 units per acre

NON-RESIDENTIAL REAR ACCESS ALLEY		
TOTAL ROW	20’ – 24’	
TRAVEL LANES	2 at 8’ – 10’ (non-residential) 1 at 12’ – 16’, yield (residential	
BIKE LANES	None	
PARKING LANES	N/A	
FINISHED STREET TOTAL	16’ – 20’ (non-residential) 12’ – 16’ (residential)	
BUFFER AREA	2’ -4’	
PEDESTRIAN FACILITY	N/A	
DESIGN SPEED	5-10 mph	
STREET EDGE	None – similar to driveways; Curb and gutter optional if storm water treatment necessary	

Streetscape Edge Types:
- Buildings setback sufficient distances to allow sufficient loading and service areas.
- Access points to rear parking areas.

Application:
- Internal to non-residential or mixed-use blocks in a Mid-block pattern
- Most appropriate for non-residential and mixed-use areas with street-front buildings.

CLOSE		
TOTAL ROW	40’ – 60’	
TRAVEL LANES	None	
BIKE LANES	None	
PARKING LANES	None	
FINISHED STREET TOTAL	None	
BUFFER AREA	All areas that are not pedestrian facilities shall be designed as landscape buffer	
PEDESTRIAN FACILITY	6’ both sides; or 10’ – 12’ center’	
DESIGN SPEED	N/A	
STREET EDGE	N/A	

Streetscape Edge Types:
- Small lawn and landscape areas;
- Limited setbacks; or
- Immediate frontage.

Application:
- Appropriate only for residential uses.
- Appropriate only over short distances between two public streets with vehicle access.
- Requires rear lane access.
- Buildings must clearly front on the close to avoid potential of alley access points to become predominant lot orientation.

CHAPTER 1123 BLOCKS AND LOTS

1123.01 INTENT AND APPLICABILITY 114
1123.02 BLOCKS TYPES 115
1123.03 BLOCK SIZES 116
1123.04 LOTS 119

TABLE 1123-16: BLOCK TYPES 115
TABLE1123-17: BLOCK SIZES 116
TABLE 1123-18: CURB-CUT/ACCESS POINT SEPARATION 120

1123.01 INTENT AND APPLICABILITY

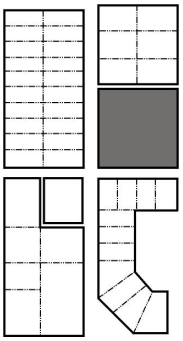
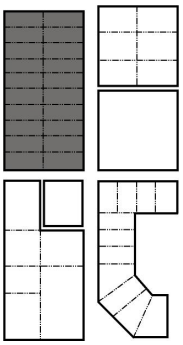
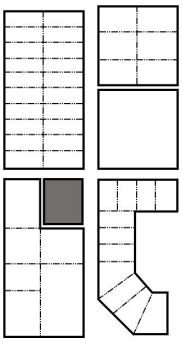
A. Intent. The specific intent of this Chapter is to:
1. Create dimensional standards for a variety of block types that promote long-term efficiency for development and redevelopment of lots.
2. Coordinate block sizes and street networks through regular and repeating patterns that ensure continuity of higher-order street classifications and connectivity of lower-order street classifications.
3. Ensure connectivity for all adjacent land uses to eliminate reliance solely on arterial streets for every trip, and to create multiple alternative routes to better accommodate vehicles and pedestrians.
4. Specify locations within rights-of-way, public easements, or privately owned areas that ensures adequate access to streets, utilities, and open space.
5. Maintain the potential for parcels, blocks, and lots to continue to be developed within the comprehensive development patterns called for in long range planning documents.
6. Allow diversity of block types and designs based on the context, to accommodate specific development patterns or uses, topography, unique urban design, and anticipated transportation patterns.
7. Create blocks and lots capable of supporting the transitional street network identified in Chapter 1122, Street Network and Design, the zoning districts and uses identified in Title 3, Zoning Regulations, and the community design concepts identified in Title 4, Design Regulations.

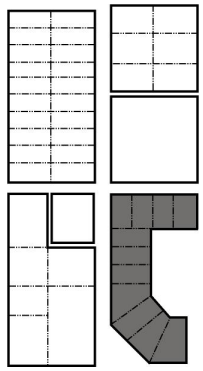
B. Applicability. The appropriate block and lot design requires an analysis of:
1. The Planning Area in which the block and lot are located as indicated in the General Plan and the Planning Area Map in the Appendix;
2. The proper street network and design associated with the block, based on Chapter 1122, including the desired urban design amenities to be created on the streetscape;
3. The topography of the site; and
4. The lot, site, and building design standards of the applicable zoning district, based on Title 3, Zoning Regulations and Title 4, Design Regulations.
5. The standards in this Chapter shall be applied in conjunction with these other standards to ensure that blocks and lots are laid out in conformance with the long range planning documents.

1123.02 BLOCKS TYPES

Table 1123-16: Block Types identifies four basic block types that may be developed through subdivisions of land. Each block type has a specific role in the context of development, and may not be applicable or eligible for use in all subdivisions.

Table 1123-16: Block Types

BLOCK TYPES			
	CHARACTERISTICS	**APPLICABILITY**	**GRAPHIC**
CENTER BLOCK	▪ 4 block faces fronting on public streets. ▪ Roughly rectangular with a proportion between 1:1 and 1.5:1. ▪ Short block faces designed for more intense use, a greater mix of uses, and more frequent connections of streets, sidewalks, utilities to efficiently handle intensity and mix of uses.	▪ All Mixed-use Districts where non-residential uses make up 50% or more of the block. ▪ Any non-residential district that intends to develop a pedestrian-oriented character.	
STANDARD BLOCK	▪ 4 block faces fronting on public streets. ▪ Roughly rectangular with a proportion between 1.5:1 and 3:1, although curvilinear streets are acceptable in rural or suburban contexts. ▪ Accommodates 2 tiers of lots fronting on each long block face, although "ends" of blocks may also accommodate lots fronting the short block faces. ▪ May be arranged to create frequent T-intersections on local streets in order to discourage through traffic.	▪ Standard development block for all development that does not require a Center Block and where physical conditions do not warrant an Irregular Block.	
FOCAL POINT BLOCK	▪ Small blocks used entirely for Open Space or Civic Use, with public streets on all sides. ▪ Located at key visibility points in a neighborhood or district. ▪ Includes elements of civic art and serves as the center for the more dense or intense uses on the immediately adjacent blocks. ▪ Typically rectangular or square, although may occasionally have irregular shape in some contexts.	▪ Appropriate at the center or entrance of any neighborhood or district, often incorporated into a pattern of Center Blocks.	

IRREGULAR BLOCK	▪ Irregular shape due to either the natural features or topography, or due to prevailing high-order (throughway or arterial) street patterns of surrounding areas. ▪ May have fewer or greater than four block faces or is not generally rectangular. ▪ May be used to adjust to topography, discourage through traffic on local streets, or create deflected or terminated views of buildings or focal points down important streetscapes.	▪ Any district where the physical circumstances warrant an irregular block pattern. ▪ Irregular blocks should not be used where one or more small standard or center blocks could accommodate a similar development pattern.	

1123.03 BLOCK SIZES

A. Required Blocks Sizes. Design of each of the block types shall be based upon the Planning Area in which the block is located, and indicated on the Planning Area Map in the Appendix. Minimum and maximum block sizes within each Planning Area are indicated in *Table 1123-17: Block Sizes*.

Table1123-17: Block Sizes

	BLOCK SIZES* ** ***		
	CR PLANNING AREA	BMF & SPT PLANNING AREAS	NH PLANNING AREA
Center	Minimum Length: 250' Maximum Length: 500' Maximum Perimeter: 600'	Minimum Length: 250' Maximum Length: 500' Maximum Perimeter: 1,600'	Minimum Length: 250' Maximum Length: 500' Maximum Perimeter: 1,600'
Standard	Minimum Length: 250' Maximum Length: 660' Maximum Perimeter: 1,980'	Minimum Length: 250' Maximum Length: 800' Maximum Perimeter: 2,200'	Minimum Length: 330' Maximum Length: 990' Maximum Perimeter: 2,640'
Irregular	Minimum Length: 250' Maximum Length: 800' Maximum Perimeter: 2,200'	Minimum Length: 250' Maximum Length: 990' Maximum Perimeter: 2,640'	Minimum Length: 330' Maximum Length: 1,320' Maximum Perimeter: 3,300'
Focal Point	Minimum Length: 150' Maximum Length: 350' Maximum Perimeter: 1,000'	Minimum Length: 150' Maximum Length: 350' Maximum Perimeter: 1,000'	Minimum Length: 150' Maximum Length: 350' Maximum Perimeter: 1,000'

* *Distances measured at the centerline of the rights-of-way forming the block. The "length" shall be interpreted as the distance between centerlines of intersecting streets along a single block face.*
** *Blocks larger than 7 acres shall require internal access streets according to Section 1123.04.C.3.*
*** *Maximum length blocks require traffic calming measures as described in Section 1122.06.*

B. Exceptions. Blocks may be approved with exceptions to the dimensional requirements in *Table 1123-17: Block Sizes* according to the following conditions and criteria:

1. *Natural Features.* Irregular blocks abutting natural or topographical features shall only be allowed subject to the following:

   a. Construction of the street grid and blocks, as specified in this Title, is unfeasible resulting in substantial additional expense from street layouts and designs that cross the natural feature; or

   b. The natural feature qualifies as a Natural Open Space according to Section 1145.02 of the Design Regulations with significant resources worthy of protection, and is being preserved by a dedication or reservation specified on the plat.

   c. The block formed by the boundary of the lot lines abutting the natural feature and the centerline of the rights-of-way abutting the lots shall not be larger than 50% of the maximum perimeter specified for a standard block in *Table 1123-17: Block Sizes*. *(See Figure 1123-6)*

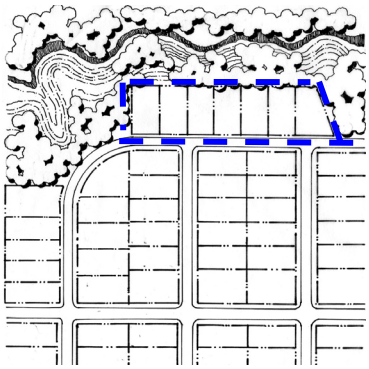


Figure 1123-6 Irregular Blocks & Natural Features

Where irregular blocks abutting natural features are proposed that cannot meet the conditions in B.1, two smaller standard blocks should be used so that the intent of this Title and Chapter is better met.

2. *Disconnected Streets.* Where disconnected streets are permitted, subject to the conditions and standards in 1123.03.E. below, the block formed by the perimeter of all lots fronting on the disconnected street shall not exceed the maximum sizes specified in *Table 1123-17: Block Sizes* for standard blocks. *(See Figure 1123-7)*

3. *Civic Uses.* Blocks used wholly or partially for any use from the Civic Use Category may be larger than specified in *Table 1123-17: Block Sizes*, provided:

   a. The block perimeter shall not exceed 3,300 feet, except that blocks used entirely for open space shall have no maximum size;

   b. At least 66% of the block applying this exception shall be used for the civic use; and

   c. The block shall include dedicated pedestrian connections on the perimeter and through the interior of the block and avoid obstructing the intent and overall development pattern specified in this Title and Chapter.

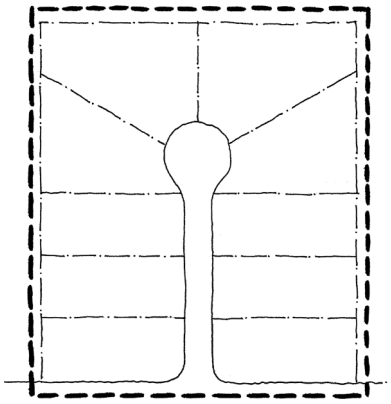


Figure 1123-7 Block Sizes on Disconnected Streets

Perimeter of lots fronting on disconnected streets represents block sizes for purposes of Table 1123-2.

4. *Large Parcels.* Any subdivision that results in lots with an average lot size of more than 4 acres shall have no minimum block size, provided:

   a. The total area of the tract of land for the proposed subdivision shall be greater than 20 acres;

   b. The lots, parcels, structures and any driveways, or internal access streets shall be laid out so that re-subdivision of the tract of land

could occur in the future creating blocks and lots in conformance with this Chapter and Title; and

c. Any parcels or lots in the proposed subdivision with non-residential uses shall require internal access streets conforming to the standards in Chapter 1122, Street Network and Design. The internal access streets shall provide lot access as specified in Section 1123.04.C.3, below.

C. Block Depths. All blocks, except focal point blocks, shall be platted to permit two tiers of lots each fronting on the opposite public streets. Double frontage lots, lots that back up to streets or reserve buffer strips shall be avoided to the extent practical, unless the lot covers 50% or more of the block.

D. Access to Abutting Property. Street connections to abutting un-subdivided property, to property capable of re-subdivision, or to any existing abutting stub streets shall be provided at intervals equal to or less than the maximum block length specified in *Table 1123-17: Block Sizes*.

1. Street connections shall be made by extension of street stubs to the property, parcel, or subdivision boundary.
2. Blocks formed by the street rights-of-way, stub streets, and the subdivision boundary shall not exceed 60% of the maximum block length specified in *Table 1123-17: Block Sizes*.
3. A temporary turnaround shall be provided on stub streets subject the standards for disconnected streets identified in Sub-Section E. below.
4. Stub streets with a circular temporary turnaround may have a center island that can be designed to incorporate a future traffic circle when the future street connects. *(See Figure 1123-8)*
5. The developer shall post all stub streets that are intended to be connected and opened upon further development with a sign stating "Future Through Street." The City may provide the specifications for the sign.

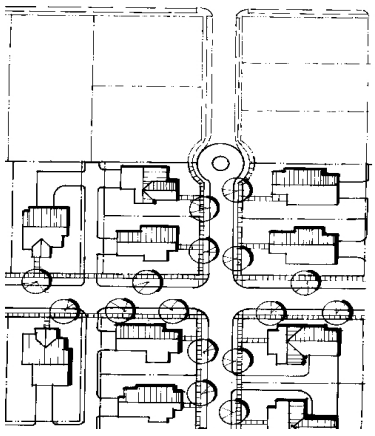


Figure 1123-8 Temporary Turn-around

Temporary circular turn-around with a center island may ultimately be incorporated into a traffic circle on the finished street.

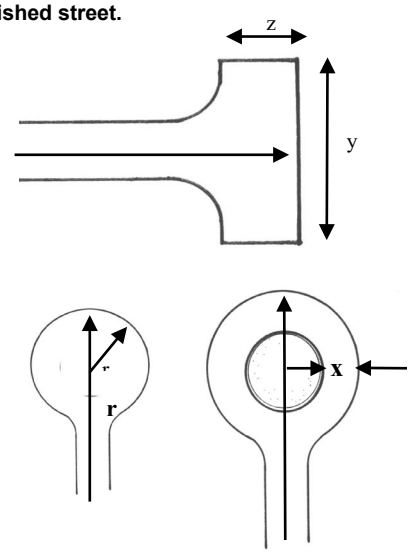


Figure 1123-9 Vehicular Turn-Around

T-shaped or circular turnarounds may be used on disconnected or stub streets. In this figure r =50' max'; x=20'-24'; y=60'; and z=20'.

E. Disconnected Streets.

1. Blocks shall only contain disconnected streets in the following circumstances:
   a. Connection of the street is unfeasible and would result in substantial expense due to extreme topography or would compromise important natural features; or

b. Connection of the street would not be practical based on sound transportation planning and land use planning practices; or

c. The street is a stub street and the closure is temporary, as required in 1123.03.D., and will be connected upon development of adjacent property.

d. Disconnected streets shall serve no more than 20 dwelling units.

2. All disconnected streets shall provide a vehicular turn-around at the closed end according to the following: *(See Figure 1123-9)*

a. *Circular Turnaround/cul-de-sac.* Disconnected streets serving 20 or fewer lots may use circular turnaround, which shall have no more than a 50-foot radius. The radius may be expanded only where a center island provided. If a center island is provided, a continuous street width of 20 to 24 shall be maintained through the turnaround.

b. *T-shaped Turnaround.* Disconnected streets serving fewer than 8 lots may use a T-shaped turnaround with a 20-foot by 60-foot turn-around pad centered on the end of the street.

c. *Dead-end.* Streets serving four or fewer lots and which are stub streets to be connected in the future may have a dead-end with no temporary turn-around.

1123.04 LOTS

A. Lot Sizes.
1. Lot sizes shall meet the requirements of the zoning for the property. In the case of a plat that is associated with a request for rezoning, the proposed lot sizes shall meet the requirements for the requested zoning and the plat may be approved conditioned on approval of the rezoning request. Lots shall be platted and sized so that they may conform to all applicable zoning and site design requirements.
2. All lots shall have a depth no greater than 5 times the width.

B. Lot Lines.

1. *Frontages and Widths.* All lots shall have frontage on a public right-of-way. Minimum frontages and widths shall meet the requirements of the zoning district.
2. *Side Lines.* As far as practical, all side lot lines shall be perpendicular to the public right-of-way lines. In the case of curved frontages, the side lot lines shall be radial to the public right-of-way line at least to the front building line.

C. Lot Access. Lot access may be provided by individual or shared driveways, access streets located to the rear of lots and internal to the block, or on larger blocks, internal access streets which further divide the block into smaller development sites. Lot access standards may be further limited by specific site design standards in the particular zoning district.

1. *Curb-cuts or vehicle access*. Curb-cuts, or vehicle access points in the case of streets without curbs. They shall be limited in terms of separation, frequency, and extent in order to preserve safe traffic movements and minimize disruptions in the pedestrian zone of the right-of-way.

a. *Separation.* The separation distances in Table 1123-18: Curb-cut/Access Point Separation shall limit curb cuts or access points for lot access. The distance shall be measured from the centerline of each curb cut or from the centerline of the curb cut to the right-of way line of an intersecting street. Curb cut separation distances may be measured as an average separation on a single block face. For example if the separation requirement is 100 feet, and the distances between a series of curb cuts is 120, 160, and 20 (Average = 100) then the requirement of *Table 1123-18* would be meet.

Table 1123-18: Curb-Cut/Access Point Separation

CURB-CUT/ACCESS POINT SEPARATION		
STREET CLASSIFICATION	AVERAGE SEPARATION BETWEEN ACCESS	MINIMUM DISTANCE TO INTERSECTING STREET
ARTERIAL	▪ 150' for non-residential use ▪ 75' for residential use	▪ 75'
COLLECTOR	▪ 100' for non-residential use ▪ 75' for residential use	▪ 50'
LOCAL	▪ 100' for non-residential use ▪ 40' for residential use	▪ 30'
ACCESS	▪ No requirement	▪ 30'

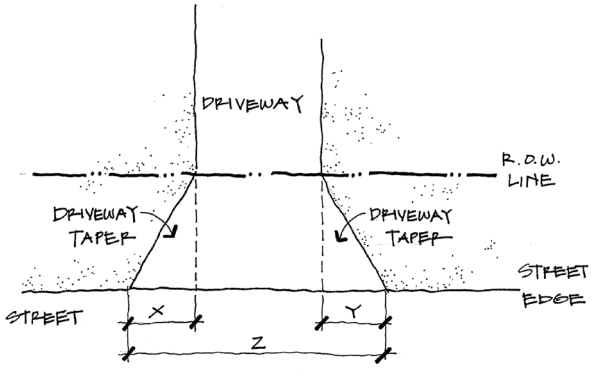
* *Exception.* On short block faces where access streets are not practical and where the required curb cut separation would result in less than 2 curb cuts on the block face, 2 curb cuts shall be allowed, separated from the intersecting street by at least 20% of the block length.

b. *Residential Driveway Tapers.* Access to residential driveways shall be tapered between the front lot line and the finished street edge to increase the driveway opening and ease vehicle turning movements. (See Figure 1123-10)

(1) The taper may vary up to 3 feet and 5 feet on each side.

(2) The taper shall not exceed 8 feet counting both sides

(3) No curb cut or access point shall exceed 20 feet.



Residential Driveway Tapers Limitations on driveway taper in the Right-of-Way provides sufficient vehicle turning but minimizes interruptions in curb-cuts (and potential on-street parking areas) and pedestrian facilities.
X and Y = 3' to 5'
X+ Y = 8' maximum
Z = 20 maximum

Figure 1123-10 Residential Driveway Tapers

c. *Non-residential Driveways*. Curb-cuts and access points for non-residential driveways, access streets, or internal access streets shall have curb-radii based upon the standards for public street intersections in Section 1122.05. Non-residential driveways, access streets, or internal access streets shall be interpreted as a local street in determining the appropriate curb radii.
   (1) Commercial curb cut shall not exceed 35 feet.
   (2) Industrial curb cut shall not exceed 50 feet.

2. *Access Streets.* Where curb cut allowances do not provide sufficient access to lots, or where a more continuous streetscape is desired without frequent driveway interruptions along the block face, access streets may be provided as follows.

   a. *Mid-block.* A mid-block access street runs along the rear of all lots with access at either end on the short block dimension.

   b. *H-shaped*. An H-shaped access street contains two access points on each of the long block faces connected internally within the block.

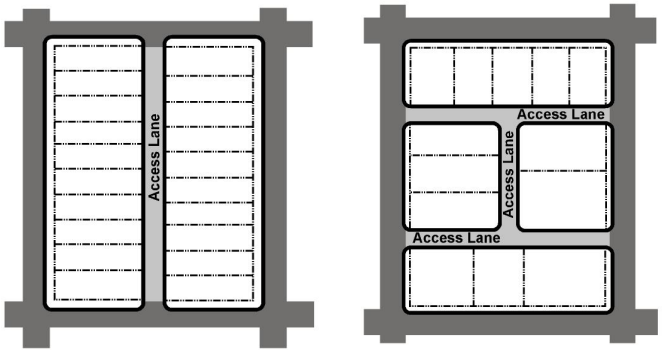
3. *Internal Access Streets.* Any block used for non-residential uses, which is larger than 7 acres, shall provide a system of Internal Access Streets to access the block and lots.

   a. Internal access streets shall meet the streetscape design standards specified in Chapter 1122, Street Network and Design.

   b. Internal access streets shall be laid out so that the block is divided into development sites between 2 and 6 acres measured from the centerlines of the internal access streets.

   c. Internal access streets shall be treated as public streets and rights-of-way for interpreting other standards of this Chapter.

Figure 1123-11 Access Streets



Access streets can be either "mid-block" or "H-shaped".

   d. Internal access streets shall be treated as public streets and rights-of-way for purposes of interpreting Title 3, Zoning Regulations and Title 4, Design Regulations.

D. Utility Access. Except where access streets are provided at the rear of lots, easements not less than 10 feet shall be platted along the rear property line. Utility easements may be required along front lot lines in cases where there is not sufficient space in the public rights-of-way for necessary utilities.

CHAPTER 1124 INFRASTRUCTURE

1124.01 INTENT AND APPLICABILITY 122
1124.02 OPEN SPACE 122
1124.03 FLOOD PLAIN AND STORM WATER 123
1124.04 UTILITIES 126
1124.05 PUBLIC AND COMMUNITY FACILITIES 128
1124.06 OFF-SITE IMPROVEMENTS 129

TABLE 1124-19: STORMWATER BEST MANAGEMENT PRACTICES 125

1124.01 INTENT AND APPLICABILITY

A. Intent. It is the specific intent of this Chapter to:
   1. Coordinate the operation and function of infrastructure systems across several distinct and independent subdivisions of land.
   2. Ensure that the operation of infrastructure systems is compatible with the function and design of the system of streets, blocks, and lots.
   3. Allow for efficient development of land through the coordination of all infrastructure systems operating within the City.
   4. Ensure that necessary public improvements and infrastructure systems are available, or can be efficiently constructed and coordinated with future development.

B. Applicability. This Chapter shall apply to the following infrastructure systems:
   1. Open Space;
   2. Flood Plain and Storm Water;
   3. Utilities, such as water, wastewater, communications, energy, and other service facilities; and
   4. Public and Community Facilities, such as public safety, education, cultural, recreation or other community facilities.

1124.02 OPEN SPACE

A. Intent. It is the specific intent of this section to:
   1. Recognize open space, whether public, common, or private, as an element of infrastructure for the City.
   2. Promote connectivity of open space so it can function as a single operating system.
   3. Minimize "edge" conditions of Natural Open Space, and avoid negative impacts on the ecological function that results at the edges of open space.
   4. Recognize the various requirements and designs of open space that are established in Title 4, Design Regulations, and locate open space appropriately based upon the intended function of each of the various types of open space.
   5. Provide a legal mechanism for the designation, ownership, and long-term operation and maintenance of all types of open space.
   6. Incorporate any specific existing or future open space plans into the subdivision process, and allow these plans to serve as guides for future land subdivisions and location of required open space.

B. Required Open Space. Minimum required open space, in addition to any lot coverage standards specified in each zoning district, shall be provided according to Title 4, Chapter 1145, Open Space Design and according to Section 1124.05 of this Chapter, Public and Community Facilities. Open space may be public or private and common, depending on zoning district standards and depending on the suitability and acceptability of the open space to the applicable public entity responsible for management of the open space.

C. Location Criteria. The following location criteria shall be used in determining the most appropriate locations and characteristics of land to be designated as required open space within subdivisions of land.
   1. Open space locations should be consistent with the most desirable natural habitats for animals and with preservation of significant natural resources such as sensitive and natural vegetation, natural grades, or prominent geological formations.
   2. Priority should be given to areas that provided the most visible impact. This shall mean impact to people who travel in and around the subdivision as well as for future lot owners within the subdivision.
      a. Formal open space should be located at prominent focal points within a subdivision.
      b. Natural open space should be located along prominent ridges, valleys and view corridors.
   3. Open space should be located to provide the greatest connectivity of open space systems with adjacent and future development sites.
      a. Formal open spaces should be located at key points where planned future transportation systems, such as streets, trails, or greenways will provide greater future visibility and accessibility.
      b. Natural open spaces should be located in areas that have the greatest potential for future expansion and connectivity to similar land areas on adjacent sites.
   4. Open space shall be located in areas that maximize its functional characteristics.
      a. Formal open space shall be centered in areas that will have the greatest population density or development intensity.
      b. Natural open spaces shall be located in areas where its ecological, aesthetic, and recreational impact will be the greatest.
      c. All open space shall be located where the greatest pedestrian access is achieved.

D. Dedication or Easements. Required open space shall require either the dedication to a public entity or homeowners association of open space easements, or other similar development restrictions, on the final plat. The dedication or easement shall also be accompanied by detailed information on the permanent preservation, protection, and maintenance of the open space.

1124.03 FLOOD PLAIN AND STORM WATER

A. Intent. It is the specific intent of this Section to:
- Protect people and property from the hazards of flooding, and mitigate additional future flooding risks that may be associated with the development of land.
- Minimize amount of impervious surfaces directly connected to the storm water system.
- Reduce the amount of runoff entering the storm water system and the natural wetlands.

- Reduce the speed of flow of runoff entering the storm water system and the natural wetlands.
- Reduce pollutant levels in runoff that enters the storm water system and the natural wetlands.
- Develop a storm water system that minimizes quantity and speed of flow entering the natural wetlands.
- Maintain quality of natural wetlands and groundwater systems by eliminating pollutants, preventing erosion and sediments, and maintaining natural temperatures of the water.
- Allow flexibility in site designs, cooperation among adjacent development sites, and more regional or watershed-based solutions to storm water management.
- Encourage creative site design solutions that allow land areas to perform multiple functions in terms of landscape, flood hazard mitigation, open space and recreation, and storm water treatment, allowing for more efficient development of sites.

B. Storm Water Management Plan. All subdivisions or site development shall contain a Storm Water Management Plan submitted with the preliminary plat or site plan, as required by this code and the City Engineer.

- The Storm Water Management Plan shall analyze the impact of development of all parcels within the subdivision assuming full build-out of all lots proposed in the development. The impact analysis shall identify how the subdivision will impact all groundwater and natural wetlands in the watershed. The analysis shall incorporate impacts of all other known and planned development activity and make reasonable assumptions about future development on other lots and parcels, and identify any opportunities for joint management of storm water among other potential development parcels.
- The Storm Water Management Plan shall propose Best Management Practices in the treatment of storm water in order to best meet the Storm Water Management intent in Section 1124.03.A and as per these requirements:

a. Peak Discharge

The peak discharge shall be controlled by reducing the 50-year post-developed peak discharge to the 2-year pre-developed peak discharge over the same area, except for projects containing impacts to the Yellow Creek, Mud Brook and/or Kelsey Creek Watersheds. Projects with impacts to those watersheds shall be controlled by reducing the 100-year post-development peak discharge to the 2-year pre-developed peak discharge over the same area. The requirements of this Section for runoff rates and volumes shall be satisfied at each location where runoff leaves the development area.

(1) Site Analysis: Must be performed showing existing and proposed peak runoff rates for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events. Acceptable methods to calculate peak flows are:

• Rational Method – suitable (and recommended) for small drainage areas (typically less than 30 acres);

• Soil Conservation Service (SCS) Method;

• USGS regression equations as described and referenced in the current edition of ODOT's L&D Manual – Volume II – Drainage Design;

- Other methods may be used pre-approved by City Engineering.
    a. All values, assumptions, and other data used must be clearly shown and, where appropriate, supported by calculations.

Detention/retention structures located "in-line" (receive runoff from off-site areas), shall be designed as regional detention/retention facilities. Post-construction hydrographs shall be developed for the entire watershed assuming full development of upstream areas according to current zoning requirements. The post-construction hydrographs shall be routed through the basin and shall not exceed the allowable release rates according to the applicable design criteria. The design criteria for a regional basin shall be as described herein under Critical Storm method by considering the percent increase in runoff from the entire watershed assuming full development of upstream areas, unless otherwise approved by the City.

b. Downstream Analysis

If the development or redevelopment contains impacts to the Yellow Creek, Mud Brook and Kelsey Creek watersheds, a Downstream Analysis shall be performed. The purpose of the analysis is to protect downstream properties from flood increases due to upstream development. Due to peak flow timing and runoff volume effects, some structural controls fail to reduce downstream peak flows to pre-developed levels. Therefore, a downstream analysis is required to ensure no adverse impacts to downstream properties. The downstream analysis shall consist of a hydrologic model of the larger watershed which includes the area draining to the site and shall include key detention structures existing in the watershed. The watershed shall be divided into an appropriate number of sub-areas with homogeneous hydrologic characteristics, and peak flows shall be determined in the downstream channel or system by combining the hydrographs generated for the applicable sub-areas. The analysis must begin at a point downstream of the site where the watershed is at least 10 times larger than the site area. The analysis must show that the post-developed 100-year peak flow does not exceed the pre-developed 100-year peak flow in the downstream channel or system at all critical points in the downstream system including stream confluences, major storm sewer outfalls, and any other locations which experience a significant change in flow as directed by the City. A drainage map of the watershed with the critical locations identified shall be submitted to the City for review prior to proceeding with the downstream analysis. An estimate of the most restrictive storm event capacity (2-yr, 5-yr, 10-yr, 25-yr, 50-yr, or 100-yr) of the downstream systems shall be provided.

The downstream analysis will be performed by the City of Cuyahoga Falls in areas where the City has previously developed a watershed model. The design engineer may be requested to submit additional information or calculations for the site being developed to update the City's watershed model. The City understands the Northeast Ohio Regional Sewer District has models for these watersheds within their Cuyahoga River South Stormwater Master Plan. For models, the design engineer shall contact the City to determine the availability of the models from NEORSD or other known sources.

(1) Long Term Maintenance plan

A Long-term maintenance Plan (LTMP) shall be provided for all post-construction storm water elements. LTMPs shall comply with the following requirements:

a. LTMPs shall be provided by the regulated party to the Summit County SWCD as part of the SWP3 review.

b. LTMPs shall be provided to the party responsible for post-construction operation of the site (including homeowner associations) upon completion of construction activities or as otherwise directed by Summit County SWCD.

c. Separate LTMPs shall be submitted for BMPs located on separate properties.

d. LTMP contents: To ensure that storm water management systems function as they were designed and constructed, the LTMP shall be a stand-alone document, which contains, at a minimum:

i. Cover sheet showing site name, date, and description of site's immediate receiving drainage system (e.g. Water of the State, private system, City of Cuyahoga Falls MS4, Summit County MS4, Township MS4, etc.).

ii. Responsible party: A designated person, party, or entity responsible for inspection and maintenance of the BMP(s), including contact information (i.e. address, telephone number, email, etc.).

iii. Assurance of operation and maintenance: A description of how BMP(s) will be operated and maintained in the absence or dissolution of the designated responsible party, including how such responsibilities will be transferred upon the sale of the subject property.

iv. BMP information: Descriptions of all post-construction storm water BMPs and all supporting design and installation data.

v. Maintenance responsibilities: The routine and non-routine maintenance tasks to be undertaken.

vi. A schedule for inspection and maintenance.

vii. Easements and agreements: Any necessary legally binding maintenance easements and agreements.

viii. Map: A map showing all BMP locations and any access and maintenance easements.

ix. Statement prohibiting BMP alterations: A statement prohibiting the alteration of BMPs unless otherwise approved by the City and/or Summit County SWCD.

x. Pollutant disposal statement: A statement that any pollutants collected within post-construction BMPs shall be disposed of in accordance with local, state, and federal regulations.

xi. Statement of City of Cuyahoga Falls authority: A statement acknowledging the City of Cuyahoga Fall's inspection and enforcement rights for violations of Chapter 1111.08 of the City's codified ordinances.

xii. Statement of acceptance of responsibility: A statement acknowledging that the contents are requirements of the LTMP are understood an accepted by the responsible party.

xiii. A printed name, signature, and date of signature of the responsible party.

xiv. Any other information as required by Summit County SWCD.

- Regulated parties/responsible parties shall at all times properly operate and maintain ("O&M") all storm water practices, facilities, and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of these regulations. A description of maintenance procedures needed to ensure the continued performance of control practices shall be provided.

  All permanent storm water quantity management infrastructure and related appurtenances installed per these regulations must be maintained by the respective owner or responsible party.

  All permanent storm water quality BMPs and related appurtenances installed per these regulations must be maintained in accordance with a Long-Term Maintenance Plan which has been approved by the City and Summit County SWCD.

- All subsequent final plats and site development plans shall include a storm water treatment statement identifying compliance with the Storm Water Management Plan submitted with the preliminary plat, or if not consistent with the Storm water Management Plan, the plat or site development plan shall include an impact analysis comparable in scope and detail to that required for Storm Water Management Plan, with

a finding that any modifications will equally or better serve the storm water treatment goals.

- All areas dedicated to storm water treatment or drainage ways for site shall be identified by storm water easements. All Easements required pursuant to these regulations should expressly state that the City has entrance, inspection, maintenance, and enforcement rights as described in Chapter 1111.08. Storm water treatment systems should be integrated into the site design wherever possible. Treatment area may be used to satisfy required open space standards in the zoning regulations provided the area is designed so that it both meets the open space design standards and performs the desired storm water best management practice.
- Disclaimer of liability

(a) Compliance with the provisions of this chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this chapter are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(b) Failure of the City of Cuyahoga Falls to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the project owner from the responsibility for the condition or damage resulting therefrom and shall not result in the City of Cuyahoga Falls, its officers, employees or agents as being responsible for any condition or damage resulting therefrom.

(c) By approving a plan under this Chapter, the City of Cuyahoga Falls does not accept responsibility for the design, installation and operation and maintenance of private stormwater management systems.

1. Inspection

(a) Upon presentation of proper credentials and having obtained consent from the property owner or tenant in possession, representatives of the City or other authorized designee or government agency may enter at reasonable times or such other times as may be necessary, any site for the purpose of making storm water inspections and performing the duties required by this chapter.

(b) If acting to determine compliance with applicable provisions of the Storm Water Management Plan, persons described in subsection (a) hereof may enter any site currently under construction or under permit by the City without first obtaining consent of the property owner or tenant in possession.

(c) If acting under to actual or apparent emergency conditions, and in conjunction with the authority set forth in Section 1111.08.B. 1. a, persons described in subsection (a) hereof may also enter without first obtaining consent of the property owner or tenant in possession.

(d) The City shall have the right to set up at facilities subject to this chapter such devices as are necessary, as determined by the City, to conduct monitoring and/or sampling of the facility's storm water discharge.

(e) The City shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating

condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City or its authorized representative to ensure their accuracy.

(f) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City. The costs of clearing such access shall be borne by the facility owner/operator.

(g) Unreasonable delay in allowing the City or designee access to a facility subject to this chapter for the purposes of illicit discharge inspection is a violation of this chapter.

C. Storm Water Best Management Practices. Storm Water Best Management Practices (BMPs) refers to the process by which storm water is either converted to runoff or is delivered into the groundwater or natural wetlands. The BMP used for individual development sites is based upon the specific site conditions. However, in ordinary conditions *Table 1124-19: Storm Water Best Management Practices* identifies the types and applicability of BMPs, in descending order of acceptance. All storm water facilities, including any drainage way integral to the selected Best Management Practice, shall be designated as a storm water easement, with easement lines conforming substantially to the boundary lines of the facility.

Table 1124-19: Stormwater Best Management Practices

STORM WATER BEST MANAGEMENT PRACTICES		
BMP	**Description and Characteristics**	**Planning Considerations**
INFILTRATION SYSTEMS	Systems that infiltrate storm water into the ground before it leaves the site. Infiltration systems have the greatest capacity to both reduce storm water runoff quantity and ensure runoff water quality. Examples are: ▪ Infiltration basins; ▪ Alternative paving surfaces such as porous pavement, modular perforated concrete or stabilized permeable surfaces; and ▪ Infiltration trenches or wells.	▪ Ensure that groundwater does not impact drinking water supply or monitor infiltration system to ensure pollutants are removed if it does enter drinking water. ▪ Use only where permeability of soils is sufficient. ▪ Consider maintenance system or long-term permeability of soils. ▪ Avoid compaction of soil and ensure stability of soil where infiltration occurs. ▪ Use porous pavement or stabilized porous surfaces only where traffic will be low or infrequent, snow removal or treatment will be minimal, and sediment in runoff will be low.
CONSTRUCTED WETLAND SYSTEMS	Systems similar to Retention and Detention systems except that a substantial portion of the water surface area or bottom area contains wetland vegetation. Examples are: ▪ Wetland basins, and ▪ Wetland channels.	▪ Use only where substantial study has ensured that conditions will ensure the long-term survival of wetland vegetation species. ▪ Consider conditions between runoff events, seasonal fluctuations in selecting wetland vegetation, and degree that groundwater could provide water during low periods. ▪ Use with additional treatment to remove large sediments from runoff prior to

STORM WATER BEST MANAGEMENT PRACTICES		
BMP	**Description and Characteristics**	**Planning Considerations**
		reaching vegetated area.
RETENTION SYSTEMS	Systems that capture a volume of runoff and store it until it is displaced by infiltration or by the next runoff event, such that a permanent pool of water is present between runoff events. Retention systems can reduce runoff quantity and improve quality through both sedimentation prior to runoff and using infiltration in conjunction with the retention system. Example are: ▪ Retention or wet ponds.	▪ Design retention systems as an amenity for development, with enhance aesthetics and landscape elements, and include pedestrian access. ▪ Use additional BMPs such as infiltration, constructed wetlands, and biofiltration wherever possible.
FILTRATION SYSTEMS	Systems that use some combination of granular filtration media such as sand, soil, peat, or gravel to filter pollutants from storm water prior to converting it to runoff. Filtration systems primarily deal with quality of runoff and are most appropriate on small, individual sites or dense areas where land necessary for other BMPs is not available. ▪ Examples are: ▪ Surface filters and underground filters. ▪ Biofilters or bioretention areas; ▪ Vegetated swales; and ▪ Grass filter strips.	▪ Incorporate bioretetion areas or vegetated filters into parking lot landscape edges, landscape buffers, or other required landscape areas wherever possible.
DETENTION SYSTEMS	Systems that capture a volume of runoff and temporarily store if for release into the storm water system without a significant permanent pool between runoff events. Detention systems can control the quantity or runoff, but do little to control the quality of runoff. Examples are: ▪ Detention basins or ponds, and ▪ Underground detention vaults.	▪ Use only as an ***exception,*** based on a clear showing that all other methods are impractical based on characteristics of the land. ▪ Use only for situations that require reduced peak discharges to minimize downstream flooding. ▪ Wherever possible, use in conjunction with other BMPs to reduce runoff quantity and eliminate pollutants. ▪ Design detention basins for potential ancillary uses during dry periods wherever possible. ▪ Detention basins shall be subject to additional limiting design factors such as depth, location, screening, or other site factors to ensure efficient and safe site design.

D. Flood Plain Standards. All plats shall identify flood hazards within all portions of the land to be subdivided, subject to the requirements of the Federal Emergency Management Agency, the effective Flood Insurance Rate Map, and Chapter 1310 of the City of Cuyahoga Falls

Codified Ordinances. All buildings, structures, and development within these mapped areas shall be subject to the additional restrictions of Chapter 1310.

1124.04 UTILITIES

A. Intent. It is the specific intent of this Section to:
   1. Provide all lots for potential development with adequate utility services.
   2. Facilitative coordinated and efficient construction of utilities for existing, immediate, and planned future growth, and minimize needs for disruption of services throughout the city.
   3. Specify locations for utilities that make the most efficient use of public rights-of-way, and best accommodate the development patterns, land uses, and designs called for in the General Plan and these regulations.
   4. Promote the long-term efficiency, operational integrity, and maintenance of utility systems.
   5. Allow for construction and maintenance of utility systems that presents the least impact on other infrastructure systems, natural resources, and the aesthetics of the community.

B. Required Utilities.
   1. *Sewer and Water Facilities.*
      a. The developer shall provide adequate central sanitary sewer and water supply systems by connection to existing systems, which are deemed adequate by the City Engineer to handle the additional demands, and volume, which shall result from the proposed subdivision.
      b. The subdivider, prior to submission of a plat for approval by the Planning Commission, shall receive written approval for the extension of water services and sewer services from the City engineer.
      c. Exception. The Planning Commission may grant an appropriate exception to this provision when the following conditions apply:
         (1) Each proposed lot is 1 acre or larger and has a frontage of 120 feet or more on a public street, or the subdivision is part of a residential cluster with a net density of less than 1.5 acres per unit incorporating individual or common septic systems; and
         (2) The Summit County Health Department indicates that the subsoil conditions are suitable for sewage disposal facilities.
   2. *Other Utilities.* All subdividers shall make arrangements with providers for cable, electric, phone, and natural gas service within subdivisions.

C. Upsizing. Whenever any portion of the required utilities are part of a planned future facility for the City, serving an area larger than the subdivision, the City may require that the subdivider upsizing the utilities. The City shall require:
   1. The subdivider to construct the facilities as planned by the City for future capacity as part of the subdivision and development process.

2. The subdivider to be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
3. The city shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based on the lowest of at least 3 contractor bids proposing to build the facilities comparing the costs of the minimum required facilities with the costs as planned by the City.

D. Location.
1. Where location of utilities in the rights-of-way, alleys, or lanes is not practical, utility easements, with a minimum width of ten feet should be platted along the front and rear of all lots and sides of all lots where deemed practicable by the City Engineer.
2. All utilities should be placed underground where deemed practicable by the City Engineer.
3. All lots, easements, and rights-of-way shall be located to eliminate unnecessary jogs or offsets in utility locations and to provide efficient connections and services to adjacent property.

1124.05 PUBLIC AND COMMUNITY FACILITIES

A. Intent. It is the specific intent of this Section to:
1. Facilitate planning and development of public and community facilities, such as public safety, education, cultural, or recreation facilities, in coordination with the growth that creates a demand for these facilities.
2. Provide an opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities that are not directly impacted by proposed subdivisions.
3. Encourage integration of public or community facilities into subdivisions of land, so that essential community services can be located conveniently in neighborhoods and districts.
4. Incorporate any specific existing or future public or community facility plans into the subdivision process, and allow these plans to serve as guides for future land subdivisions and location of these facilities.
5. Provide incentives to dedicate land for public and community facilities when such dedication is beyond the impact and need created by a specific subdivision.
6. Ensure that the most appropriate areas for the location of public and community facilities are identified prior to the premature commitment of these areas to other conflicting uses or development patterns.

B. Dedication of Public Sites. The Planning Commission shall require the dedication of land to the City and/or the Board of Education for parks, playgrounds, open space and/or school sites in an amount equal to 10% of the gross area of the subdivision. The Planning Commission

shall require that such dedication be in conformance with the long range planning documents, or any similar official plan for parks, recreation, community, or education facilities.

C. Reservation of Land. Where the land area shown on such subdivision plat for such public sites exceeds the 10% requirement, such additional land shall be reserved for a period of one year beyond the completion of development to permit such land to be acquired by the appropriate public body.

D. In Lieu of Dedication. If no public site is indicated in the long range planning documents, or any similar official plan for parks, recreation, community or education facilities, the Planning Commission may require the sub-divider in lieu of dedication of the required 10% of land, to pay a per dwelling unit fee. The fee shall be based on a public or community fee determined by the Planning Commission and indicated in the most recent schedule of fees. The amount shall be assessed for each lot or residential dwelling unit proposed.

1. Such amount may be further negotiated by the Planning Director and the subdivider and concurred to and approved by the Planning Commission and City Council, based on evidence of specific impact on community or public facilities.

2. Any payment in lieu of dedication as public land shall be used to purchase or develop park sites, community facilities, or to promote the maintenance of open space, which, within reason, serves the subdivision for which payment was made. Such funds shall be deposited in the land preservation and acquisition fund account established for the specific purpose of acquisition or development of the above-mentioned sites.

3. In the event an agreement satisfactory to the Planning Commission cannot be reached, the fee shall be based on an amount equal to 10% of the pre-development price of land in the general area. The value of the land shall be determined by the average value as established by three appraisers (one to be selected by the sub-divider, one by the Planning Director, and one acceptable to both parties.) The developer will pay the total cost of all three appraisals.

E. Common Areas. In lieu of dedication to the City of land for open space or parks, such land may be at the discretion of the City Council upon recommendation of its Planning Commission, be held by the developer or an approved home owners association substantial in ownership by restrictions, agreements or other documents, indicating in detail, the manner in which any land intended for common or quasi public use, but not proposed to by in public ownership shall be held, owned and maintained for the indicated purpose. Easements restricting the use for such purpose shall be granted to the City.

F. Credits. Any land dedicated to the public entity for future public or community facilities may be directly credited towards the applicants open space requirements of Title 4. In order to receive credit, the site must be acceptable to the public entity. Where the City Council accepts common areas in fulfilling the 10% requirement, this land may also be credited to the open space requirements, subject to the design and location standards in Title 4.

1124.06 OFF-SITE IMPROVEMENTS

A. Intent. It is the specific intent of this Section to:

1. Facilitate planning and development of all infrastructure facilities, such as open space, streets, storm water, and utilities, in coordination with other developments and the City capital improvements plans;
2. Provide an opportunity to negotiate a fair and equitable price for construction of off-site facilities whose need is generated by proposed subdivisions;
3. Encourage greater efficiencies in developing all infrastructure facilities by combining and apportioning resources among adjacent developments and the city capital improvement funds and
4. Coordinate efficient development of all infrastructure facilities concurrent with growth and the City's long range planning documents for growth.

B. Required Off-Site Improvements. When, at the discretion of the Planning Commission, existing or proposed public facilities in proximity to the subdivision are impacted by the proposed subdivision to the extent that they must be designed, constructed, expanded, or upgraded to support the general health, safety, and welfare of the proposed subdivision, the Planning Commission may require the sub-divider to design, construct, expand, or upgrade the public facility.

1. Required off-site improvements may include:
   a. Streets and rights-of-way, including construction, acquisition, extension, or connection;
   b. Traffic control devices, including mechanical systems and geometric configurations;
   c. Stormwater facilities, including natural and constructed systems;
   d. Utility facilities, including easements, sanitary sewer facilities, and water distribution facilities; and
   e. Any other public infrastructure.
2. In the event that the Planning Commission determines the off-site improvements are impacted by more than one subdivision, or to an extent by the city-at-large, the Planning Commission may require the subdivider to share in the cost. The Planning Commission may require the sub-divider to deposit its share of the total cost in a special account reserved for the immediate or subsequent payment for the design, construction, expansion, or upgrade of the public facility.

CHAPTER 1125 STREAM CORRIDOR PROTECTION

(Amended-Ordinance 66-2012)

1125.01 STREAM CORRIDOR PROTECTION – GENERALLY....131
1125.02 STREAM CORRIDOR PROTECTION....131

TABLE 1125-20: STREAM TYPES....131
TABLE 1125-21: BUFFER TYPES....132
TABLE 1125-22: REQUIRED BUFFER AREAS....132
TABLE 1125-23: WATER POLLUTION HAZARD SETBACKS....134

1125.01 STREAM CORRIDOR PROTECTION – GENERALLY

The standards in this Chapter may have a broad application across a number of different zoning districts and number of different uses within the zoning districts. They are supplemental to the Specific Zoning District Standards in Chapter 1132, the Specific Use Standards in Chapter 1133, and the Design Standards in Title 4.

1125.02 STREAM CORRIDOR PROTECTION

A. Applicability. The standards in this section shall apply to all planning areas in the City through the site plan and division of land procedures described in this code and through the Planning Division's zoning certificate process.

B. Intent. It is understood the standards in this section are intended to preserve natural water corridors in order to perform various hydrological, biological, and aesthetic functions that protect the health, safety, and welfare of adjacent property, downstream property, and the community. The standards have the specific intent of:
   1. Protecting adjacent and downstream property and persons from inundation from flooding;
   2. Protecting surface and groundwater supply from contamination by reducing or eliminating pollution sources from the stream or by allowing natural filtration and infiltration processes to occur;
   3. Stabilizing stream banks and reducing channel erosion; maintaining stream temperatures and habitat for wildlife in and along the stream corridor; and
   4. Preserving aesthetic qualities and recreation or education opportunities presented by natural stream corridors and enhance property values near stream corridors.
   5. Preserve corridor ecosystems and ensure connected and functional stream corridors by avoiding any gaps in stream corridor buffers, which will compromise the effectiveness of the system.

C. Standards.
   1. *Stream Types*. The following stream types shall be used to define appropriate stream buffers (See Table 1125-20).

Table 1125-20: Stream Types

STREAM TYPES	
STREAM TYPE	**STREAM CHARACTERISTICS**
Type I	Drainage area of up to 32 acres
Type II	Drainage area of greater than 32 acres up to .5 square miles
Type III	Drainage area greater than .5 square miles up to 20 square miles
Type IV	Drainage area greater than 20 square miles up to 300 square miles
Type V	Drainage area greater than 300 square miles

2. *Buffer Types and Allowed Activities.* The following buffer types shall be used to regulate activities in any stream corridor buffers. Any applicable buffer type boundaries shall be indicated on any plat or site plan filed which includes an applicable stream corridor (Table 1125-21).

Table 1125-21: Buffer Types

BUFFER TYPES	
BUFFER TYPE	**BUFFER CHARACTERISTICS**
Preserved Buffer	An area that protects the physical and ecological integrity of the stream ecosystem. It is the most sensitive area of the Stream Corridor and includes the stream channel and the required setback from the ordinary high water mark. In order to protect natural functions of the corridor, this area should contain undisturbed natural vegetation.
Managed Buffer	An area that protects key components of the stream and provides distance and transitions between upland development and the Preserved Buffer. Activities in this area impact the function of the Preserved Buffer, as well as the Stream Corridor, and it begins immediately adjacent to the Preserved Buffer. In order to protect natural functions of the corridor, this area should contain native vegetation and limited land disturbance.
Limited Development Buffer	An area that prevents encroachment into the stream corridor by more intense and conventional development. Activities in this area impact the function of the Stream Corridor, and it begins immediately adjacent to the Managed Buffer. Limited development activity is allowed in this area, provided it is accessory to a use in one of the other buffer areas or involves site design practices that eliminate, minimize or mitigate impacts of run-off into the stream corridor.

3. *Required Buffer Area.* The required Buffer Area shall be according to the following table with required and allowed modifications based upon the following sections and Table 1125-22.

Table 1125-22: Required Buffer Areas

REQUIRED BUFFER AREAS				
BUFFER TYPE ➢ STREAM TYPE	**PRESERVED BUFFER**	**MANAGED BUFFER**	**LIMITED DEVELOPMENT BUFFER**	**TOTAL COMBINED BUFFER AREA**
TYPE I	30’	N/A	N/A	30’, both sides
TYPE II	30’	50’	N/A	50’, both sides
TYPE III	30’	50’	75’	75’, both sides
TYPE IV	30’	75’	100’	100’ both sides
TYPE V	30’	100’	300’	300’ both sides

** Buffer distance requirements measured horizontally from the edge of the ordinary high water mark. All Preserved Buffers shall also include the stream channel in addition to the specified setback from the ordinary high water mark.*

a. The minimum Preserved Buffer area shall be increased subject to the following:

(1) An additional one foot for every 1% of slope over 10%;

(2) An additional foot for every foot of existing impervious surface in the Buffer area; and

(3) Other wetlands and slopes over 25% shall not be credited to the Preserved Buffer area requirement and shall require remainder of the required Preserved Buffer area to be designated outside of these sensitive areas.

b. In all cases where the Preserved Buffer is increased, the Managed Buffer and Limited Development Buffer shall increase an equal additional amount.

c. Alternative Buffers. Alternatives to the proposed standards may be introduced by the City or landowner proposing development in a stream corridor if based on scientific studies of the specific site and surrounding impacted areas, taking into account the following factors:

(1) Slope;
(2) Groundwater and surface water flow;
(3) Rainfall;
(4) Soil infiltration rate and conditions;
(5) Floodplain width;
(6) Catchment size;
(7) Existing and proposed land uses;
(8) Impervious surfaces;
(9) Wetlands; and
(10) Surrounding vegetation characteristics.

4. *Allowed Uses and Limitations.* In addition to all standards and regulations of the base zoning district, the following additional limitations shall apply in the buffer areas:

a. Preserved Buffer – The preserved buffer shall only allow uses that leave the soil and vegetation in an undisturbed state.

(1) Prohibited Activities. Mowing and clearing of vegetation, excavation, or any land disturbance is prohibited in this area unless it is conducted in association with restoration of natural stream conditions or occurs at a designated stream crossing.

(2) Allowed Uses. Unpaved recreation trails, wildlife sanctuaries, fishing and hunting, natural education and research activities are allowed in this area.

b. Managed Buffer – Conservation uses such as wildlife sanctuaries, fishing and hunting areas, passive park lands or Natural Open Space, unpaved recreation facilities, natural education and research activities, limited harvesting of trees and natural vegetation, sustainable agriculture practices involving only crops, camping and picnic areas.

c. Limited Development Buffer – Accessory buildings to other buffer uses, principal buildings to uses allowed by zoning district provided green building practices, associated site elements provided low-impact design such as porous paving etc. is used to the greatest extent practicable.

5. *Additional Limitations.*

a. Water Pollution Hazards. In addition to the protections of the buffer areas and the underlying zoning ordinance, all streams protected by the stream corridor protection

standards shall have the setback standards identified in Table 1125-23 for water pollution hazards:

Table 1125-23: Water pollution Hazard Setbacks

WATER POLLUTION HAZARD SETBACKS	
HAZARD	**SETBACK**
Storage or use of hazardous substances	150 feet
Aboveground or underground petroleum storage facilities or use of petroleum-based products	150 feet
Drain-fields from onsite sewage disposal and treatment systems (i.e., septic systems)	100 feet
Raised septic systems	250 feet
Solid waste landfills, recycling facilities, or junkyards	300 feet
Agricultural activities involving animal feed operations, grazing, or storage	250 feet
Mining of natural resources	250 feet

b. Stream Crossings. Crossings of streams protected by these standards, by roads, driveways, storm sewers, sewer lines, water lines and utility lines shall be limited by the following:

(1) One crossing area limited to no wider than 25 feet for each tax parcel existing at the time of adoption of these regulations and which borders both sides of the stream.

(2) One roadway crossing area, and associated utility crossing, limited to no wider than 50 feet for every 660 linear feet.

(3) All crossings shall be perpendicular to the stream and shall be designed to minimize and mitigate any disturbance in any Buffer area.

D. Modifications and Exceptions. In addition to the standard procedures for variances provided in Title 1, adjustments to the buffer distances may be made to the standards of this section through the site plan procedures subject to the following:

1. The buffer widths may be reduced at some points as long as the average width of the buffer meets the minimum requirement.
2. Averaging of the buffers may be allow where existing structures or other site conditions, do not compromise the function of any buffer.
3. No impacts or disturbances on the Preserved Buffer base requirement shall be allowed, except in the Cuyahoga River Planning Area where trails, docks and observation areas may be constructed using green building practices and low-impact design such as porous paving and natural materials etc. and with approval the Planning Commission and City Council
4. No new structures shall be allowed in the Preserved or Managed Buffer, except in the Cuyahoga River Planning Area where new construction may take place in the Managed Buffer provided green building practices and low-impact design such as porous paving and natural materials etc. is used to the greatest extent practicable and with approval the Planning Commission and City Council.

CHAPTER 1126 OPEN SPACE

1126.01 DESIGN GOALS....135
1126.02 TYPES OF OPEN SPACE....135
1126.03 OPEN SPACE REQUIREMENTS....138

TABLE 1126-24: OPEN SPACE CATEGORIES AND TYPES....136
TABLE 1126-25: MINIMUM GENERAL OPEN SPACE REQUIREMENTS....138
TABLE 1126-26: REMNANT OPEN SPACE LIMITATIONS....139
TABLE 1126-27: OPEN SPACE LOCATIONS....139

1126.01 DESIGN GOALS

A. In meeting the Intent of this Title, the standards in this Chapter fulfill the following design goals with respect to Open Space Design:
B. Ensure each area of open space serves a specific function and is not merely left over or under-utilized space.
C. Create minimum design standards that provide citizens with greater access to a wider variety of quality open spaces.
D. Value the design, function, and perceptual impact of open space, rather than simply quantity, through different measurements for specific types of formal and natural open space.
E. Establish minimum thresholds for the appropriate amount of formal or natural open space, dependent upon the context of the site.
F. Allow open spaces to be linked, whether private or public, to provide the greatest perceived impact on the public.
G. Locate open space elements at prominent locations and in appropriate quantities to create a focal points for the community, district, neighborhood, or development site,
H. Require usable and accessible open spaces to meet the anticipated needs of residents, patrons, employees, or visitors of developed sites.
I. Create meaningful connections by locating open spaces proximate to open spaces on adjacent sites, providing connecting trails or greenways, or providing connections to the public streetscape.
J. Relate constructed elements of the development, including buildings and pedestrian areas, to open space.
K. Integrate natural systems into the common or public open space of the community, district, neighborhood, or development site in order to allow open space to serve multiple aesthetic, environmental, and recreational functions.

1126.02 TYPES OF OPEN SPACE

Table 1126-24: Open Space Categories and Types indicate the categories, types, and general size requirements for open spaces to be used for site designs in the various zoning districts. Generally there are three categories:

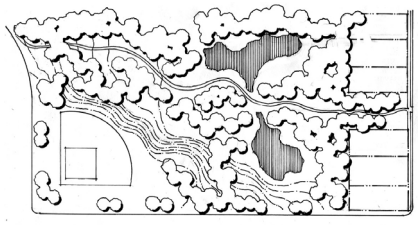
A. Remnant Open Space. Remnant open space is most appropriate in limited application, dispersed in a random manner among individual private lots. Due to its nature and

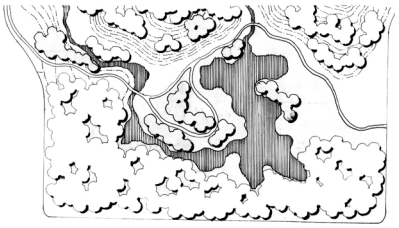
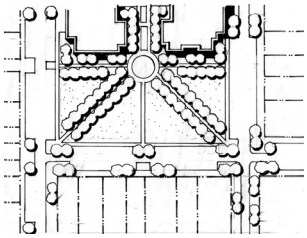
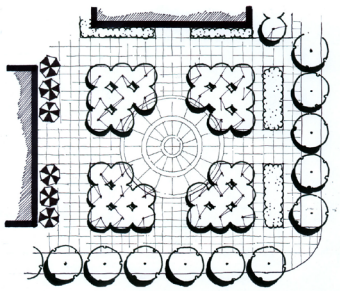
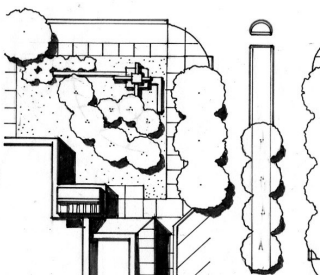
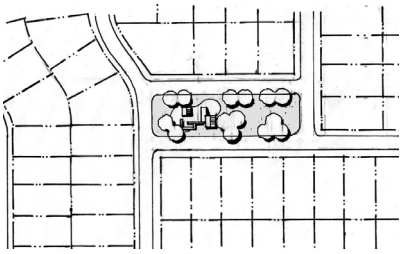
characteristics as undevelopable land, there is little added value in consolidating and designing sites around Remnant open space.

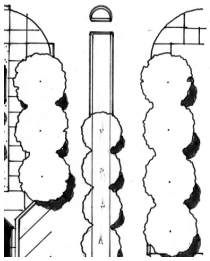
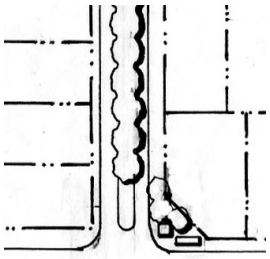
B. Natural Open Space. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of mixed-use developments. It can also be used at any location where significant natural features exist and warrant preservation. Natural open space typically provides multiple benefits including environmental, aesthetic, or recreational functions and therefore adds value to the community when consolidated and integrated into site designs.

C. Formal Open Space. Formal open space is most appropriate in convenient, easily accessible locations benefiting a large number of people that live in or frequent the area. Typically this will be at the center of a residential neighborhood or in a mixed-use, commercial, or employment district. Formal Open Space by its nature creates a civic design amenity and gathering place at strategic locations, and therefore adds value to the community as a focal point for all surrounding development.

Table 1126-24: Open Space Categories and Types

OPEN SPACE CATEGORIES AND TYPES				
CATEGORY	TYPE	DESCRIPTION	RECOMMENDED SIZE	IMAGE
REMNANT	Green Space	Any undeveloped permeable areas which are not required by setback or lot coverage standards, and which do not fit any category of Formal or Natural Open Space. Examples include extra yard areas, lawn or landscape areas that surround site entrances or monument signs, required parking lot screening and landscape areas, or other undeveloped landscape areas. Remnant Green Space is typically not developable either due to regulations or site conditions, and serves no designed purpose other than to be open, permeable ground areas or buffer land uses.	Remnant Green Space sizes are typically based on specific site conditions and development proposals Because Remnant Green Space is often randomly dispersed and on remote portions of a parcel, providing little cumulative or community benefit, the application of Remnant Green Space in meeting overall open space requirements may be limited.	NO ILLUSTRATION NEEDED
NATURAL	Park	An undeveloped area for unstructured recreation. A Natural Park may include some areas for structured recreation, such as ball fields, courts, or playgrounds, but generally this area should occupy no more than 25% of the total Park area. A Natural Park has a predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, and structured recreation purpose.	Natural Parks should be at least 3 acres or 2/3 of any block upon which it is located, whichever is less.	
	Green-way (with Trail)	An undeveloped area of continuous linear natural features, often following a stream, floodplain, or road corridor. A Natural Green-way should be usable for recreation and non-motorized transportation, through primitive hiking trails or a formal multi-use trail at least 10' in width but occupying no more than 1/3 the width of the Natural Green-way. It includes few constructed improvements except for those to enhance travel or recreational use.	Natural Green-ways should be at least 1 linear mile but sized and located based on opportunity to provide greater significant continuity throughout a development and to areas beyond the development area, and at least 30' wide at all locations.	

OPEN SPACE CATEGORIES AND TYPES				
CATEGORY	TYPE	DESCRIPTION	RECOMMENDED SIZE	IMAGE
	Preserve	An undeveloped area that contains significant natural features or habitat worthy of preservation, and which provide environmental, aesthetic, and recreational benefits. Features such as large stands of trees, water elements, or prominent topography characterize Preserves. It contains little or no constructed improvements other than trails to access the Natural Preserve.	The size of a Natural Preserve should be based on the site characteristics and potential continuity of similar natural features in the area, along with the potential to connect to adjacent natural areas.	
FORMAL	Green	An open space for unstructured recreation or aesthetic landscaping. A Formal Green is bordered by public right-of-ways on at least 2 sides. Front building facades and/or formal edge landscaped elements define any boundaries of the Formal Green not bordered by public rights-of-way. Generally there are few constructed elements except as a entry to the Formal Green or a gathering created place as a focal point for the Formal Green.	Formal Greens should be between ¼ acre and 3 acres, but cover at least 1/3 of the block upon which it is located. The size of Formal Greens should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Green between 1:1 and 1:4	
	Plaza / Square	An open space for civic purposes and commercial activities. A Formal Plaza or Square is bordered by public right-of-ways on at least 1 side. Building facades define any boundaries of a Formal Plaza or Square not bordered by public rights of way. A Formal Plaza or Square is largely comprised of constructed of materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern.	Formal Plazas or Squares should be between 1/8 and 2 acres. The size of Plazas/ Squares should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Plaza/Square between 1:1 and 1:4.	
	Courtyard	An accessible small open space area generally serving one or a few surrounding buildings. Formal Courtyards are primarily bordered by building facades, but have at least one side fully or partially boarded by a public right-of-way. A Formal Courtyard is largely comprised of constructed of materials to withstand heavy pedestrian traffic, but contains intermittent formal landscape elements.	A Formal Courtyard should be between 400 square feet to 1/8 acre, but be coordinated with the height of surrounding buildings to maintain a building height to Courtyard width ratio between 2:1 and 1:2.	
	Playground	An open space designed and equipped for structured recreation. A Formal Playground may be part of larger Formal or Natural open space. Playgrounds boundaries are defined by either fences, playing surfaces, or other similar constructed feature encompassing the play equipment. Formal Playgrounds are often used as a focal point for a Neighborhood, particularly when designed as part of a Green or Park.	Formal Playgrounds should be between 400 square feet to ¼ acres.	

OPEN SPACE CATEGORIES AND TYPES				
CATEGORY	TYPE	DESCRIPTION	RECOMMENDED SIZE	IMAGE
	Median	A landscape area of significant continuity designed as a focal point of a roadway. In order to be counted as open space, the median shall be wide enough and include pedestrian access, public art, or enhanced landscape design similar to a Green. The Median is part of the Boulevard Treatments allowed in the Street Design sections of Title 2, Subdivision Regulations	In order to be counted as Open Space, the median shall: Continue for at least 4 continuous block lengths or 1760 feet, whichever is greater; and Have an expanded width, wider than required by Title 2, as follows: 12' on Local streets 16' on Collector streets 20' on Arterial streets.	
	Pocket Park	A small open space with pedestrian access used for aesthetic landscaping, small informal gathering and recreation, or occasional public seating (such as a Pocket Park designed in conjunction with a transit stop). Pocket Parks are often designed as gateway features along a corridor, at entrances to a neighborhood or district, or as the focal point for a neighborhood or district. Pocket Parks are predominantly landscape areas, but utilize constructed elements to provide the pedestrian access and gathering space.	Pocket Parks should between 100 square feet and ¼ acre.	

1126.03 OPEN SPACE REQUIREMENTS

A. Minimum Required Open Space. Open space shall be provided as public or common open space as specified in *Tables 1126-25: Minimum General Open Space Requirements*, according to the applicable Planning District. The open space requirement is independent of any lot or dimension standards and building coverage standards that may apply in a particular zoning district. However, proper site design can allow areas of the site to meet both the open space requirement of the Design Regulations and the lot and dimension or building coverage standards of the zoning district.

Table 1126-25: Minimum General Open Space Requirements

MINIMUM GENERAL OPEN SPACE REQUIREMENTS		
Use ➢ **⩛ Planning Area**	**Residential**	**Non-residential**
NH Planning Area	800 s.f. per dwelling unit	25% of Floor Area
SPT and BMH Planning Area	600 s.f. per dwelling unit	20% of Floor Area
CR Planning Area	400 s.f. per dwelling unit	10% of Floor Area

B. Remnant Open Space Limitation. Remnant Open space, as identified in *Table 1126-24: Open Space Categories and Types,* shall be limited in its application towards the general requirements in *Table 1126-26*. The limitation shall be based on both the percentage or the area that is credited to the general requirement and the amount of the total general requirement that can be remnant open space, according to *Table 1126-26: Remnant Open Space Limitations*.

Table 1126-26: Remnant Open Space Limitations

REMNANT OPEN SPACE LIMITATIONS		
⩛ PLANNING AREA	LIMITATION	MAXIMUM
NH Planning Area	75% of the actual area of Remnant open space may count to the general open space requirement	No Maximum
SPT and BMH Planning Area	50% of the actual area of Remnant open space may count to the general requirement	Up to 40% of the General Open Space Requirement
CR Planning Area	25% of the actual area of Remnant open space may count to the general requirement	Up to 20% of the General Open Space Requirement

C. Location. Required open space shall be located according to *Table 1126-27 Open Space Locations*:

Table 1126-27: Open Space Locations

OPEN SPACE LOCATIONS		
USE	FORMAL OPEN SPACE	NATURAL OPEN SPACE
RESIDENTIAL	Within 660' feet of any lot it is intended to serve.	Within 1320' of any lot it is intended to serve
NON-RESIDENTIAL	On the same block or immediately adjacent block and within 300' of the any lot it is intended to serve.	Within 800' of any lot it is intended to serve and directly connected to the lot by a pedestrian facility.

** Measured by the most direct pedestrian connection.*

D. Additional Limitations. The area of any water body, such as a lake, stream or pond, shall only contribute to the general open space requirement an amount of 50% of its actual area.

E. Credits. Existing adjacent open space may be credited to a development's required open space subject to the following.

1. Any existing public open space meeting the area and location standards of this section may be credited towards the development's open space requirement.
2. Any existing private common open space meeting the area and location standards of this section may be credited toward the developments open space requirement provided:
   a. Only private common open space that is in excess of the minimum requirements of this section as it relates to existing development may be credited;
   b. Plats, agreements or other formal documents indicate a legal right to use and access of the existing open space by future lot owners of the new development, subject to review by the City Law Department.

TITLE 3: DISTRICTS & ZONES

CHAPTER 1131 PLANNING AREAS & ZONING DISTRICTS 143
1131.01 PLANNING AREAS 143
1131.02 ZONING DISTRICTS 144
1131.03 USE TYPES CATEGORIES 146
1131.04 ZONING MAP 155
1131.05 ZONING DISTRICT AND USE TABLE 155
CHAPTER 1132 ZONING DISTRICT STANDARDS 159
1132.01 RESIDENTIAL LOT AND DIMENSION STANDARDS 159
1132.02 R-R, RURAL RESIDENTIAL 162
1132.03 R-1, LARGE-LOT RESIDENTIAL 162
1132.04 R-2, LOW-DENSITY RESIDENTIAL 163
1132.05 R-3, SUB-URBAN DENSITY RESIDENTIAL 163
1132.06 R-4, URBAN DENSITY RESIDENTIAL 164
1132.07 R-5, MIXED DENSITY RESIDENTIAL 164
1132.08 R-6, MIXED URBAN RESIDENTIAL 165
1132.09 MU-1, RURAL NEIGHBORHOOD CENTER 165
1132.10 MU-2, NEIGHBORHOOD CENTER 166
1132.11 MU-3, SUB-URBAN CENTER 167
1132.12 MU-4, SUB-URBAN CORRIDOR 168
1132.13 MU-5, URBAN CENTER 169
1132.14 MU-6, DOWNTOWN 170
1132.15 C-1, COMMERCIAL DISTRICT 171
1132.16 E-1, EMPLOYMENT DISTRICT 172
1132.17 M-1, MANUFACTURING DISTRICT 174
1132.18 NP-1, NATIONAL PARK 174
1132.19 RM, MIXED-DENSITY RESIDENTIAL OVERLAY 175
1132.20 RC, RESIDENTIAL CONSERVATION OVERLAY 177
1132.21 H, HISTORIC OVERLAY 184
CHAPTER 1133 SPECIFIC USE STANDARDS 195
1133.01 SPECIFIC USE STANDARDS - GENERALLY 195
1133.02 LIMITED USES 195
1133.03 CONDITIONAL USES 211
1133.04 OTHER LIMITATIONS AND STANDARDS 214
CHAPTER 1134 PARKING REQUIREMENTS 218
1134.01 INTENT AND APPLICABILITY 218
1134.02 REQUIRED PARKING 218
1134.03 SHARED PARKING 222
1134.04 PARKING CREDITS 223
1134.05 SPECIFICATIONS AND MAINTENANCE 224
CHAPTER 1135 WIRELESS COMMUNICATION FACILITIES 226
1135.01 INTENT AND APPLICABILITY 226
1135.02 LOCATION AND DESIGN 234
1135.03 RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT 236
1135.04 CONDITIONAL ZONING CERTIFICATE APPLICABILITY 237

1135.05 MAINTENANCE AND ENFORCEMENT....239
CHAPTER 1136 SEXUALLY ORIENTED BUSINESSES....244
1136.01 INTENT....244
1136.02 DEFINITIONS....244
1136.03 RESTRICTIONS....247
CHAPTER 1137 WIND FACILITIES....248
1137.01 PURPOSE....248
1137.02 APPLICABILITY....248
1137.03 DEFINITIONS....248
1137.04 GENERAL REQUIREMENTS....249
1137.05 DESIGN STANDARDS....252
1137.06 UTILITY CONNECTIONS....252
1137.07 APPURTENANT STRUCTURES....253
1137.08 SAFETY AND ENVIRONMENTAL STANDARDS....253
1137.09 SHADOW/FLICKER....254
1137.10 NOISE....254
1137.11 LAND CLEARING, SOIL EROSION AND HABITAT IMPACTS....254
1137.12 MONITORING AND MAINTENANCE....254
1137.13 ABANDONMENT OR DECOMMISSIONING....255
1137.14 FINANCIAL SURETY....255

TABLES

TABLE 1131-1: ZONING DISTRICTS AND USES....156
TABLE 1132-2: RESIDENTIAL LOT AND DESIGN STANDARDS....160
TABLE 1132-3: MU-1 -- LOT AND BUILDING DIMENSION STANDARDS....166
TABLE 1132-4: MU-2 LOT AND BUILDING DIMENSION STANDARDS....167
TABLE 1132-5: MU-3 LOT AND BUILDING DIMENSION STANDARDS....168
TABLE 1132-6: MU-4 LOT AND BUILDING DIMENSION STANDARDS....169
TABLE 1132-7: MU-5 LOT AND BUILDING DIMENSION STANDARDS....170
TABLE 1132-8: MU-6 LOT AND BUILDING STANDARDS....171
TABLE 1132-9: C-1 LOT AND BUILDING DIMENSION STANDARDS....172
TABLE 1132-10: E-1 LOT AND BUILDING DIMENSION STANDARDS....173
TABLE 1132-11: M-1 LOT AND BUILDING DIMENSION STANDARDS....174
TABLE 1132-12: RM, RESIDENTIAL OVERLAY PROCEDURE SUMMARY....175
TABLE 1132-13: RC, RESIDENTIAL CONSERVATION OVERLAY PROCEDURE SUMMARY....178
TABLE 1132-14 RC PRESERVED SPACE LOT BONUS....181
TABLE 1132-15 RC LOT SIZE REQUIREMENTS....182
TABLE 1132-16: RC REQUIRED BUFFERS FROM STREETS AND ADJACENT DEVELOPMENT....183
TABLE 1133-17: PUMP ISLAND AND SERVICE LOCATION LIMITATIONS....200
TABLE 1133-18: VEHICLE BAY LIMITATION....206
TABLE 1133-19: VEHICLE BAY LIMITATION....207
TABLE 1133-20: VEHICLE BAY LIMITATION....213
TABLE 1133-21: ACCESSORY VEHICLE LIMITATION....214
TABLE 1134-22: OFF-STREET PARKING....218
TABLE 1134-23: PARKING LOT DIMENSIONS....222
TABLE 1134-24: SHARED PARKING....223
TABLE 1137-25: NOISE STANDARDS....254

CHAPTER 1131 PLANNING AREAS & ZONING DISTRICTS

1131.01PLANNING AREAS 143
1131.02 ZONING DISTRICTS 144
1131.03 USE TYPES CATEGORIES 146
1131.04 ZONING MAP 155
1131.05 ZONING DISTRICT AND USE TABLE 155

TABLE 1131-1: ZONING DISTRICTS AND USES 156

1131.01PLANNING AREAS

The City is divided into the following Planning Areas, all of which are indicated on the Planning Area Map in Appendix A.

A. Cuyahoga River Planning Area (CR). This represents the urban heart of the City, including downtown, the immediately adjacent older residential neighborhoods, and associated, neighborhood commercial, industrial and employment districts. Although it has experienced some encroachment from automobile oriented development and highways, this district basically has a traditional urban character with compact development patterns, grid street networks, and intermittent neighborhood centers.

B. Bailey Road / Munroe Falls / Howe Avenue Planning Area (BMH). This area represents the area at the extreme eastern edge of the City. It is largely suburban in character, however its proximity to downtown and connections to the historical urban development pattern of the City set the tone for stabilization, development and re-development opportunities. There are a large number of post-World War II capes and smaller homes on medium sized lots. The area also represents the City's most recent intensive development in the Howe Avenue Commercial Corridor and high-density apartments in the Buckingham Gate Area. The Howe Avenue commercial corridor is currently characterized by big-box, automobile-oriented centers, which have significant regional impacts. Because of similarities to the SPT Planning Area, the two are treated similarly for plan implementation and regulation.

C. State Road / Portage Trail Planning Area (SPT). This area is the transition between the older urban and the more rural areas of the City. It represents the City's initial development outside of a "downtown and urban type neighborhoods." The area is largely suburban, however it includes transitions from rural areas as well as connections to the historical urban development patterns of the City. The area includes the State Road and Portage Trail commercial corridors, post World War II neighborhoods and newer medium density neighborhoods. The State Road corridor is a first generation commercial corridor that includes strip centers and retail pad sites. Because of similarities to the BMH Planning Area, the two are treated similarly for plan implementation and regulation.

D. Northampton Planning Area (NH). The area has a more rural character, predominated by the Cuyahoga Valley National Park, areas of steep or rough topography, and the presence of substantial natural features. Prior to 1986, this area was Northampton Township. The area also includes newer lower-density suburban type housing developments and industrial parks. There is a considerable amount of land that is still undeveloped. Development in this district should perpetuate, reinforce, and reflect this character.

1131.02 ZONING DISTRICTS

Within the Planning Areas, the City is further subdivided into the following Zoning Districts, with boundaries as designated on the City's Zoning Map (Appendix).

A. Residential Neighborhood.

1. *R-R, Rural Residential.* This is a rural residential district providing for agricultural and residential uses on lots of eight or more acres.

2. *R-1 Large-lot Residential.* This is a low-density residential district characterized by larger lots.

3. *R-2, Low-Density Residential*. This is a low-density residential district neighborhood in a suburban environment, characterized by large lots organized around a neighborhood focal point or open space.

4. *R-3, Sub-Urban Density Residential*. This is a low-density residential district characterized by large lots organized around a neighborhood focal point within walking distance of nearly all of the dwelling units.

5. *R-4, Urban Density Residential*. This is a compact residential district in urban and suburban environments, adjacent to walkable centers and offering urban services, characterized by smaller lots, and high pedestrian connectivity, including a range of dwelling types in appropriate locations.

6. *R-5, Mixed Density Residential*. This is an urban residential district integrated into other mixed-use urban environments and buffering lower-density neighborhoods from busy corridors, characterized by a range of dwelling types, smaller lots, and high pedestrian connectivity.

7. *R-6, Urban Mixed Density Residential*. This is an urban residential district characterized by denser, compact, dwellings, all walkable to urban civic areas and urban commercial centers.

B. Mixed-Use Centers.

1. *MU-1, Rural Neighborhood Center.* This district is intended for walkable mixed-use areas, at a small scale, located in and compatible to surrounding rural environments. It is closely associated with an adjacent mixed-density residential neighborhood and/or incorporates dwelling units into the district. Rural Neighborhood Centers are characterized by a rural scale and design, compact form and pedestrian orientation, integration of natural open space, and connectivity to adjacent rural or preserved areas through via trail heads or green-ways, with a distinct well defined edge between developed and rural areas. While the district may function as a regional destination because of its niche in the market place, design, uses, and overall character shall remain at neighborhood scale. An MU-1 district combined with R-M Overlay shall create a Hamlet.
2. *MU-2, Neighborhood Center.* This district is intended for walkable mixed-use areas at a small scale, primarily for commercial uses that support nearby dwellings. It is immediately adjacent to sub-urban and urban neighborhoods. It maintains a compact form and significant pedestrian connections to adjacent areas. The district is be designed for and includes uses that function as a destination for only adjacent or nearby neighborhoods.
3. *MU-3, Sub-Urban Center.* This district is intended for walkable commercial and mixed-use areas on a large scale in a sub-urban setting. It offers a design and land use alternative to shopping centers, strip malls and commercial corridors. It balances significant pedestrian connections to adjacent areas with the

need to accommodate traffic and parking. The district may include uses that function as a destination for the region, but is designed to function as a single, walkable district for patrons. It may be closely associated with an adjacent mixed-density residential neighborhood and/or incorporate dwelling units into the district.

4. *MU-4, Sub-Urban Corridor*. This district is intended for corridors that connect different districts over longer linear distances. It has a transportation corridor as its primary focal point. Commercial uses and site designs that may not easily assimilate into the design and development patterns of other mixed-use districts may be appropriate in this district. The district is characterized by a variety of uses, but all uses present a consistent and compatible presence along the length of the corridor.

5. *MU-5, Urban Center.* This district is intended for walkable commercial and mixed-use areas on a large scale in an urban setting, and creates unique destinations complimentary to downtown. It balances significant pedestrian connections to adjacent areas with the need to accommodate traffic and parking. The district may include commercial uses that are incompatible with neighborhood centers, but avoid uses that detract from downtown as the regional focus of the community. It is designed to function as a single, walkable district for patrons. It may be closely associated with an adjacent mixed-density residential neighborhood and/or incorporate dwelling units into the district.

6. *MU-6, Downtown*. This district is intended to preserve the downtown as the regional focal point of the City, and a destination for the region. The district is characterized by a diverse mix of commercial, employment, entertainment, cultural, civic and residential uses. It is intended to be highly pedestrian-oriented and integrated with adjacent areas, but promotes innovative techniques to ensure the high accessibility of the district to the region.

C. General Districts.

1. *C-1, Commercial District*. This is a commercial district providing for small-scale and large-scale commercial uses, which rely on high automobile accessibility.

2. *E-1, Employment District*. This is a district providing for administrative, office, research, assembly and clean/light industrial uses that function as employment centers in a variety of settings, including rural, suburban, or urban areas.

3. *M-1, Manufacturing.* This is a commercial district providing for industrial, manufacturing, processing, warehousing, or research and testing uses that, due to the nature of the equipment, machinery, materials or processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors.

4. *NP-1, National Park.* This is a district consisting of the Cuyahoga Valley National Park as a unique natural setting.

D. Special or Overlay Districts.

1. *RM, Mixed-Density Residential Overlay*. This district is intended for walkable new urban neighborhoods that place a range of dwelling types with varying densities in close proximity to neighborhood centers. It is an overlay district to be applied to a portion of one or more residential zoning districts, to create an integrated, mixed-density neighborhood. It requires greater attention to community design for increased and mixed-density to integrate into a cohesive neighborhood. Mixed-density neighborhoods generally are no greater than ¼ mile in diameter placing nearly all dwellings within ½ mile of the neighborhood center. Low-density dwellings and/or natural open space are at the edge of the neighborhood and higher density dwellings are used to create transitions to the neighborhood Center. The resulting zoning districts shall be designated by the base-zoning district, followed by "RM" (i.e. R-3RM).

2. *RC, Conservation Residential Overlay*. This district is intended to preserve rural landscapes better than currently occurs through large-lot or low-density residential development. It is an overlay district to be applied to a portion of one or more residential zoning districts. It requires greater attention to site and environmental design in order for more compact sites to relate to the natural and environmental features. Conservation Residential neighborhoods grant flexibility in lot sizes and overall density in exchange for preserving large contiguous amounts of natural open space. Contiguous open space better preserves the rural character of particular areas, and more compact development maintains the viability of residential opportunities in rural areas, by simultaneously increasing development efficiency and reducing development impact. The resulting zoning districts shall be designated by the base zoning district, followed by "RC" (i.e. R-1RC).

3. *H, Historic Overlay*. This district is intended to preserve any historic district, property, structure, or landmark for the cultural, social, architectural, economic, aesthetic or natural significance. It is an overlay district to be applied to a portion of one or more zoning districts. The overlay may place additional restrictions on historic property or offer additional protections for historic property against impacts from adjacent property or uses. Each application of a historic overlay shall be drafted to the specific scenario in order to offer the best opportunity for continued maintenance, rehabilitation, and continued stewardship of the historic property in the community. The value and eligibility of districts, property, structures, and landmarks for local historic designation shall be made on the merits of each individual case, subject to the provisions of these regulations. The resulting zoning district shall be designated by the base-zoning district, followed by "H." (i.e. R-4H, or MU-1H).

1131.03 USE TYPES CATEGORIES

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

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

1. *Single-Family Detached.* A structure designed for a single principal dwelling unit. Single-Family Detached dwellings may be located on the following lot sizes:

   a. Rural Lots. Lots of 8 acres or more.

   b. Large Lots. Lots between 1-1/2 acres and 8 acres.

   c. Low-density Lots. Lots between ½ acre and 1-1/2 acres.

   d. Suburban Lots. Lots between ¼ acre and ½ acre.

   e. Standard Lots. Lots between 6000 square feet and 10,890 square feet.

   f. Small Lots. Lots between 4,500 square feet and 6000 square feet.

2. *Single-family Attached.* A structure designed for two or more principal dwelling units, where each unit has its own entry point from outside. Single-Family Attached dwellings may be located on the following lots sizes:

    a. Low-density Lots. Lots of 4000 square feet or more, typically involving duplex dwelling units at a low-density and designed similar to a single family detached dwelling.

    b. Moderate-density Lots. Lots between 3000 square feet and 4000 square feet, involving duplexes or low-density town homes.

    c. Standard Lots. Lots between 2400 square feet and 3000 square feet, involving moderate density town homes; and

    d. Small Lots. Lots between 1800 square feet and 2400 square feet, involving high-density town homes.

3. *Multi-family*. A structure designed for three or more dwelling units on a single platted parcel which may or may not share a common wall and where each dwelling unit may or may not have its own entry point from outside. Multi-family dwelling units may be constructed on lots having the following densities:

    a. Low Density. 8 to 12 units per acre;

    b. Moderate Density. 12 to 16 units per acre;

    c. Medium Density. 16 to 24 units per acre; and

    d. Urban Density. Greater than 24 units per acre.

4. *Mixed-use unit*. A structure containing a dwelling unit or group of dwelling units along with one or more units having uses in addition to dwelling units not serving as dwelling units.

5. *Live/work unit*. A structure where a portion thereof is designed for a residential use, and a portion of the structure is designed for non-residential use to support the occupation or vocation of the resident of the dwelling unit.

6. *Accessory unit*. A dwelling unit that is associated with, incidental to, and subordinate to another dwelling unit as the principal use, and is on the same lot as the principal dwelling unit.

B. Civic Use Category. The Civic Use Category includes uses serving a broad and general public interest to enhance daily community life for adjacent landowners and residents Civic uses include the following types:

1. *Primary School*: An education facility primarily used for lower grade levels including grades K through 8.

2. *Secondary School*: An education facility primarily used for secondary education grade levels, including grades 9 through 12.

3. *Higher Education or Continuing Education Institutions:* Any business or institution established for the purposes of carrying on education activities at a post secondary level.

4. *Library or Museum*: An establishment open to the public offering educational resources, cultural or artistic exhibits, or similar attractions.

5. *Neighborhood/Public Assembly*: An establishment that conducts organized services, assemblies, or programs primarily for the convenience, entertainment, education, or social welfare of nearby residences on a limited or periodic basis.

6. *Community/Public Assembly:* An establishment that conducts organized services, assemblies, or programs for the convenience, entertainment, education, or social welfare of the community at large and with a designed seating capacity of more than 500 at any one time.

7. *Cemetery:* Land used or intended to be used for the burial of the animal or human remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

8. *Hospital:* An establishment providing health service, medical and surgical care, and room and board to persons suffering from illness, disease, or injury, including supporting facilities such as laboratories, outpatient facilities, and training facilities.

9. *Public Open Space:* Any space dedicated for public use, exclusive or right-of-way and easements, and open from the ground to the sky. Public open space does not include any impervious surfaces designated for automobile use.

10. *Common Open Space:* Any space dedicated for common use due to property ownership, residency, or patronage of facilities associated with the open space, exclusive of right-of-way and easements, and open from the ground to the sky. Common open space does not include any impervious surfaces designated for automobile use or any required yard or setback.

11. *Government Office or Facility:* Any structure or area of land, controlled and/or operated by a government entity, providing administrative operations or services inherent to the role of that entity and available to or for the benefit of citizens of the City.

C. Office Use Category. The Office Use category consists of the use of buildings that primarily provide on-site occupations and space for administrative affairs of businesses, organizations, or government entities, where products or services are of the nature that generally do not involve the frequent and intensive interactions with clients, customers, or patrons on the premises, and where delivery of the product does not necessarily need to occur on the premises.

1. *Neighborhood Office.* An employment use where individual gross leasable area of office units are typically less than 5,000 square feet, and where individual businesses, organizations, or government entities employ less than 20 individuals at that location.

2. *General Office*. An employment use where individual gross leasable areas of office units are between 5,000 and 50,000 square feet and where individual businesses, organizations, or government entities employ between 20 and 100 individuals at that location.

3. *Office Campus or Complex*. An employment use where a building, group of buildings, and areas around the building or buildings dedicated to the administrative affairs of a single business, organization, or government on a large scale, typically involving more than 50,000 square feet of gross leasable area and supplying space or facilities for the employment of more than 100 individuals.

4. *Contractor/Service Provider Office*. An employment use where individual gross leasable area of office units are typically less than 25,000 square feet, and where entities employ less than 50 individuals at that

location, however most employees work elsewhere. There is also outdoor storage of equipment and materials.

5. *Home Occupation*. An operation for gain or support conducted only by members of a family residing on the premises limited in its use and not in a manner detrimental to the character of the surrounding neighborhood.

D. Retail Use Category. The Retail Use category consists of buildings that provide display and on-site exchange of merchandise for general consumers. Consumption or use of the product or merchandise typically is intended for off-premises, although small elements of the retail use may provide for on-premise consumption or use.

1. *Convenience Store*. A retail use engaged in the sale of a limited selection of food and household products for consumption off premises. A convenience store typically involves between 3,000 and 5,000 square feet of gross leasable area and characterized by the rapid turnover of customers and impulse or convenience sales.

2. *Grocery* Store. A retail use primarily in the sale of broad range of food and household produces for home consumption, limited on-premise consumption. A neighborhood grocery typically involves less than 40,000 square feet of gross leasable area and is characterized by a target market area of approximately 1-mile radius.

3. *Supermarket.* A retail use engaged primarily in the sale of broad range of food and household produces for home consumption, limited on-premise consumption. A supermarket typically involves more than 40,000 square feet of gross leasable area and is characterized by a target market area greater than a 1-mile radius.

4. *Neighborhood Merchandise*. A retail use primarily engaged in the small-scale sale of merchandise for consumer use off of the premises, typically involving less than 3,000 square feet of gross leasable area for the majority of tenants or business and where no single business or tenant occupies more than 8,000 square feet of retail use in a single structure. Neighborhood retail uses are characterized by a target market area with an approximately 1-mile radius for on-site customers. Examples include a florist, gift shop, jewelry store, small bookstore, small hardware store, and small drug store.

5. *General Merchandise*. A retail use primarily engaged in the small-scale sale of merchandise for consumer use off of the premises, typically involving less than 10,000 square feet of gross leasable area for the majority of tenants or business and no more than 100,000 square feet of gross leasable area in a single structure. General merchandise uses are characterized by a target market area with an approximately 1-mile to 3-mile radius for on-site customers. Examples include home furnishing store, appliance store, department store, large bookstores, and large drugstores and pharmacies.

6. *Warehouse Merchandise.* A retail use primarily engaged in the large-scale sale of merchandise for consumer use off premises, which may include a general line of a single type of merchandise or a selection of several types of merchandise, typically involving more 100,000 square feet of gross leasable area in a single structure. Warehouse merchandise uses are also characterized by target market areas of over 2 miles for on-site customers. Examples include home improvement centers, warehouse clubs, superstores and super centers.

7. *Garden Center*. A retail use with year-round sales of plants, gardening supplies, and related equipment that requires outdoor storage or maintenance of merchandise at any time of the year and requires a secure area where merchandise may be left outside in non-business hours.

8. *Restaurant, Dine-in*. A business serving prepared meals for consumption on the premises, which may include accessory bar, carry out, or catering services.

9. *Commercial Equipment & Supply.* A retail use where merchandise is intended for use in commercial enterprises, but is available to general consumers as well, and is characterized by large storage requirements, bulk sales, or potential heavy truck traffic from customers and deliveries. Examples include construction supply company, or equipment sales or rentals.

10. *Theater.* A building where theatrical performances or motion-picture shows can be presented.

11. *Service Station with Convenience Store*. A retail use where a portion of the land or building is dedicated for the sale and dispensing of automobile fuel. Vehicle lubricants, supplies and accessories may be offered if incidental to the sale of fuel. Convenience sales of a limited selection of food and household products for consumption off premises, typically involving between 600 and 4,000 square feet of floor area may also be offered. Sales of automobile fuel, which are accessory to larger scale retail uses, shall require each use to be treated separately for the purposes of this ordinance.

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

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

    b. Drive-Through Business, Restaurants. A drive-through business that operates in conjunction with a restaurant, fast food restaurant or formula fast food restaurant.

13. *Outdoor Sales, Limited*. A retail use where a minor portion of the merchandise, both in area and in business value, is stored outside during business hours and brought inside during non-business hours. Examples include occasional and seasonal plant sales, sidewalk sales, temporary produce stands associated with an interior retail establishment.

14. *Outdoor Sales Lot*. A retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours and requires a secure area where merchandise may be left outside in non-business hours. Examples include used or new car sales or rental, boat or recreational vehicle sales or rental, and large or heavy equipment sales or rental, or a lumber yard or garden center constructed as an extension of the principal building.

E. Service Use Category. The Service Use Category consists of businesses that offer clients, customers, or patrons services for performance and delivery on the premises and may offer some limited products or merchandise associated with the service. The Service Use Category includes the following types:

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.

2. *General Services.* A Service Use that provides services which may require more than 8,000 square feet of gross leasable area.

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.

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.

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.

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.

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.

8. *Personal Storage*. A Service Use offering separate storage areas leased or rented on an individual basis.

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.

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.

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.

12. *Mortuary/Funeral Home*. A Service use with buildings and facilities for the preparation of deceased human 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. *(Ordinance 63-2011)*

13. *Publication of Broadcast Services*. This is a Service use providing for the administrative and production facilities to broadcast news, or entertainment media.

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

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

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

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

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

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

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

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

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

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

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.

5. Animal Services, Small. A Service Use where buildings, facilities and grounds are used to board animals, provide medical care, or other related animal services.

6. *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.

7. *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.

8. *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.

9. *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.

H. Conditional Uses. The Conditional Use category is for uses which may be acceptable within certain zoning districts, based upon specific circumstances and mitigating design concessions. However, in general due to their nature, these uses pose the strong potential to have adverse effects on uses within the zoning district, on adjacent property, or on adjacent zoning districts. Therefore, these uses require special review to better determine if the circumstances and design for the use applied to a specific site are sufficient to mitigate the potential adverse impacts.

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.

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.

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.

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.

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 or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill or chance and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using.

6. *Gun Club*. Services use that providing outdoor training or recreational shooting facilities for gun owners.

7. *Heliport/Vertiport, Helistop/Vertiport, Airport.* This is an operation that can create excess noise, dust, light and traffic, thus requiring special conditions to protect adjacent property and neighborhoods. Emergency, temporary or EMS helistops/vertistops are exempt from all requirements. Also see definition in Chapter 1115.

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

9. *Outdoor Bulk Storage*. A manufacturing use primarily involved in the bulk storage of large amounts of equipment, supplies, or materials outdoors for use in manufacturing, for shipment off-site, or for use in providing other services off-site.

10. *Outdoor Recreation Facility*. Service use where facilities for outdoor sports, entertainment, or similar recreation opportunities for participants or spectators are offered as a business. Examples include golf courses or driving ranges, miniature golf and activity parks, batting cages, or sand volleyball.

11. *Outdoor Sports/Entertainment Facility*. A structure that is open or partially enclosed and used for games, concerts, vehicle/horse racing and major events and is partly or may be surrounded by tiers of seats for spectators.

12. *Pawnshop*. A service use engaged in the business of lending money on the security of future income, pledged goods or personal property, or the purchase of tangible personal property on the condition that it may be redeemed or repurchased for a fixed price within a fixed period of time.

13. *Advanced, Payday or Title Loans*. Establishment transacting or brokering small, short-term, high interest rate secured or unsecured loans, cash advance loans, check advance loans, post dated-check loans, title loans, third-party loans, deferred deposit checks or establishments transacting similar type of predatory lending practices.

14. *Vehicle Washing/Detailing Facility*. A service use providing vehicle wash facilities performed by employees or the owners of the vehicle and not accessory to any other automobile service station or repair use.

15. *Liquor Store*. A store that sells alcoholic beverages for consumption elsewhere.

16. *Outdoor Sales Lot*. A retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours and requires a secure area where merchandise may be left outside in non-business hours. Examples include used or new car sales or rental,

boat or recreational vehicle sales or rental, and large or heavy equipment sales or rental, or a lumber yard or garden center constructed as an extension of the principal building.

17. *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.

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

19. *Recycle Centers*. A collection center for recycling materials including glass, metal, paper products and other materials. The facility is over 500 square feet and may contain mobile or permanent recycle units and reverse vending machines.

20. *Wireless Communications Facilities*. See Chapter 1135.

21. *Sexually Oriented Businesses*. See Chapter 1136.

1131.04 ZONING MAP

The zoning districts established by these regulations as applied to specific areas of land and depicted through the City's official zoning map, which is kept on file in the Planning Division. A copy of the zoning map is also included in the appendix of this code.

1131.05 ZONING DISTRICT AND USE TABLE

Table 1131-1: Zoning District and Use Table establishes the uses allowed within the zoning districts. All uses are only allowed subject to the standards in Chapter 1132, Specific Zoning District Standards, any applicable specific use standards in Chapter 1133, any applicable supplemental provisions of Chapter 1134, and the design standards in Title 4, Design Standards. Uses in the table are identified as:

☒ = Allowed in Planning Area

☑ = Allowed Use subject to general zoning district standards (Chapter 1132) and design standards (Title 4)

⭘ = Limited Use only allowed subject to additional specific use standards (Chapter 1133)

◆ = Conditional Use only allowed subject to Conditional Zoning Certificate criteria (Chapter 1133)

Table 1131-1: Zoning Districts and Uses

ZONING DISTRICTS AND USES																					
ZONING DISTRICTS ➤		RESIDENTIAL NEIGHBORHOODS							MIXED-USE DISTRICTS						GENERAL DISTRICTS				SPECIAL OVERLAY DISTRICTS		
KEY: ☒ = ALLOWED IN PLANNING AREA ☑ = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT AND DESIGN STANDARDS ⊙ = LIMITED USE ONLY ALLOWED SUBJECT TO SPECIFIC USE STANDARDS ◆ = CONDITIONAL USE ONLY ALLOWED SUBJECT TO CONDITIONAL ZONING CERTIFICATE All undesignated uses are considered prohibited ➤ USE TYPES AND USE CATEGORIES		R-R, RURAL RESIDENTIAL	R-1, LARGE-LOT RESIDENTIAL	R-2, LOW-DENSITY RESIDENTIAL	R-3, SUB-URBAN DENSITY RESIDENTIAL	R-4, URBAN DENSITY RESIDENTIAL	R-5, MIXED DENSITY RESIDENTIAL	R-6, URBAN MIXED DENSITY RESIDENTIAL	MU-1, RURAL NEIGH. CENTER	MU-2, NEIGHBORHOOD CENTER	MU-3, SUB-URBAN CENTER	MU-4, SUB-URBAN CORRIDOR	MU-5, URBAN CENTER	MU-6, DOWNTOWN	C-1, COMMERCIAL DISTRICT	E-1, EMPLOYMENT DISTRICT	M-1, MANUFACTURING DISTRICT	NP-1, NATIONAL PARK DISTRICT	R-C, CONSERVATION OVERLAY	R-M, MIXED DENSITY OVERLAY	H, HISTORIC OVERLAY
PLANNING AREAS																					
Cuyahoga River (CRA)						☒	☒	☒		☒		☒	☒	☒		☒				☒	☒
State-Portage Trail (SPT)			☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Bailey -Munroe Falls (BMF)			☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Northampton (NH)		☒	☒	☒	☒		☒		☒		☒					☒		☒	☒	☒	☒
RESIDENTIAL USES																					
SINGLE-FAMILY DETACHED	Rural Lot - 8+ acre lots minimum	☑	☑	☑														☑	⊙		
	Large Lot - 1 ½ to 8 acre minimum lots		☑	☑	☑														⊙	⊙	
	Low-Density Lot – ½ to 1½ acre minimum lots			☑	☑	☑													⊙	⊙	
	Sub-Urban Lot - ¼ to ½ acre minimum Lots				☑	☑	☑												⊙	⊙	
	Standard Lot - 6,000 to 10,890 square foot minimum lots					☑	☑	☑											⊙	⊙	
	Small Lot - 3,800 to 6,000 square foot minimum lots						☑	☑											⊙	⊙	
SINGLE-FAMILY ATTACHED	Large Lot - 4,000+ square foot minimum lots						☑													⊙	
	Low-Density Lot - 3,000 to 4,000 square foot minimum lots						☑	☑												⊙	
	Standard Lot - 2,400 to 3,000 square foot minimum lots						☑	☑			⊙	⊙	⊙							⊙	*
	Small Lot - 1,800 to 2,400 square foot minimum lots							☑			⊙	⊙	⊙	⊙						⊙	
MULTI-FAMILY	Low Density Lot - 8 to 12 dwelling units/acre						☑				⊙	⊙	⊙							⊙	
	Moderate Density Lot - 12 to 16 dwelling units/acre						☑	☑			⊙	⊙	⊙	⊙						⊙	
	Medium-density Lot – 16 to 24 dwelling units/acre							☑					⊙	⊙						⊙	
	Urban-density Lot - 24+ dwelling units/acre							⊙						⊙							
MIXED	Live/work units							⊙	⊙	⊙	⊙	⊙	⊙	⊙							
	Mixed-use Units								⊙	⊙	⊙	⊙	⊙	⊙							
	Accessory Units	⊙					⊙	⊙										⊙	⊙	⊙	
CIVIC USES																					
	Primary School		☑	☑	☑	☑	☑	☑	☑	☑											
	Secondary School		☑	☑							☑	☑	☑	☑	☑	☑					
	Higher Education Facility										☑	☑	☑	☑	☑	☑					
	Library or Museum								☑	☑	☑	☑	☑	☑	☑						
	Neighborhood / Public Assembly	⊙	⊙	⊙	⊙	⊙	⊙	⊙	☑	☑	☑	☑	☑	☑							
	Community / Public Assembly										☑	☑	☑	☑	☑	☑					*
	Cemetery	⊙	⊙	⊙	⊙	⊙	⊙	⊙			☑	☑	☑	☑	☑						
	Hospital										☑	☑	☑	☑	☑						
	Public Open Space	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
	Common Open Space	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
	Government Office or Facility	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
OFFICE USES																					
	Neighborhood Office								☑	☑	☑	☑	☑	☑	☑	☑					
	General Office										☑	☑	☑	☑	☑	☑					
	Office Campus or Complex										☑	☑	☑	☑	☑	☑					*
	Contractor or Service Provider Office														⊙	⊙					
	Home Occupation	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙					⊙	⊙	
RETAIL USES																					
	Convenience Store								☑	☑	☑	☑	☑	☑	☑	☑					
	Grocery Store								☑	☑	☑	☑	☑	☑	☑						*
	Supermarket										☑	☑	☑		☑						
	Neighborhood Merchandise								☑	☑	☑	☑	☑	☑	☑						

ZONING DISTRICTS AND USES

ZONING DISTRICTS ➤	RESIDENTIAL NEIGHBORHOODS							MIXED-USE DISTRICTS						GENERAL DISTRICTS				SPECIAL OVERLAY DISTRICTS		
KEY: ☒ = ALLOWED IN PLANNING AREA ☑ = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT AND DESIGN STANDARDS ⭘ = LIMITED USE ONLY ALLOWED SUBJECT TO SPECIFIC USE STANDARDS ◆ = CONDITIONAL USE ONLY ALLOWED SUBJECT TO CONDITIONAL ZONING CERTIFICATE All undesignated uses are considered prohibited ➤ USE TYPES AND USE CATEGORIES	R-R, RURAL RESIDENTIAL	R-1, LARGE-LOT RESIDENTIAL	R-2, LOW-DENSITY RESIDENTIAL	R-3, SUB-URBAN DENSITY RESIDENTIAL	R-4, URBAN DENSITY RESIDENTIAL	R-5, MIXED DENSITY RESIDENTIAL	R-6, URBAN MIXED DENSITY RESIDENTIAL	MU-1, RURAL NEIGH. CENTER	MU-2, NEIGHBORHOOD CENTER	MU-3, SUB-URBAN CENTER	MU-4, SUB-URBAN CORRIDOR	MU-5, URBAN CENTER	MU-6, DOWNTOWN	C-1, COMMERCIAL DISTRICT	E-1, EMPLOYMENT DISTRICT	M-1, MANUFACTURING DISTRICT	NP-1, NATIONAL PARK DISTRICT	R-C, CONSERVATION OVERLAY	R-M, MIXED DENSITY OVERLAY	H, HISTORIC OVERLAY
PLANNING AREAS																				
Cuyahoga River (CRA)					☒	☒	☒		☒		☒	☒	☒		☒				☒	☒
State-Portage Trail (SPT)		☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Bailey -Munroe Falls (BMF)		☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Northampton (NH)	☒	☒	☒	☒		☒		☒		☒					☒		☒	☒	☒	☒
General Merchandise										☑	☑	☑	☑	☑						
Warehouse Merchandise											☑			☑						
Garden Center										☑	☑		☑	☑	☑					
Restaurant, Dine-In								☑	☑	☑	☑	☑	☑	☑						
Commercial Equipment and Supply														☑	☑	☑				
Theater										☑	☑	☑	☑	☑						
Service Station with Convenience Store								⭘	⭘	⭘	⭘	⭘	⭘	⭘	⭘					
Drive-Thru Establishments								⭘	⭘	⭘	⭘	⭘	⭘	⭘	⭘					
Outdoor Sales - Limited								⭘	⭘	⭘	⭘	⭘	⭘	⭘						
Outdoor Sales Lot														⭘	⭘	⭘				
SERVICE USES																				
Neighborhood Personal Service								☑	☑	☑	☑	☑	☑	☑	☑					
General Service											☑	☑	☑	☑	☑					
Nursing Home, Assisted Living, Independent Living Facility						⭘	⭘	☑	☑	☑	☑	☑	☑	☑					⭘	
Medical Clinic										☑	☑	☑	☑	☑						
Child/Adult Care								☑	☑	☑	☑	☑	☑	☑	☑					
Laundry / Dry Cleaner								☑	☑	☑	☑	☑	☑	☑	☑					
Vehicle Repair Facility														⭘	⭘					
Personal Storage										⭘	⭘			☑	☑	☑				*
Bed & Breakfast	⭘						⭘	☑	☑	☑	☑	☑	☑				☑			
Motel														☑			⭘			
Hotel										☑	☑	☑	☑	☑			⭘			
Mortuary / Funeral Home								☑	☑	☑	☑	☑	☑	☑	☑					
Animal Services, Small	⭘							☑	☑	☑	☑	☑	☑	☑	☑		⭘			
Publication and Broadcast Services										☑		☑	☑	☑	☑					
Indoor Recreation Facility										☑	☑	☑	☑	☑	☑					
MANUFACTURING USES																				
Limited Industrial												⭘	⭘		⭘	☑				
Clean Industrial															⭘	☑				*
General Industrial															⭘	☑				
Heavy Industrial																☑				
AGRICULTURE, NATURAL RESOURCE, AND PRESERVATION USES																				
Natural Outdoor Recreation	☑																☑			
Conservation Area	☑	☑	☑	☑	☑												☑			
Orchards Nursery	☑	⭘															☑			
Animal Services, Large	☑	⭘															☑			
General Farming	⭘																⭘			*
Agro Business/Tourism	⭘																⭘			
Natural Resource Harvesting and Management	☑																☑			
Agriculture Equipment and Supply															☑	☑	⭘			
CONDITIONAL USES																				
Assisted/Independent Living Facility		◆																		
Nursing Home/Assisted Living Facility		◆																		
Bar								◆	◆	◆	◆	◆	◆	◆	◆					
Nightclub										◆	◆	◆	◆	◆						
Day Labor Agency														◆	◆					
Electronic Game Centers														◆						
Gun Club														◆	◆		◆			
Heliport/Vertiport, Airport															◆	◆				
Helistop/Vertistop	◆	◆	◆							◆	◆	◆	◆	◆	◆	◆	◆			
Outdoor Bulk Storage															◆	◆				
Outdoor Recreation Facility										◆			◆	◆	◆	◆	◆			
Outdoor Sports/Entertainment Facility														◆	◆		◆			

ZONING DISTRICTS AND USES																					
ZONING DISTRICTS ➤		RESIDENTIAL NEIGHBORHOODS							MIXED-USE DISTRICTS						GENERAL DISTRICTS				SPECIAL OVERLAY DISTRICTS		
KEY: ☒ = ALLOWED IN PLANNING AREA ☑ = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT AND DESIGN STANDARDS ● = LIMITED USE ONLY ALLOWED SUBJECT TO SPECIFIC USE STANDARDS ◆ = CONDITIONAL USE ONLY ALLOWED SUBJECT TO CONDITIONAL ZONING CERTIFICATE All undesignated uses are considered prohibited ➤ USE TYPES AND USE CATEGORIES		R-R, RURAL RESIDENTIAL	R-1, LARGE-LOT RESIDENTIAL	R-2, LOW-DENSITY RESIDENTIAL	R-3, SUB-URBAN DENSITY RESIDENTIAL	R-4, URBAN DENSITY RESIDENTIAL	R-5, MIXED DENSITY RESIDENTIAL	R-6, URBAN MIXED DENSITY RESIDENTIAL	MU-1, RURAL NEIGH. CENTER	MU-2, NEIGHBORHOOD CENTER	MU-3, SUB-URBAN CENTER	MU-4, SUB-URBAN CORRIDOR	MU-5, URBAN CENTER	MU-6, DOWNTOWN	C-1, COMMERCIAL DISTRICT	E-1, EMPLOYMENT DISTRICT	M-1, MANUFACTURING DISTRICT	NP-1, NATIONAL PARK DISTRICT	R-C, CONSERVATION OVERLAY	R-M, MIXED DENSITY OVERLAY	H, HISTORIC OVERLAY
PLANNING AREAS																					
Cuyahoga River (CRA)						☒	☒	☒		☒		☒	☒	☒		☒				☒	☒
State-Portage Trail (SPT)			☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Bailey -Munroe Falls (BMF)			☒	☒	☒	☒	☒			☒	☒	☒			☒	☒	☒		☒	☒	☒
Northampton (NH)		☒	☒	☒	☒		☒		☒		☒					☒		☒	☒	☒	☒
	Pawnshop**														◆						
	Advance, Payday or Title Loans**														◆						
	Vehicle Wash/Detailing											◆			◆	◆	◆				
	Liquor Store										◆	◆	◆	◆	◆						
	Outdoor Sales Lot										◆	◆	◆								
	Vehicle Repair Facility									◆	◆	◆	◆	◆							
	Tow Lot or Impound Lot															◆	◆				
	Recycle Centers															◆	◆				
	Wireless Communications Facilities***	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
	Sexually Oriented Business***														◆						
	Wind Facilities***	◆														◆	◆	◆			

All uses of the underlying zoning district allowed unless otherwise restricted in the overlay district ordinance. All residential uses are allowed in Green Overlay.

***No pawnshop or advanced, payday or title loan facility shall be located within one thousand (1,000) feet of any other pawnshop or advanced, payday or title loan facility as measures at the closest property lines, and the number or such facilities may not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.*

****See Chapter 1135 for additional restrictions on Wireless Communication Facilities, Chapter 1136 for additional restrictions on Sexually Oriented Businesses and Chapter 1137 for additional restrictions on Wind Facilities.*

CHAPTER 1132 ZONING DISTRICT STANDARDS

1132.01 RESIDENTIAL LOT AND DIMENSION STANDARDS 159
1132.02 R-R, RURAL RESIDENTIAL 162
1132.03 R-1, LARGE-LOT RESIDENTIAL 162
1132.04 R-2, LOW-DENSITY RESIDENTIAL 163
1132.05 R-3, SUB-URBAN DENSITY RESIDENTIAL 163
1132.06 R-4, URBAN DENSITY RESIDENTIAL 164
1132.07 R-5, MIXED DENSITY RESIDENTIAL 164
1132.08 R-6, MIXED URBAN RESIDENTIAL 165
1132.09 MU-1, RURAL NEIGHBORHOOD CENTER 165
1132.10 MU-2, NEIGHBORHOOD CENTER 166
1132.11 MU-3, SUB-URBAN CENTER 167
1132.12 MU-4, SUB-URBAN CORRIDOR 168
1132.13 MU-5, URBAN CENTER 169
1132.14 MU-6, DOWNTOWN 170
1132.15 C-1, COMMERCIAL DISTRICT 171
1132.16 E-1, EMPLOYMENT DISTRICT 172
1132.17 M-1, MANUFACTURING DISTRICT 174
1132.18 NP-1, NATIONAL PARK 174
1132.19 RM, MIXED-DENSITY RESIDENTIAL OVERLAY 175
1132.20 RC, RESIDENTIAL CONSERVATION OVERLAY 177
1132.21 H, HISTORIC OVERLAY 184

TABLE 1132-2: RESIDENTIAL LOT AND DESIGN STANDARDS 160
TABLE 1132-3: MU-1 -- LOT AND BUILDING DIMENSION STANDARDS 166
TABLE 1132-4: MU-2 LOT AND BUILDING DIMENSION STANDARDS 167
TABLE 1132-5: MU-3 LOT AND BUILDING DIMENSION STANDARDS 168
TABLE 1132-6: MU-4 LOT AND BUILDING DIMENSION STANDARDS 169
TABLE 1132-7: MU-5 LOT AND BUILDING DIMENSION STANDARDS 170
TABLE 1132-8: MU-6 LOT AND BUILDING STANDARDS 171
TABLE 1132-9: C-1 LOT AND BUILDING DIMENSION STANDARDS 172
TABLE 1132-10: E-1 LOT AND BUILDING DIMENSION STANDARDS 173
TABLE 1132-11: M-1 LOT AND BUILDING DIMENSION STANDARDS 174
TABLE 1132-12: RM, RESIDENTIAL OVERLAY PROCEDURE SUMMARY 175
TABLE 1132-13: RC, RESIDENTIAL CONSERVATION OVERLAY PROCEDURE SUMMARY. 178
TABLE 1132-14 RC PRESERVED SPACE LOT BONUS 181
TABLE 1132-15 RC LOT SIZE REQUIREMENTS 182
TABLE 1132-16: RC REQUIRED BUFFERS FROM STREETS AND ADJACENT DEVELOPMENT. 183

1132.01 RESIDENTIAL LOT AND DIMENSION STANDARDS

Table 1132-2: Residential Lot and Dimension Standards contain the lot and dimension standards to be applied to all residential lot types. Consult the remaining sections in this Division on specific residential zoning districts for the eligibility of each particular lot type in specific residential zoning districts.

Table 1132-2: Residential Lot and Design Standards

RESIDENTIAL LOT AND DIMENSION STANDARDS															
		SINGLE-FAMILY DETACHED DWELLING						**SINGLE-FAMILY ATTACHED DWELLING**				**MULTI-FAMILY DWELLING**			
LOT AND DWELLING TYPE ➤ / **DIMENSION STANDARD**		RURAL LOT	LARGE LOT	LOW-DENSITY LOT	SUBURBAN LOT	STANDARD LOT	SMALL LOT	LARGE LOT	LOW-DENSITY LOT	STANDARD LOT	SMALL LOT	LOW DENSITY LOT (8 – 12 UNITS/ ACRE)	MODERATE DENSITY LOT (12 – 16 UNITS/ ACRE)	MEDIUM DENSITY LOT (16 - 24 UNITS/ ACRE)	URBAN DENSITY LOT (24+ UNITS/ ACRE)
MINIMUM LOT SIZE	AREA	8 acres	1.5 acres	.5 acres	.25 acres	6,000 square feet	3,800 square feet	4,000 square feet per dwelling unit	3,000 square feet per dwelling unit	2,400 square feet per dwelling unit	1,800 square feet per dwelling unit	1 acre	.5 acre	.25 acre	.25 acre
	WIDTH	300’	150’	100’	70’ 40’ on curved frontage	50’ 60’ on corner lots	38’ 45’ on corner lots	35’ per dwelling unit	28’ per dwelling unit; 10 additional feet for end units or corner lots	24’ per dwelling unit; 10 additional feet for end units or corner lots	18’ per dwelling unit; 10 additional feet for end units or corner lots	150’	100’	70’	70’
	FRONTAGE	300’	125’ 90’ on curved frontage	100’ 60’ on curved frontage	70’ 45’ on curved frontage	50’ 60’ on corner lots 45’ on curved frontage	38’ 45’ on corner lots 35’ on curved frontage	same as lot width	same as lot width	same as lot width	same as lot width	same as lot width	same as lot width	same as lot width	same as lot width
	DEPTH	300’	200’	150’	150’	100’	100’	100’	100’	80’	80’	150’	150’	100’	100’
MAXIMUM LOT COVERAGE	PRINCIPAL BUILDING (FOOTPRINT)	6,000 square feet	6,000 square feet	4,000 square feet	3,000 square feet	2,400 square feet	1,800 square feet	2,400 square feet	1,800 square feet	1,500 square feet	1,200 square feet	35% of lot	45% lot	60% lot	60% lot
	ACCESSORY BUILDING [a]	1,200 square feet per acre; 20,000 sq. ft. max.	1,000 square feet per acre limit 2 buildings	1,200 square feet per ½ acre, plus 150 sq. ft. for each additional ½ acre, with a max. of 1,500 sq. ft total limit 2 buildings	1,000 square feet total limit 2 buildings	750 square feet or 10% of lot limit 2 buildings	500square feet limit 2 buildings	550 square feet	500square feet	450square feet	350 square feet	10% of lot	10% of lot	10% of lot	10% of lot
	TOTAL SURFACE	5% of total lot	10% of lot or 7,000 square feet, whichever is less	20% of lot or 5,000 square feet, whichever is less	35% of lot or 4,300 square feet, whichever is less	50% of lot or 3,800square feet, whichever is less	60% of lot or 3000 square feet, whichever is less	50% of lot or 3,000 square feet, whichever is less	60% of lot or 2,000 square feet, whichever is less	70% of lot or 1,800 square feet, whichever is less	80% of lot or 1,680 square feet whichever is less	50% of lot	65% of lot	80%	80%
BUILDING SETBACKS (PRINCIPAL)	FRONT*	80’	80’	45’	30’	30’	20’	30’	20’	15’	10’	30’	20’	10’	10’
	SIDE [b]	30’ minimum per side 100’ minimum both sides 40’ corner	20’ minimum per side 60’ minimum both sides 40’ corner	10’ minimum per side 30’ minimum both sides 25’ on corner	5’ minimum per side 15’ minimum both sides 20’ on corner	5’ minimum per side 15’ on corner lots	5’ [c] 15’ on corner lots	0’ [d] 10’ for end units 15’ on corner lots	0’ [d] 10’ for end units 15’ on corner lots	0’ [d] 10’ for end units 10’ on corner lots	0’ [d] 10’ for end units 10’ on corner lots	10’ unless adjacent to lower density residential lots, then 20’	10’ unless adjacent to lower density residential lots, then 20’	• 0’ [d] • 10’ unless adjacent to lower density residential lots, then 20’	• 0’ [d] • 10’ unless adjacent to lower density residential lots, then 20’
	REAR	150’	80’	40’	40’	25’	25’	30’	20’	20’	20’	30’	30’	30’	30’

BUILDING SETBACKS (DETACHED ACCESSORY)	FRONT [f, h]	Behind front building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line
	SIDE [g, h]	50'	15'	10' 25' on corner	3'	3', unless shared structure	3' unless shared structure	3' unless shared structure 15' on corner	3' unless shared structure 15' on corner	3' unless shared structure 10' on corner	3' unless shared structure 10' on corner	10'	10'	10'	10'
		SINGLE-FAMILY DETACHED DWELLING						SINGLE-FAMILY ATTACHED DWELLING				MULTI-FAMILY DWELLING			
		RURAL LOT	LARGE LOT	LOW-DENSITY LOT	RURAL LOT	LARGE LOT	LOW-DENSITY LOT	RURAL LOT	LARGE LOT	LOW-DENSITY LOT	RURAL LOT	LARGE LOT	LOW-DENSITY LOT	RURAL LOT	LARGE LOT
	REAR [h]	50'	15'	10'	5'	5' unless shared structure	5' unless shared structure	5' unless shared structure	5' unless shared structure	5' unless shared structure	5' unless shared structure	5'	5'	5' unless shared structure	5' unless shared structure
MAX. BUILDING HEIGHT (PRINCIPAL)		35' or 2.5 stories	35' or 2.5 stories	35' or 2.5 stories	35' or 2.5 stories	35' or 2.5 stories	45' or 3 stories	35' or 2.5 stories	45' or 3.5 stories	45' or 3.5 stories	52' or 4 stories	45' or 3.5 stories	52' or 4 stories	65' or 5 stories	80' or 6 stories
MAX. BUILDING HEIGHT (ACCESSORY)		35'	15' [e]	15' [e]	15' [e]	15' [e]	15' [e]	15' [e]	15' [e]	15' [e]	15' [e]	25'	25'	25'	25'

* On any street where the City has formally adopted a setback map, the setback established on that map shall control.

a -- Attached garage floor areas shall be subtracted from the allowable square foot coverage for an accessory building on a lot. However, attached garages shall meet all lot and dimension requirements for the principal building
b -- Any accessory structure above grade and attached to or directly accessed from the principal structure, such as a raised deck, shall meet the side setback for the principal building. Accessory equipment attached to the principal structure, such as an air conditioner unit, may encroach into the setback up to 4 feet, but in no case may extend more than 4' beyond the actual side building line. All such structures or equipment shall be screened according to Chapter 1146.
c -- Setbacks lesser than 5' are allowed, including 0-lot line development provided a minimum 10' separation between building and any necessary maintenance easements are indicated on a recorded plat.
d -- 0' setbacks on attached single-family lots requires a party wall meeting all building code standards and recording of a Survey Plat (See Section 1114.01, A.2.d.)after construction of the building to accurately identify the lot boundary.
e -- Accessory building heights may be up to 25', but never higher than the principal structure, provided the second story is habitable space and the structure meets all design standards of the principal building.
f -- Accessory buildings for keeping of domestic animals only are also permitted between the front building line and the front setback line.
g -- On corner lots, regardless of setback, the front (door) of a garage shall be a minimum of 20 ft. from the right of way line.
h -- Accessory buildings for keeping of domestic animals shall be no closer then 50 ft. from any lot line.

1132.02 R-R, RURAL RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-R, Rural Residential District:

1. All areas that do not meet the Planning Criteria for any other zoning district in the NH Planning Area are appropriate for R-R zoning.

2. Any area that contains sensitive natural features such as stream corridors, flood plain, steep topography, or critical and sensitive natural vegetation or habitats is appropriate for R-R zoning.

3. Any area where a citywide sewer or water system does not exist or where such services and community infrastructure is not planned under any capital improvements program, is appropriate for R-R zoning.

4. Any area that, by virtue of its land characteristics, access to natural resources, or remoteness from other conflicting land uses, is appropriate for any of the eligible non-residential land uses in the R-R District (*See Table 1132- 2*), is appropriate for R-R zoning.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-R District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-family / Rural Lot
2. Accessory Units

1132.03 R-1, LARGE-LOT RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-1, Large-Lot Residential District:

1. All areas in the NH Planning Area with direct access to a local street are appropriate for R-1 zoning.

2. Areas in the NH Planning Area, which are remote from arterial streets are appropriate for R-1 zoning, but should consider the Conservation Residential Overlay to make more efficient use of street and utility access off of arterial streets and to preserve larger contiguous open and natural areas.

3. Areas in the BMF Planning Area or SPT Planning Area that are more than ½ mile from an existing or planned Mixed-Use zoning district are appropriate for R-1 zoning.

4. Any areas along the edges of the SPT Planning Area and the NH Planning Area are appropriate for R-1 zoning in order to create transitions from rural to sub-urban development patterns, particularly if Conservation Residential Overlay utilized to maximize infrastructure efficiency and preserve larger contiguous open and natural areas.

5. Any area in the BMF Planning Area or SPT Planning Area that contains sensitive natural features such as stream corridors, flood plain, steep topography, or critical and sensitive natural vegetation or habitats is appropriate for R-1 zoning.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-1 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Rural Lot
2. Detached Single-Family / Large Lot

1132.04 R-2, LOW-DENSITY RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-2, Low-Density Residential District:

1. Areas in the NH, BMF or SPT Planning Areas that are more than ½ mile from an existing or planned Mixed-Use Centers are appropriate for R-2 zoning.

2. Any areas along the edges of the SPT Planning Area and the NH Planning Area are appropriate for R-2 zoning in order to create transitions from rural to sub-urban development patterns, but should use the Conservation Residential Overlay to maximize infrastructure efficiency and preserve larger contiguous open and natural areas.

3. Any area in the BMF Planning Area or SPT Planning Area that contains sensitive natural features such as stream corridors, flood plain, steep topography, or critical and sensitive natural vegetation or habitats is appropriate for R-2 zoning.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-2 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Rural Lot
2. Detached Single-Family / Large Lot
3. Detached Single-Family / Low-Density Lot

1132.05 R-3, SUB-URBAN DENSITY RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-3, Sub-Urban Density Residential District:

1. Areas in the NH, BMF or SPT Planning Areas that are less than one mile from an existing or planned Mixed-Use Centers or the C-1, Commercial District are appropriate for R-3 zoning.

2. Any area in the BMF Planning Area or NH & SPT Planning Areas that contain sensitive natural features such as stream corridors, flood plain, steep topography, or critical and sensitive natural vegetation or habitats is appropriate for R-3 zoning.

3. Areas in the NH Planning Area, which are remote from arterial streets are appropriate for R-1 zoning, but should consider the Conservation Residential Overlay to make more efficient use of street and utility access off of arterial streets and to preserve larger contiguous open and natural areas.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-3 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Large Lot
2. Detached Single-Family / Low-Density Lot
3. Detached Single-Family / Sub-Urban Lot

1132.06 R-4, URBAN DENSITY RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-4, Urban-Density Residential District:

1. Areas in the BMF Planning Area or SPT Planning Area that are less than ½ mile from an existing or planned Mixed-Use Centers or the C-1, Commercial District are appropriate for R-4 zoning.

2. Any areas of the CR Planning Area and the BMF Planning Area or SPT Planning Area are appropriate for R-4 zoning in order to create transitions from sub-urban to urban development patterns.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-4 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Large Lot
2. Detached Single-Family / Low-Density Lot
3. Detached Single-Family / Sub-Urban Lot
4. Detached Single-Family / Standard Lot

1132.07 R-5, MIXED DENSITY RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-5, Mixed-Density Residential District:

1. Any area in the CR and NH Planning Area within ½ mile of a Mixed-Use Centers is appropriate for R-5 zoning.

2. Multi-family building types within each eligible dwelling category in R-5 shall only be allowed in areas that create immediate transitions to adjacent Mixed-Use Centers, industrial, C-1 District, or fronting on arterial streets.

3. Attached single-family buildings shall create a transition between multi-family and single-family buildings.

4. Lower-density single-family detached dwellings shall only occur on lots that create immediate transitions to adjacent single-family uses. No multi-family dwellings shall be places adjacent to lower-density single-family detached dwellings.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-5 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Low-Density Lot
2. Detached Single-Family / Sub-Urban Lot
3. Detached Single-Family / Standard Lot
4. Detached Single-Family / Small Lot
5. Attached Single-Family / Low-Density Lot
6. Attached Single-Family / Standard Lot
7. Multi-Family / Low-Density Lot
8. Multi-Family / Moderate-Density Lot
9. Accessory Units

Multi-Family buildings of three (3) stories or less are limited to sixteen (16) units.

Developments taking place on parcels greater than 2 acres shall have one single-family attached or single-family detached unit for each 4 multi-family units constructed.

1132.08 R-6, MIXED URBAN RESIDENTIAL

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the R-6, Mixed Urban Density Residential District:

1. Any area in the CR Planning Area within ¼ mile of a Mixed-Use Centers is appropriate for R-6 zoning.

2. Lower density single-family detached dwellings in the R-6 should only be occurring on lots that create immediate transitions to adjacent single-family uses, or fronting on arterial streets.

B. Lot and Building Dimension Standards. The following dwelling and lot types are allowed in the R-6 District. See *Table 1132-2: Lot and Building Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type.

1. Detached Single-Family / Sub-Urban Lot
2. Detached Single-Family / Standard Lot
3. Detached Single-Family / Small Lot
4. Attached Single-Family / Standard Lot
5. Attached Single-Family / Small Lot
6. Multi-Family / Moderate-Density Lot
7. Multi-Family / Medium-Density Lot
8. Accessory Units

Multi-Family buildings of three (3) stories or less are limited to sixteen (16) units.

1132.09 MU-1, RURAL NEIGHBORHOOD CENTER

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-1, Rural Neighborhood Center District:

1. The district should not be larger than ½ mile in diameter (or 2,640 feet, the approximate equivalent of 4 long blocks, when measured in any direction.

2. The district should not be located any closer than 1 mile to any other Mixed-Use district.

3. The district should be located at the intersection of two arterial streets, or at the intersection of an arterial and a collector street, or two collectors. It is ideal for the district to span all corners of the intersection to form a node of more compact development. However, it is acceptable for the district to be offset to one quadrant of the intersection, provided appropriate building frontages are located along the arterial and any collector streets, and proper streetscape designs are used on these streets.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-1 district. Any solely residential uses allowed in the district shall utilize the use/dimension standards in Table 1132-2.

Table 1132-3: MU-1 -- Lot and Building Dimension Standards

MU-1 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	2,400 s.f.
	WIDTH	24'
	DEPTH	100'
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	50%
	TOTAL SURFACE	65%
BUILDING ENVELOPE	**FRONT SETBACK, MINIMUM***	2' or 15' from the finished street, whichever is greater
	FRONT SETBACK, MAXIMUM	20' on any street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations; 40' in all other cases.
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10' 0' if party wall
	REAR SETBACK, MINIMUM	20'
	MINIMUM HEIGHT	2 stories or 24'
	MAXIMUM HEIGHT	3 stories or 40'
	MAXIMUM FOOTPRINT	3,000 s.f. *Exception:* Each MU-1 District may have one anchor building up to 30,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.10 MU-2, NEIGHBORHOOD CENTER

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-2, Neighborhood Center district:

1. In the BMF Planning Area and the SPT Planning Area, the district should not be larger than ¼ mile in diameter (or 1,320 feet, the approximate equivalent of 3 blocks) when measured in any direction.

2. In the BMF Planning Area and the SPT Planning Area, the district should not be located any closer than ½ mile to any other mixed use district, unless it is a MU-4, Mixed-Used Corridor District, which can be used as a transition to the MU-2 District.

3. In the CR Planning Area, the district should not be larger than 1,000 feet in diameter (the approximate equivalent of 3 short blocks) when measured in any direction.

4. In the CR Planning Area, the district should not be located any closer than ½ mile to any other MU-2 District.

5. In all eligible Planning Areas, the district should be located at the intersection of arterial or collector streets. It is ideal for the district to span all corners of the intersection to form a node, however, it is acceptable for the district to be offset to one quadrant of the intersection provided appropriate building frontages are located along the arterial or collector streets and proper streetscape designs are used on these streets.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-2 zoning district. Any solely residential uses allowed in the district shall use the use and dimension standards in Table 1132-2.

Table 1132-4: MU-2 Lot and Building Dimension Standards

MU-2 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	AREA	2,400 s.f.
	WIDTH	24’
	DEPTH	100’
LOT COVERAGE (MAXIMUMS)	BUILDINGS	60%
	TOTAL SURFACE	75%
BUILDING ENVELOPE	FRONT SETBACK, MINIMUM*	2’ or 15’ from the finished street, whichever is greater
	FRONT SETBACK, MAXIMUM	10’ in the CR Planning District; 20’ in the BMF or SPT Planning District on any street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations; 85’ in all other cases.
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10’ 0’ if party wall
	REAR SETBACK, MINIMUM	20’
	MINIMUM HEIGHT	2 stories or 24’
	MAXIMUM HEIGHT	3 stories or 40’
	MAXIMUM FOOTPRINT	5,000 s.f. *Exception:* Each MU-2 District may have up to 2 anchor buildings up to 45,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.11 MU-3, SUB-URBAN CENTER

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-3, Sub-Urban Center district:

1. The district should not be larger than ½ mile in diameter (or 2,640 feet, the approximate equivalent of 4 long blocks) when measured in any direction.

2. The district should not be located any closer than 1 mile to any other mixed use district, unless it is a MU-5, Mixed-Used Corridor district, which can be used as a transition to the MU-3 District.

3. The district should be located at the intersection of two arterial streets. It is ideal for the district to span all corners of the intersection to form a node, however, it is acceptable for the district to be offset to one quadrant of the intersection, provided appropriate building frontages are located along the arterial streets, and proper streetscape designs are used on these streets.

B. Lot and Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-3 zoning district. Any solely residential uses allowed in the district shall use the use and dimension standards in Table 1132-2.

Table 1132-5: MU-3 Lot and Building Dimension Standards

MU-3 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	2,400 s.f.
	WIDTH	24’
	DEPTH	100’
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	60%
	TOTAL SURFACE	80%
BUILDING ENVELOPE	**FRONT SETBACK, MINIMUM***	2’ or 15’ from the finished street, whichever is greater
	FRONT SETBACK, MAXIMUM	20’ on any street or internal access street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations; 85’ in all other cases. Buildings setback more than 75’ from the front lot line are only allowed when they front directly on an internal access street with Pedestrian Enhanced design according to the standards in Title 2, Chapter 1122 of the Subdivision regulations
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10’ 0’ if party wall
	REAR SETBACK, MINIMUM	20’
	MINIMUM HEIGHT	2 stories or 24’
	MAXIMUM HEIGHT	4 stories or 52’
	MAXIMUM FOOTPRINT	10,000 s.f. *Exception:* Each MU-3 District may have up to 2 anchor buildings up to 80,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.12 MU-4, SUB-URBAN CORRIDOR

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-4, Sub-Urban Corridor District:

1. Any land directly fronting along an arterial street in the BMF Planning Area, SPT Planning Area, or CR Planning Area may be appropriate for MU-4 zoning.

2. Higher density residential uses and non-residential uses eligible in the MU-4 zoning district should only be allowed within ¼ mile (1,320 ft., or approximately 3 blocks) of another Mixed-Use Center, the C-1, Commercial District, or the E-1, Employment District. These more intense MU-4 uses should create transitions to the more intense zoning districts along the corridor.

3. Lower-density residential uses eligible in the MU-5 zoning district should be used to create transitions to any adjacent residential zoning district.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-4 District. Any solely residential uses allowed in the district shall use the use and dimension standards in Table 1132-2.

Table 1132-6: MU-4 Lot and Building Dimension Standards

MU-4 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	2,400 s.f.
	WIDTH	24’
	DEPTH	100’
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	60%
	TOTAL SURFACE	80%
BUILDING ENVELOPE	**FRONT SETBACK, MINIMUM***	2’ or 15’ from the finished street, whichever is greater, only where on-street parking is allowed; 10’ where on-street parking is not allowed.
	FRONT SETBACK, MAXIMUM	20’ on any street or internal access street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations; 40’ in all other cases in the CR Planning District; 75’ in all other cases in the BMF or SPT Planning District; Buildings setback more than 75’ from the front lot line are only allowed in the BMF or SPT Planning District when they front directly on an internal access street with Pedestrian Enhanced standards in Title 2, Chapter 1122 of the Subdivision Regulations.
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10’ 0’ if party wall
	REAR SETBACK, MINIMUM	20’
	MINIMUM HEIGHT	2 stories
	MAXIMUM HEIGHT	4 stories or 52’
	MAXIMUM FOOTPRINT	10,000 s.f. *Exception:* Each MU-4 District may have up to 2 anchor buildings up to 80,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.13 MU-5, URBAN CENTER

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-5, Urban Center District:

1. The district should not be larger than ¼ mile in diameter (1,320 feet or approximate equivalent of 3 blocks) when measured in any direction.

2. The district should not be located any closer than ½ mile to any other MU-5 District.

3. The district should be located at the intersection of two arterial streets. It is ideal for the district to span all corners of the intersection to form a node, however, it is acceptable for the district to be offset to one quadrant of the intersection provided appropriate building frontages are located along the arterial streets and proper streetscape designs are used on these streets.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-5 zoning district. Any solely residential uses allowed in the district shall use the use and dimension standards in Table 1132-2.

Table 1132-7: MU-5 Lot and Building Dimension Standards

MU-5 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	2,400 s.f.
	WIDTH	24’
	DEPTH	100’
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	70%
	TOTAL SURFACE	80% Exception: A greater surface may be allowed provided the site is incorporated into a regional stormwater plan or incorporates Best Management Practices, which result in no off-site stormwater impacts.
BUILDING ENVELOPE	**FRONT SETBACK, MINIMUM***	2’, or 12’ from the finished street, whichever is greater
	FRONT SETBACK, MAXIMUM	10’ Exception: Buildings for civic uses have no maximum front setback.
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10’ 0’ if party wall
	REAR SETBACK, MINIMUM	20’
	MINIMUM HEIGHT	2 stories
	MAXIMUM HEIGHT	7 stories or 80’
	MAXIMUM FOOTPRINT	5,000 s.f. Exception: Each MU-5 District may have up to 2 anchor buildings up to 45,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.14 MU-6, DOWNTOWN

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the MU-6, Downtown District:

1. The district should not be larger than 1 mile in diameter (5,280 feet or approximate equivalent of 12 blocks) when measured in any direction.

2. Lower-density residential uses eligible in the MU-6 zoning district should be used to create transitions to any adjacent residential zoning district.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the MU-6 zoning district. Any solely residential uses allowed in the district shall use the use and dimension standards in Table 1132-2.

Table 1132-8: MU-6 Lot and Building Standards

MU-6 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	1,800 s.f.
	WIDTH	18'
	DEPTH	80'
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	85%
	TOTAL SURFACE	85% Exception: A greater surface may be allowed provided the site is incorporated into a regional stormwater plan or incorporates Best Management Practices, which result in no off-site stormwater impacts.
BUILDING ENVELOPE	**FRONT SETBACK, MINIMUM***	2', or 12' from the finished street, whichever is greater
	FRONT SETBACK, MAXIMUM	10' Exception: Buildings for civic uses have no maximum front setback.
	FRONT BUILD-TO LINE	The front building line shall not be offset more than 10 feet from any front building line of any adjacent building within 50 feet and along the same block face.
	SIDE SETBACK, MINIMUM	10' 0' if party wall
	REAR SETBACK, MINIMUM	20'
	MINIMUM HEIGHT	2 stories
	MAXIMUM HEIGHT	8 stories or 105'
	MAXIMUM FOOTPRINT	30,000 s.f.

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.15 C-1, COMMERCIAL DISTRICT

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the C-1, Commercial District:

1. The district should not be larger than ½ mile in diameter (2,640 feet or approximate equivalent of 4 long blocks) when measured in any direction.

2. The district should not be located closer than ½ mile to any other C-1 district, or any Mixed-Use District, except if it is a MU-4 Mixed-Use Corridor which may be used to create transitions to the C-1 District.

3. The district should be located at areas with direct access to regional transportation facilities. The district is most appropriate at the interchange of a thoroughfare interchange, or where the district is served by at least two arterial streets.

4. The district should be used only at locations where appropriate transitions or buffers between any residential neighborhoods or other incompatible districts can be incorporated into the site design, and where any off-site impacts of more intense commercial uses will not impact these adjacent areas.

5. Small, individual sites may be zoned C-1 to create transitions and edges for the MU-2 or MU-3, districts in the BMF Planning Area or SPT Planning Area subject to the following additional criteria:

   a. The use in the proposed C-1 District must be one that inherently by nature of the use cannot effectively implement the mixed-use development pattern and design standards, although all efforts must be made to meet the intent of all design standards for the adjacent mixed-use district. A site plan shall be approved with the additional criteria that the design not detract from any of the design characteristics of the adjacent mixed-use district.

   b. The use must not detract from any of the uses in a Mixed-Use center

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the C-1 zoning district.

Table 1132-9: C-1 Lot and Building Dimension Standards

C-1 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	15,000 s.f.
	WIDTH	100’
	DEPTH	150’
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	50%
	TOTAL SURFACE	85%
BUILDING ENVELOPE	**FRONT SETBACK***	2’ to 20’ on any street or internal access street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations 40’ in all other situations
	SIDE SETBACK	20’ 30’ if immediately adjacent to a residential zoning district
	REAR SETBACK	20’ 30’ if immediately adjacent to a residential zoning district
	MAXIMUM HEIGHT	50’ or 3 stories

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.16 E-1, EMPLOYMENT DISTRICT

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the E-1, Employment District:

1. The district should not be larger than1/2 mile in diameter when measured in any direction, unless it incorporates service or retail uses that support the employment uses, or unless it is adjacent to a Mixed-Use center.

2. The district should be located at areas with direct access to regional transportation facilities. The district is most appropriate at the interchange of a thoroughfare interchange, or where the district is served by at least two arterial streets. Special consideration shall be given to any area where transit can be incorporated into the design of the employment district.

3. The district should be used only at locations where appropriate transitions or buffers between any residential neighborhoods or other incompatible districts can be incorporated into the site design, and where any off-site impacts of more intense uses will not impact these adjacent areas.

4. Small, individual sites may be zoned E-1 to create transitions and edges of any Mixed-Use District subject to the following additional criteria:

   a. The use in the proposed E-1 district must be one that inherently by nature of the use cannot effectively implement the mixed-use development pattern and design standards, although all efforts must be made to meet the intent of all design standards for the adjacent mixed-use district. A site plan shall be approved with the additional criteria so that the design does not detract from any of the design characteristics of the adjacent mixed-use center.

   b. The use must not detract from any of the uses in a Mixed-Use center.

5. The district shall incorporate specific design themes, in addition to the required regulations and design standards that match the intent of the Planning District in which it is located. (See Section 1131.02 - Northampton Planning Area – Rural; BMF or SPT Planning Area – Sub-Urban or transition; and CR Planning Area – Urban)

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the E-1 District.

Table 1132-10: E-1 Lot and Building Dimension Standards

E-1 LOT AND BUILDING DIMENSION STANDARDS*		
LOT SIZE (MINIMUMS)	**AREA**	• 7,500 s.f. in the CR Planning Area • 11,250 s.f. in the BMF or SPT Planning Area • 15,000 s.f. in the NH Planning Area
	WIDTH	• 50’ in the CR Planning Area • 75’ in the BMF or SPT Planning Area • 100’ in the NH Planning Area
	DEPTH	• 150’
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	• 50% in the NH Planning Area • 60% in the BMF or SPT Planning Area • 70% in the CR Planning Area
	TOTAL SURFACE	• 75% in the NH Planning Area • 75% in the BMF or SPT Planning Area • 80% in the CR Planning Area
BUILDING ENVELOPE	**FRONT SETBACK***	• 2’ to 20’ on any street or internal access street with Pedestrian Enhanced design according to Title 2, Subdivision Regulations • 100’ on any street with a rural design element specified in Title 2, Table 1122-4 or 1122-6. • 40’ in all other situations
	SIDE SETBACK	• 20’ • 30’ if immediately adjacent to a residential zoning district • 0’ in CR Planning District if party wall.
	REAR SETBACK	• 20’ • 30’ if immediately adjacent to a residential zoning district
	MAXIMUM HEIGHT	• 45’ in the NH Planning Area • 45’ in the BMF or SPT Planning Area • 65’ in the CR Planning Area

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.17 M-1, MANUFACTURING DISTRICT

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the M-1, Manufacturing District:

1. The district should be located at areas with direct access to regional transportation facilities and the capacity to handle frequent local and regional truck traffic, including opportunities for multi-modal freight movement.

2. The district should be used only at locations where appropriate transitions or buffers between any residential neighborhoods or other incompatible districts can be incorporated into the site design.

3. The district should be used only at locations where no impacts on adjacent natural areas or environmental resources will occur.

B. Lot and Building Dimension Standards. Unless otherwise modified through a Planned District procedure, a Conditional Use Permit, or Special Standards for Specific Uses identified in this section, the following lot and building dimension standards shall apply in the M-1 zoning district.

Table 1132-11: M-1 Lot and Building Dimension Standards

M-1 LOT AND BUILDING DIMENSION STANDARDS		
LOT SIZE (MINIMUMS)	**AREA**	2 acres
	WIDTH	200 feet
	DEPTH	250 feet
LOT COVERAGE (MAXIMUMS)	**BUILDINGS**	50%
	TOTAL SURFACE	70%
BUILDING ENVELOPE	**FRONT SETBACK***	30’
	SIDE SETBACK	20’ 30’ if adjacent to residential zoning district
	REAR SETBACK	20’ 30’ if adjacent to residential zoning district
	MAXIMUM HEIGHT	65’

**On any street where the City has formally adopted a setback map, the setback established on that map shall control.*

1132.18 NP-1, NATIONAL PARK

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the NP-1, National Park District:

1. All areas in the NH Planning Area under management, control, and stewardship of the National Park Service are appropriate for NP-1 zoning.

2. All areas included in the designated Cuyahoga Valley National Park boundary are appropriate for NP-1 zoning.

3. Any areas that are immediately adjacent to or surrounded by property under the management, control, and stewardship of the National Park Service and exhibit physical qualities similar to those of the National Park are appropriate for NP-1 zoning. The NP-1 district is most similar to the R-R zoning district but allows additional uses that provide support for National Park activities.

B. Lot and Building Dimension Standards. Lot and building dimension standards in the NP-1 District shall be based on rural residential lot type in Table 1132-2.

1. *Exception.* Lots and buildings under the management, control, and stewardship of the National Park Service are not subject to these standards and shall comply with National Park guidelines.

1132.19 RM, MIXED-DENSITY RESIDENTIAL OVERLAY

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of zoning property to the RM, Mixed-Density Residential overlay:

1. A RM Overlay may be applied to the R-1, R-2, R-3, or R-4 zoning districts (resulting in R-1RM, R-2RM, R-3RM, or R-4RM zoning districts respectively.) A single overlay may be applied to two or more different zoning districts.

2. A newly established RM Overlay shall be at least five acres. However, a smaller parcel may apply the RM Overlay if it is contiguous to an existing R-M Overlay or separated only by a public right-of-way. Additions to the R-M District may use the entire existing district and the new addition for evaluation of these planning criteria.

3. The RM Overlay shall only be applied in relation to an immediately adjacent existing or planned Mixed-Use District, in order to create a more integrated and walkable neighborhood.

4. The overall gross density for a RM Overlay shall be:

   a. 6 dwelling units per acre in the NH Planning Area;
   b. 10 dwelling units per acre in the SPT and BMF Planning Areas; and
   c. 16 dwelling units per acre in the CR Planning Area.
   d. Accessory dwelling units shall not count towards density requirements.

5. Overall density may exceed gross densities described in Section 1132.19 A.4 by 15% with any LEED® new construction or Neighborhood Certification.

6. An RM Overlay shall have the greatest diversity of dwelling categories and dwelling types as possible, and should have a minimum of 3 different dwellings types eligible in an R-M Overlay, according to Table 1131-2: Zoning Districts and Uses.

B. Procedures. The approval process for a Mixed-Density Residential Overlay (RM) is a 3-step process as outlined in Table 1132-12 Mixed-Density Residential Overlay Procedure Summary.

Table 1132-12: RM, Residential Overlay Procedure Summary

RESIDENTIAL OVERLAY (RM) PROCEDURE SUMMARY			
Procedures	**Yield & Analysis Plan**	**Conceptual Development Plan**	**Final Development Master Plan**
Staff			
Review Process	Applicant Meeting	Applicant Meeting	Internal
Action	Review/Recommendation	Review/Recommendation	Review/Recommendation
Planning Commission			
Review Process	Staff	Planning Commission Meeting	Planning Commission Meeting

Notice Type	Posted/Mailed to abutting Property Owners	Posted/Mailed to abutting Property Owners	Posted/Mailed to abutting Property Owners
Action	Review	Review	Review & Recommendation
City Council			
Action			Authorization

C. Yield & Analysis Plan. The first step is the creation of a Yield & Analysis Plan. It includes a complete investigation of the property and a conventional development layout.

1. *Site Analysis*. The analysis portion will include at a minimum, topography (1 inch equals 30 feet), soil conditions and locations of wetlands, 100-year flood plains, and slopes exceeding 25%. Chapter 1125 Stream Corridor Protection must be accounted for in the Northampton Planning Area or other designated stream protection area.

2. *Yield Plan*. The yield portion of the Plan includes a conventional lot and street layout that conforms to the zoning requirements of the district in which the proposed project is located. The Yield Plan must not show house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout. The lots approved in Yield Plan will determine underlying or base density in the Conceptual Development Plan. A project area that is more than one zoning district will calculate density at the more restrictive density.

D. Conceptual Development Plan. After Planning Commission approval of the Yield and Analysis Plan, a Conceptual Development Plan will be submitted. The plan will utilize a new urbanism and traditional neighborhood development concepts and incorporate at least three of the following lot and building standards of which one type is a single-family detached:

1. *Lot and Building Dimension Standards*. The following dwelling and lot types are allowed in the RM Overlay District. See *Table 1132-2: Residential Lot and Dimension Standards* for specific lot and building dimension standards for each dwelling and lot type. Detached Single-Family / Large Lot

   a. Detached Single-Family / Low-Density Lot

   b. Detached Single-Family / Sub-Urban Lot

   c. Detached Single-Family / Standard Lot

   d. Detached Single-Family / Small Lot

   e. Attached Single-Family / Low-Density Lot

   f. Attached Single-Family / Moderate-Density Lot

   g. Attached Single-Family / Standard Lot

   h. Attached Single-Family / Small Lot

   i. Multi-Family / Moderate-Density Lot

   j. Multi-Family / Medium-Density Lot

2. *Open Space*. Incorporate open space according to Chapter 1145.

3. *Thoroughfares*. The Conceptual Development Plan must incorporate at least three street types according to 1122.07 Typical Streetscape Cross-Section and if small-lots, single-family attached or multi-family dwellings (Table 1131-1) are incorporated into development residential rear access lanes shall be used.

E. Final Master Plan. The Final Master Plan will be an 11" by 17" bound document. It will contain the following documentation:

1. A Location Page showing general location of site (At least a 1:1000 scale)

2. Existing Conditions Section that includes arterials, topography, wetlands, riparian setbacks, floodplains, water bodies, adjacent structures, lots and streets. (At least a 1:1000 scale)

3. An Illustrative Site Plan showing streets, right-of-ways, lots, preserved space, trails, recreation amenities, landscaping features and other amenities. The plan will also include lots sizes, lot totals, open space and right-of-way acreage. (At least a 1:600 scale)

4. An Open Space Map showing the subdivision of open space land. The map will include acreage, topography, wetlands, flood plains, water bodies, easements and other landmarks.

5. A Thoroughfare Types Map identifying each road type and cross-sections of each road type. The map shall be at least a 1=600 scale.

6. Color renderings of the Master Plan. At a minimum, there shall be a typical streetscape plan showing street and structures, a section of the preserved space with trail and an aerial view of development.

7. Home Type Section showing sample elevations for at least 3 home types.

8. Regulating Code governing the lot sizes, building setbacks, and fencing regulations. In addition, building materials and methods for walls, roofs, openings and attachments shall be specified.

1132.20 RC, RESIDENTIAL CONSERVATION OVERLAY

A. Planning Criteria. The following criteria shall be used to assist in determining the appropriateness of designating property to the RC, Residential Conservation Overlay:

1. An RC Overlay may be applied to NP1, RR, R1, R2, R2, or R3 zoning districts. (Resulting in NP1-RC, RR-RC, R1-RC, R2-RC, or R3-RC zoning districts respectively).

2. An RC Overlay is especially appropriate anywhere in the NH Planning Area.

3. An RC Overlay is appropriate in the BMF or SPT Planning Area wherever significant natural features exist (as stated in Item 4), or along transitions with the NH Planning Area.

4. The proposed Conservation Overlay property includes, but is not limited to land that is considered a resource and important undeveloped area that includes mature woodlands, aquifer recharge areas, wetlands, ravines, areas with highly permeable soils, significant wildlife, farm fields, historic land, important vistas, meadows, or pastures.

5. The streets and lot layouts shall be designed and located in a manner that maintains and preserves the natural topography, involves the least amount of grading, shortens road lengths and lot frontages, and minimizes any other disturbances of the land and natural features.

6. Lots shall be configured so that buildable portions of each lot are located in the area that causes the least disturbance during construction activity.

B. Procedures. The approval process for a Residential Conservation Overlay (RC) is a 3-step process as outlined in Table 1132-13 Residential Conservation Overlay Procedure Summary.

Table 1132-13: RC, Residential Conservation Overlay Procedure Summary

RESIDENTIAL CONSERVATION OVERLAY (RC) PROCEDURE SUMMARY			
Procedures	**Analysis & Yield Plan**	**Conceptual Development Plan**	**Final Master Plan**
Staff			
Review Process	Applicant Meeting	Applicant Meeting	Internal
Action	Review/Recommendation	Review/Recommendation	Review/Recommendation
Planning Commission			
Review Process	--	Planning Commission Meeting	Planning Commission Meeting
Notice Type	--	Posted/Mailed to abutting Property Owners	Posted/Mailed to abutting Property Owners
Action	--	Review & Recommendation	Review & Recommendation
City Council			
Action			Authorization*

**An approved Final Master Plan must receive Preliminary Subdivision approval within 2 years.*

1. *Site Analysis & Yield Plan*. The first step is the creation of a Site Analysis & Yield Plan. It includes a complete investigation of the property and the design of a conventional development layout in conformance with the underlying zoning district.

   a. Site Analysis. The site analysis will include the following items:

      (1) Topographic Map with 2 and 10 foot contours;

      (2) Soil conditions study and map. (On sites not served by central sewerage, soil suitability for individual septic systems shall be demonstrated and documentation must be provided from the Summit County Health Department.);

      (3) Wetlands survey and map;

(4) 100-year flood plain map. (Section 1125.02 Stream Corridor Protection must be accounted for in the Northampton Planning Area or other designated stream protection area);

(5) Tree survey map per Section 1145.04 of the Code, and

(6) Any other site-specific studies deemed necessary by the Planning Director.

b. Yield Plan. The Yield Plan is a conventional lot and street layout that conforms to the zoning requirements of the district in which the proposed project is located. The Yield Plan shall not show houses and streets in areas that would not ordinarily be legally permitted in a conventional layout. The lots approved in Yield Plan will determine the underlying or base density in the Conceptual Development Plan. A project area with more than one zoning district will calculate density on a pro rata basis.

2. *Conceptual Development Plan*. After Planning Commission endorsement of the Analysis & Yield Plan, a Conceptual Development Plan will be submitted. A Conceptual Development Plan is a layout of the property incorporating conservation overlay principles according to Section 1132.20 B. 2. The total number of lots or building sites approved in the Yield Plan will serve as the basis for all lot bonuses in the Conceptual Development Plan. The Conceptual Development Plan will include the following:

a. A Site Plan of the project area showing all lots/building sites and open space;

b. A complete description of all plan elements and features including illustration and inclusion of stream corridor analysis if appropriate (Section 1125.02 Stream Corridor Protection Areas), and

c. The plan shall incorporate all Residential Conservation Overlay Criteria as described in Section 1132.20 C.

3. *Final Master Plan*. Upon approval of the Conceptual Development Plan, the applicant will submit a Final Master Plan. The Final Master Plan will be an 11" by 17" bound document and contain the following documentation:

a. A location map showing general location of site;

b. Existing conditions that includes streets, topography, wetlands, riparian setbacks, floodplains, water bodies, adjacent structures, lots and streets;

c. An illustrative site plan showing streets, right-of-ways, lots, preserved land, trails, recreation amenities, landscaping features and other amenities. The plan will also include lots sizes, lot totals, open space and right-of-way acreage;

d. An open space-private space map showing the subdivision of private and open space land. The map will include acreage, topography, wetlands, flood plains, water bodies, easements and other landmarks;

e. A thoroughfare types map identifying each road type and cross-sections of each road type;

f. Color renderings of the Master Plan. At a minimum, there shall be a typical streetscape plan showing street and structures, a section of the preserved land with trail and an aerial view of development;

g. Home types showing sample elevations for at least 3 home types;

h. Regulating code governing the lot sizes, building setbacks, and fencing regulations. In addition, building materials and construction methods for walls, roofs, openings and attachments shall be specified, and

i. Preserved land ownership plan with appropriate sample documentation.

C. Residential Conservation Overlay Plan Criteria.

1. *Minimum Project Size Criteria.* A Residential Conservation Overlay shall be at least 10 acres.

2. *Preserved Area Criteria.* Preserved land is protected land subdivided from the total tract area. There are two types of Preserved Areas – Primary and Secondary. A site may include both primary and secondary preserved land depending on site conditions.

a. Primary Preserved Area. The Primary Preserved land is the Stream Corridor Protection Area as defined in Chapter 1125. All of the Primary Preserved land shall be restricted from further subdivision and ownership must comply with Section 1132 C.7. This land shall never be part of any individual buildable lot. It shall also include any required buffer areas according to Chapter 1125.

b. Secondary Preserved Area. Secondary Preserved land typically includes mature woodlands, aquifer recharge areas, areas with highly permeable soil, significant wildlife areas, farmland, pastures, scenic vistas or views and land with historic or archaeological/cultural features. All of the Secondary Preserved land shall be restricted from further subdivision and ownership must comply with Section 1132 C.7. This land shall never be part of any individual buildable lot. It will also include any required buffered areas other than those required by Chapter 1125.

c. Other Preserved Area Requirements are:

(1) Land Owner must prepare a master open space plan for all Preserved Areas in which at least 10 percent of the minimum required open space shall be suitable for active recreation purposes, but no more than 30% shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site.

(2) Required preserved lands may be used for stormwater management if in accordance with Chapter 1125 and Section 1124.03. Land that includes high-tension power lines or private/public utility lines (ie. gas, sewer lines) and private septic systems are not permitted

in any Secondary Preserved Area or Primary Preserved Area, unless such lines or systems already exist in a Primary Preserved Area prior to application.

(3) Secondary Preserved Area shall be contiguous to Primary Preserved Areas or contiguous to existing or proposed greenways or natural systems, identified in any City or County General Plan. Thin land bands, narrower than 50 feet, of preserved land shall be avoided to prevent erosion through "edge conditions".

(4) Preserved lands shall be usable and accessible by residents, however trails or other accessories should be designed to link preserved lands, streets and greenways in order to avoid fragmenting preserved lands and to minimize impact on preserved lands.

d. Preserved Area Lot Bonuses.

(1) Primary Preserved Area (Stream Corridor Protection Area). A Primary Preserved Area bonus allows for lot size reduction so that lot sizes can be reduced to fit the same number of lots as allowed in the Yield Plan. Tables 1132-14 and 1132-15 will guide lot bonuses and size.

(2) Secondary Preserved Area. A Secondary Preserved Area bonus allows both a lot size reduction bonus and a lot increase bonus. Tables 1132-14 and 1132-15 will guide lot bonuses and size.

Table 1132-14 RC Preserved Space Lot Bonus

RC PRESERVED SPACE LOT BONUS*					
	Primary Preserved Area	Secondary Preserved Area Acreage Percentage**			
Zone District	Stream Corridor Protection Area	Additional 20 –29%	Additional 30-39%	Additional 40-49%	Additional 50% or greater
NP-1	0%	0%	5%	10%	15%
R-R	0%	0%	5%	10%	15%
R-1	0%	10%	15%	20%	25%
R-2	0%	10%	15%	20%	25%
R-3	0%	5%	10%	10%	10%

**All Preserved Space Lot Bonuses are based on the preserved space percentage of developable acreage as defined in the Yield Plan.*
***An additional 10% Lot bonus is available with any LEED® New Construction or Neighborhood Certification (LEED ND).*

3. *Lot Size Criteria.* Residential districts applying for a Residential Conservation Overlay shall be allowed to vary the lot sizes based on the following Zoning District criteria:

a. NP-1 National Park District. The following lot types are allowed:

(1) Rural lots greater than 8 acres;
(2) Large lots between 8 acres and 1.5 acres, and
(3) Twenty-five (25) percent of lots can be Low Density lots between .5 acres and 1.5 acres.

b. R-R Rural Residential Neighborhood. The following lot types are allowed:

(1) Rural lots greater than 8 acres;
(2) Large lots between 8 acres and 1.5 acres, and
(3) Twenty-five (25) percent of lots can be Low Density lots between .5 acres and 1.5 acres.

c. R-1 Large-Lot Residential Neighborhood. The following lot types are allowed:

(1) Rural lots greater than 8 acres;
(2) Large lots between 8 acres and 1.5 acres, and
(3) Low Density lots between 1.5 acres and .5 acres. Lots must vary in size and will not be the same general acreage.

d. R-2 Low-Density Residential Neighborhood. The following lot types are allowed:

(1) Rural lots greater than 8 acres;
(2) Large lots between 8 acres and 1.5 acres;
(3) Low Density lots between 1.5 acres and .5 acres, and
(4) Suburban lots between .5 acres and .25 acres. Lots must vary in size and will not be the same general acreage.

e. R-3 Sub-Urban Residential Neighborhood. The following lot types are allowed:

(1) Rural lots greater than 8 acres;
(2) Large lots between 8 acres and 1.5 acres;
(3) Low Density lots between1 1.5 acres and .5 acres;
(4) Suburban lots between .5 acres and .25 acres. Lots must vary in size and will not be the same general acreage, and
(5) Standard lots between .25 acres and 6,000 SF. Lots must vary in size and will not be the same general acreage.

Table 1132-15 RC Lot Size Requirements

RC LOT SIZE REQUIREMENTS					
Zoning District	**Lot Type**				
NP-1	Rural Lot	Large Lot	Low Density Lot (25%)		
R-R	Rural Lot	Large Lot	Low Density Lot (25%)		
R-1	Rural Lot	Large Lot	Low Density Lot		
R-2	Rural Lot	Large Lot	Low Density Lot	Suburban Lot	
R-3	Rural Lot	Large Lot	Low Density Lot	Suburban Lot	Standard Lot

4. *Building Standards Criteria*. All other dimension and setback standards for the proposed lot type as identified in Table 1132-15: RC Lot Size Requirements shall apply, except if an approved Final Master Plan alters setbacks.

5. *Lot Configuration Criteria.*

a. Housing clusters shall not contain more than 20 dwelling units per each cluster.

b. All housing clusters shall have intervening preserved area at least 100 feet wide between any other housing clusters and if the preserved area is not in a Primary Preserved Area, it shall be a Secondary Preserved Area notwithstanding the requirements of Section 1132.20 (C)(2)(c.3).

c. All lots shall be within 1,000 feet of the preserved land as measured by the most direct pedestrian connection or shall directly abut preserved areas.

d. Preserved Area shall buffer all lots/building sites from existing streets and adjacent development according to Table 1132-16. Primary or Secondary Preserved spaces can serve as buffer. If the preserved area is not a Primary Preserved Area, it shall be a Secondary Area notwithstanding the requirements of Section 1132.20(C)(2)(c.3).

Table 1132-16: RC Required Buffers from Streets and Adjacent Development

RC REQUIRED BUFFERS FROM STREETS AND ADJACENT DEVELOPMENT	
BASE ZONING	**PRESERVED AREA**
NP-1 (8 ACRES)	150'
R-R (8 ACRES)	150'
R-1 (1.5 ACRES)	80'
R-2 (.5 ACRES)	45'
R-3 (.25 ACRES)	30'

6. *Road Type and Trail Criteria.* There shall be at least two road types included in a Residential Conservation Overlay. Road types shall be based on Section 1122.07 Typical Street Types unless Planning Commission allows alternate street types in the Final Master Plan. In addition, all trail types shall be identified in Preserved Spaces.

7. *Preserved Space Ownership Criteria.* Ownership Standards and documents for Preserved Space within a development shall be identified. The preserved land must be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

   a. Offer of Dedication. The City shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The City may, but shall not be required to accept undivided open space, provided that:

      (1) Such land is accessible to the residents of the City;

      (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance;

      (3) The City agrees to and has access to maintain such lands, and

      (4) Where the City accepts dedication of open space that contains improvements, the City may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for the term not to exceed eighteen (18) months from the date of the acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of installation of said improvements.

   b. Homeowners' Association. The undivided open space and associated facilities may be held in common ownership by a homeowner's association. The association shall be formed and operated under the following provisions:

      (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.

      (2) The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.

      (3) Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successor. The conditions and timing of transferring control of the association from developer to homeowners shall be identified. The City Parks and Recreation Department shall have a representative on the association board.

(4) The association shall be responsible for maintenance of insurance and payment of taxes on undivided open space, enforceable by liens placed by the City on the association.

(5) The members of the association shall share equitability the costs of maintaining and developing such undivided open space.

(6) In the event of the proposed transfer, within the methods here permitted, of undivided open space land by the homeowner's association, or of the assumption of maintenance of undivided open space land by the City, notice of such action shall be given to all property owners within the development.

(7) The association shall have or hire adequate staff to administer common facilities and property and continually maintain the undivided open space.

(8) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease shall provide:

(a) That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);

(b) That the undivided open space to be leased shall be maintained for the purposed set forth in this section; and that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the City, at the election of the developer and/or homeowners' association.

(9) The lease shall be subject to the approval of the association or board and any transfer or assignment of the lease shall be further subject to the approval of the board or association. Lease agreement so entered upon shall be recorded with the County within thirty (30) days of the execution and a copy of the recorded lease shall be filed with the City.

c. Dedication of Easements. The City may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership or in a homeowners' association, provided:

(1) Such land is accessible to City residents;

(2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance, and

(3) Satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the City.

(4) Transfer of Easement of a Private Conservation Organization. With permission of the City, an owner may transfer the easement to a private, non-profit organization.

1132.21 H, HISTORIC OVERLAY

A. Statement of Purpose

Cuyahoga Falls is a community with a rich history spanning over 200 years. As a result, the city has many properties and structures dating from 19th and 20th centuries. Accordingly, certain properties and areas in the City possess special character deriving from the presence of historic buildings or sites. When this character is of sufficient cultural, aesthetic, or economic value, special controls and review procedures governing design of new construction and alterations to existing properties are warranted to further the public welfare.

The Historic Overlay "H" Districts as provided herein is intended to establish such preservation controls and procedures without significantly interfering with development rights of the property owner by other City Regulations.

It is therefore the intent of this section to establish procedures to guide activities in Historic Overlays. It seeks to do so by encouraging property owners and the city government to work out a mutually acceptable balance between preservation and alteration, between aesthetic and non-aesthetic development factors, and between the rights of the property owner and the public good.

B. Definitions

1. *Alteration*. Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure.

2. *Addition*. Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

3. *Building*. Any structure created for the support, shelter or enclosure of persons, animals, or property of any kind and which is permanently affixed to the land.

4. *Certificate of Appropriateness*. A certificate issued by the DHR Board, indicating that a proposed change, alteration or demolition of a historic building or structure or within a historic site or district, is in accordance with Cuyahoga Falls General Development Code Section 1132.21 H, Historic Overlay and Historic Overlay District design guidelines.

5. *Change*. Any alteration, demolition, removal or construction involving any property subject to the provisions of this ordinance or Cuyahoga Falls General Development Code requirements.

6. *Construction*. The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

7. *Demolition*. Any act or process that destroys in part or in whole any building or structure.

8. *Historic Overlay District*. Any area designated by Planning Commission and City Council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance. The District will be created according to Cuyahoga Falls General Development Code Section 1132.21 H, Historic Overlay.

9. *Historic Structure*. Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of Cuyahoga Falls General Development Code Section 1132.21 H, Historic Overlay. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation may be achieved in several ways:

    a. Association with broad pattern of our history, events, activities, or patterns

    b. Association with important persons

    c. Distinctive physical characteristics of design, construction, or form

    d. Potential to yield information important in history or prehistory (archaeology)

10. *Landmark*. Any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the city or village council, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

11. *Owner*. The owner or owners of record.

12. *Preservation*. The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

13. *Reconstruction*. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

14. *Rehabilitation*. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

15. *Restoration*. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

16. *Design and Historic Review (DHR) Board*. The board or commission established under the provisions of the enabling legislation and the Cuyahoga Falls General Development Code.

C. Procedures for Identifying and Designating Historic Overlay Districts and Individual Historic Landmarks

1. *Specific Criteria*. The following criteria shall be used in determining the appropriateness of establishing individual historic landmarks or a Historic Overlay district.

    (1) Has special value as historic architecture by:

    (2) Being the work of a historically notable builder, architect, or designer, or

    (3) Embodying architectural elements that make it innovative, distinctive, excellent, uncommon, irreplaceable, or otherwise significant, or

    (4) Serving to create a special character or atmosphere that is of an economic value to the City or a portion thereof that justifies its preservation.

    (5) Other Significance. It has special value resulting from a singular physical characteristic that is widely recognized as City or Neighborhood landmark.

    (6) Has special value associated with it (person, group, organization, event, or patterns of events of local, state, or national historic significance).

    (7) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation. It has special value as historic significance by:

    (8) Its location as a site of a significant historic event.

(9) Its identification with a person significant in our past.

(10) Its exemplification of the cultural, economic or social heritage of the city, state or nation.

(11) It portrayal of a group of people in an era of history, characterized by a distinctive architectural style.

(12) Its embodiment of distinguishing characteristics of a building type or architectural style.

(13) Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation.

(14) Its identification as the work of an architect or master builder whose work has influenced the city, state or nation.

(15) Its potential to yield information important in prehistory or history (archaeology)

2. *Additional Considerations.* The following considerations may be used to assist in determining the appropriateness of establishing an H, Historic Overlay district, or individual property designation.

a. The value of the district, property, structure, or landmark to the community, particularly as a resource or symbol of the heritage of the City and region.

b. The degree to which the historic resource is at risk from activities on the property or on adjacent property, and the degree to which specific standards can ensure protection of the resource or compatible development.

c. The importance of the district, property, structure, or landmark to the education, tourism, economic development, aesthetic integrity, or civic pride of the community.

d. The ability of the applicant or property owner to maintain the property in its historic status and subject to the historic overlay, considering all reasonable means and the assistance available within the community.

e. The capacity to stimulate appropriate investment in and improvement of historic properties and areas by assuring a controlled environment that encourages such improvement and helps preserve its value.

f. The importance to preserve the existing character and property values of historically significant parts of Cuyahoga Falls by discouraging incompatible changes.

g. The need to promote business and economic development by preserving the character of buildings and areas that have a special environment that appeals to residents and visitors.

h. The ability to promote a balance between aesthetic considerations and economic requirements and between conservation and change.

i. The creation is harmonious with and in accordance with the general goals and objectives of the City General Plan, Cuyahoga Falls General Development Code and a Citywide Historic Preservation Plan or meets goals and objectives of a Historic Overlay District Preservation Plan.

j. The site is suitable for Preservation. The property or buildings are structurally sound a suitably physical for restoration.

k. The use is not hazardous or disturbing to existing or planned future neighboring uses, and is not detrimental to the community as a whole.

l. The use is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts.

3. *Initiation and Approval Process*. The DHR Board, or any individual, property owner, business organization, or neighborhood association may initiate a designation. When a proposal to designate an individual property or district is received or initiated by the DHR Board, the review and appeal process for public meetings and hearings shall be as follows.

a. Submittal Requirements. An application for an Historic District Overlay or Individual Historic Landmark Designation shall be submitted to the planning division, and shall include the following:

(1) Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

(2) A narrative statement on how and why the proposed property or district meets the Specific Criteria for designation as outlined in section 1132.1, C. 1., and any additional considerations, plans or programs officially approved by the City.

(3) Any applicable filing fee.

b. Specific Application Procedures.

(1) The Planning Division will review the application for completeness, and notify the applicant of any deficiencies for correction and resubmission of the application.

(2) Applications determined to be complete shall be scheduled for introduction at the next available DHR meeting. If the applicant is not the property owner(s), then the owner(s) shall be notified of the meeting not less than 10 days in advance.

(3) The DHR Board shall consider if the proposed designation meets the Specific Criteria set forth in section 1132.21, C. 1. If the DHR Board determines that the proposed designation meets the Specific Criteria, it shall recommend to the Planning Commission in favor of the designation.

(4) Applications favorably reviewed by the DHR shall be forwarded to the Planning Commission for the consideration at the next available meeting.

c. Notice. Notice of the meeting shall be given by mailed notice and posted notice, subject to the following.

(1) Mailed Notice. Mailed Notice shall be sent if the application involves ten (10) or less parcels of land as listed on the tax duplicate. Notice shall be mailed to abutting property owners at least ten (10) days prior to the Planning Commission meeting. Notice shall indicate the subject, date, time, and location of the public meeting including the general location of the property, and that copies of all plans are on file for review at the Planning

Commission during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

(2) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division. Sign will be posted for at least ten (10) days prior to the Planning Commission meeting. At least one notice shall be posted for each street frontage of the property. Notice shall remain posted continuously until the start of the meeting. The Planning Commission may deny an application where the required posting has not been maintained.

d. Planning Commission Action. The Planning Commission shall review the application and take any of the following actions.

(1) Recommend approval of the Historic District Overlay or Individual Historic Landmark Designation;

(2) Recommend denial of the Historic District Overlay or Individual Historic Landmark Designation;

(3) Recommend approval of the Historic District Overlay or Individual Historic Landmark Designation, subject to specific conditions which must be satisfied prior to forwarding the application to City Council; or

(4) Continue consideration of Historic District Overlay or Individual Historic Landmark Designation to the next scheduled meeting based on a need for further study or consideration of specific issues. No Historic District Overlay or Individual Historic Landmark Designation shall be continued by the Planning Commission more than once, nor more than 90 days from the official filing date. If the issue is continued at the original hearing to a specific date, time, or location, no new published notice is necessary for the continued hearing; however, posted notice shall remain in place through the conclusion of the continued hearing.

e. City Council Consideration. Upon action by the Planning Commission, The Historic District Overlay or Individual Historic Landmark Designation shall be submitted to City Council.

f. Notice. Notice of the City Council public hearing for the Historic District Overlay or Individual Historic Landmark Designation shall be published notice, mailed notice, and posted notice, according to the following:

(1) Published notice shall be published in a newspaper of general circulation in the City at least 30 days prior to the public hearing. The notice shall state the general topic, the general location of the property, the time and location of the public hearing, and that plans associated with proposed designation is on file in the Planning Division for review during business hours.

(2) Mailed notice shall be sent if the application involves 10 or less parcels of land as listed on the tax duplicate subject to the following:

(i) Notice shall indicate the subject, date, time, and location of the public hearing, including the general location of the property, and that copies of all plans are on file for review at the Planning Division during normal business hours.

(ii) Notice shall be sent by the Clerk of Council at least ten (10) days prior to the public hearing to owners of property located within 200 feet in any direction of the subject property.

(iii) The City shall mail notice, and failure of any party to receive required mailed notice shall not invalidate the proceedings.

(3) Posted notice shall be posted on the property subject to the following:

(i) Posted notice shall be on a sign provided by the Planning Division indicating the subject, date, time, and location of the public hearing.

(ii) Notice shall be posted on the property for at least ten (10) days prior to the scheduled City Council hearing.

(iii) At least one notice shall be posted for each street frontage of the property.

(iv) Notice shall remain posted continuously until the start of the hearing and remain until the City Council has taken action on the application. Intentional failure by the applicant to maintain posted notice may invalidate the proceedings.

g. City Council Action. The City Council shall review and consider the recommendation of Planning Commission and take any of the following actions.

(1) Approve the Historic District Overlay or Individual Historic Landmark Designation;

(2) Deny the Historic District Overlay or Individual Historic Landmark Designation.

h. Upon approval of the Historic District Overlay or Individual Historic Landmark Designation by City Council the designation shall be complete. The property or district shall be added to the City register of Historic Properties and Districts. Districts shall be zoned as H, Historic Overlay.

4. *Other Review*. Any application for the initial adoption of an H Overlay or for individual historic landmark designation, and any future application for a building permit, site plan or other alteration shall require review according to the standards of all Cuyahoga Falls Development Code requirements.

D. Certificate of Appropriateness Review for Proposed Projects

1. *Applicability*. No person shall demolish or make any alteration or environmental change to any designated historic property without first obtaining a certificate of appropriateness.

2. *Eligible Applicants*. The owner of the subject property or the owner's authorized agent may initiate an application for a certificate of appropriateness.

3. *General Review Criteria*. The certificate of appropriateness request shall be evaluated on the following criteria:

a. The site meets approved and published Design Review Guidelines.

b. The site meets the Secretary of the Interior Standards for the treatment of Historic Property.

c. The site is harmonious with and in accordance with the general goals and objectives of the City General Plan and a Historic Preservation Plan for the City or a Historic Overlay District Preservation Plan.

d. The use is not hazardous or disturbing to existing or planned future neighboring uses, and is not detrimental to the community as a whole.

e. The use is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts.

f. The lot and building dimension standards in the Historic Overlay shall be the same as the underlying zoning district, unless the different lot and building dimension standards are necessary to maintain the historic integrity of the district. In this case, the ordinance designating the historic overlay may specify different standards.

4. *Specific Review Procedures*.

a. Alterations.

(1) The design and historic review board shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action, unless the applicant approves an extension of time. The board may also table the application for additional information or for lack of information or clarification until the next meeting or for a specific period of time. If the board fails to render its decision within the specified time period, the application for certificate of appropriateness shall be deemed approved.

(2) The board shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action.

(3) In making such a determination, the Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and to design guidelines adopted by the Commission.

b. Demolition. If an application for a certificate of appropriateness seeks approval of demolition, the DHR Board may delay determination of the application for a period of 90 days upon a finding that the structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the board. In the event that action on an application is delayed as provided herein, the Board may take such steps, as it deems necessary to preserve the structure in accordance with the purposes of this ordinance. Such steps may include but are not limited to, consultation with civic groups, public agencies, and interested citizens, marketing plans, recommendation for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving the structure or structures.

5. *General Submittal Requirements*. Application for a certificate of appropriateness shall be submitted to the Planning Division, and shall include the following:

a. Completion of an authorized application form supplied by the Planning Division, including any supplemental information required by that form.

b. A detailed narrative statement on how and why issuance of the certificate conforms to the standards of the current zoning district, the certificate of appropriateness requirements.

c. Architectural plans, a site or plot plan or development plan for the entire property being considered meeting the requirements on the Planning Division's authorized certificate of appropriateness application form.

d. Other plans or surveys as needed.

e. The applicable filing fee.

6. *Specific Application Procedures*. The following specific application procedures apply to certificate of appropriateness applications.

a. Official Filing. The Planning Director shall notify the applicant within 60 days of submittal to the Planning Division of any of the following in order for the certificate of appropriateness to be officially filed:

b. Application. The application is complete for official filing;

(1) Application will be scheduled for next scheduled Design and Historic Review Board Meeting.

(2) Application will be scheduled for Design and Historic Review Board Meeting after applicant meeting with planning and other city departments to discuss application.

(3) The application is deficient and modifications are needed to make it acceptable for official filing and a list of deficiencies and suggested modifications will be provided to applicant. Applicant may request meeting with planning staff and other departments to discuss deficiencies.

c. The Planning Director or other City Department Director determines that application requires further studies or technical reports before it is officially filed.

7. *Notice.* Notice of the meeting shall be given by mailed notice and posted notice subject to the following.

a. Mailed Notice. Notice shall be mailed to abutting property owners at least seven (7) days prior to the Design and Historic Review Board Meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review a the Planning Division during normal business hours. Failure of any party to receive required mailed notice shall not invalidate the proceedings.

b. Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Planning Division.

(1) Sign will be posted for at least seven (7) days prior to the scheduled Design and Historic Review Board Meeting.

(2) At least one notice shall be posted for each street frontage of the property.

(3) Notice shall remain posted continuously until the start of the meeting.

8. *Design and Historic Review Board Action*.

a. DHR Actions. The DHR Board shall review the application for a Certificate of Appropriateness and take any of the following actions with the submission of the complete application with the Planning Division:

(1) Recommend approval of Certificate of Appropriateness;

(2) Recommend denial of the Certificate of Appropriateness;

(3) Recommend approval of the Certificate of Appropriateness, subject to specific conditions which must be satisfied prior to issuing a zoning certificate; or

b. Continuation. Continue consideration of the Certificate of Appropriateness to the next scheduled meeting based on a need for further study or consideration of specific issues. No Certificate of Appropriateness shall be continued by the DHR Board more than once, nor hearing to a specific date, time, location, no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

9. *Enforcement Provisions and Penalties*.

a. If it is found that any of the provisions of these standards are being violated, the person responsible for such violations shall cease all work upon notification, and no work shall be performed except to correct the violations. All work shall be corrected within a reasonable period and any violations not corrected within the specified time may be prosecuted.

b. Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building within the historic district without a Certificate of Appropriateness shall be fined not more than one hundred dollars ($100.00). Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail.

c. Whoever constructs reconstructs or alters any exterior architectural feature now or hereafter in violation of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $50.00 nor more than $5,000.00.

10. Appeals Procedures.

a. Decisions by the DHR Board may be appealed to the Planning Commission within ten (10) days of the board hearing. No zoning certificate or other permits required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

b. The Planning Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the board or commission in rendering their decision. A majority vote of the Planning Commission shall be required to overturn a decision of the DHR Board.

11. *Severability*. If any provision of these regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are hereby declared severable.

12. *Minimum Maintenance Requirement.* No owner of a building or structure in the historic overlay district shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's perpetuation and to prevent it destruction by deterioration.

    The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration.

13. *Exemptions.* Routine Maintenance. Routine maintenance and repair that does not in the judgment of the Planning Director involve a significant visual change, as defined herein, shall be exempt.

    a. Mandated Alterations. Alterations mandated for reasons of public health, safety, or protection of property by the City or any other authorized government body and approved by exemption by the Planning Director shall be exempt.

    b. Casualties. Alterations occasioned, whether at one time or gradually over an extended period, by natural causes, acts of God, accidents, vandalism, and other casualties shall be exempt.

    c. Emergency Alterations. Emergency alterations shall be allowed based on the judgment of the Planning Director if an immediate peril to public health or safety or if serious damage to a property needs immediate attention. Such alterations shall be confined to the minimum necessary to prevent such peril or damage.

CHAPTER 1133 SPECIFIC USE STANDARDS

1133.01 SPECIFIC USE STANDARDS - GENERALLY 195
1133.02 LIMITED USES.....195
1133.03 CONDITIONAL USES.....211
1133.04 OTHER LIMITATIONS AND STANDARDS 214
(AMMENDED ORDINANCE 55-2016)
TABLE 1133-17: PUMP ISLAND AND SERVICE LOCATION LIMITATIONS 200
TABLE 1133-18: VEHICLE BAY LIMITATION.....206
TABLE 1133-19: VEHICLE BAY LIMITATION.....207
TABLE 1133-20: VEHICLE BAY LIMITATION.....213
TABLE 1133-21: ACCESSORY VEHICLE LIMITATION.....214

1133.01 SPECIFIC USE STANDARDS - GENERALLY

A. This Chapter contains standards for specific uses which may not be applicable to all uses in a particular zoning district, or which may not be applicable in all zoning districts in which the use is allowed. These standards are applied to specific uses according to the following:

Limited Uses – indicated with a "O" in *Table 1131-1 Zoning District and Use Table*.

Conditional Uses – indicated with a "◆" in *Table 1131-1 Zoning District and Use Table*; and

Other Limitations and Standards – Accessory and height area additional limits on uses, which are accessory to principal uses in *Table 1131-1 Zoning District and Use Table*

1133.02 LIMITED USES

The uses in this section are Limited Uses, Subject to Specific Conditions in one or more zoning districts, indicated with a "O" in *Table 1131-1 Zoning District and Use Table*. These uses are appropriate and do negatively impact the intent of the zoning district only when these additional conditions are complied with. In the event of a conflict between these standards and the general standards for the district, these specific standards shall control.

A. Residential Dwellings.

1. *Single-Family Attached Dwellings.* In districts where Single-Family Attached Dwellings are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. In Mixed-Use centers, single-family attached dwellings shall only be allowed on secondary streets in order to avoid breaking up the critical mass and core of non-residential street-level uses that are essential to create a pedestrian-friendly atmosphere in the mixed-use centers.

2. *Multi-family Dwellings*. In districts where Multi-family Dwellings are a Limited Use, Subject to Specific Conditions, the following specific standards apply:

    a. In Mixed-Use centers, multi-family dwellings shall only be allowed on secondary streets in order to avoid breaking up the critical mass and core of non-residential street-level uses that are essential to create a pedestrian-friendly atmosphere in the Mixed Use centers.

3. *Multi-Family Dwellings/Urban-Density Lots*. In districts where Multi-Family Dwellings/Urban-Density Lots are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

    a. In residential neighborhood districts, multi-family lots with densities greater than 24 units per acre shall only be allowed immediately adjacent to non-residential uses and create a transition between the non-residential use and the less intense uses in the district or in adjacent zoning districts.

    b. In Mixed-Use centers, multi-family lots with densities greater than 24 units shall only be allowed on secondary streets in order to avoid breaking up the critical mass and core of non-residential street-level uses that are essential to create a pedestrian-friendly atmosphere in the Mixed Use centers.

    c. The minimum floor area for all dwelling units shall be 500 square feet.

    d. The design standards in Title 4 shall not be modified unless it is necessary to more effectively match the character of adjacent and less intense residential uses.

    e. The building site, or an existing publicly accessible space within 600 feet of the site, shall be designed for the potential to accommodate existing or future transit service. An example of this accommodation is a plaza or courtyard area, adjacent to the right-of-way, which could accommodate public seating and a bus stand.

4. *Live / Work Units*. In districts where Live/Work Units are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

    a. Each unit shall have two clearly distinct areas, the living area and the non-living area. These areas may be connected by a doorway but shall have the ability to be separated by a closed and secure door. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.

    b. The living area of the unit shall represent between 25% and 75% of the total floor area.

        (1) The living areas shall be at least 700 square feet.

        (2) The non-living area shall not exceed 3,000 square feet.

c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason or noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.

d. The facility shall be designed and operate so that no more than 2 non-resident staff shall be at the facility at any one time.

e. The occupant of both the living area and the non-living area shall be the same individual or group of individuals at all times.

f. Required parking shall be based on the greater of the parking required for the non-living area or the living area.

g. The street-front portion of the unit shall be designed to match the adjacent street front uses on the same side of the block and street front uses on the opposite block face.

(1) Where street-front uses across the street or adjacent to the unit are retail or service uses, the street front portion of the unit shall be the non-living area and subject to the non-residential design standards for the district.

(2) Where street-front uses across the street or adjacent to the unit are residential, the street-front portion of the unit shall be the living area and subject to the residential design standards for the district.

(3) Where street-front uses across the street and adjacent to the unit are a mix or residential and service or retail uses, the unit shall be designed to be compatible to the most prevailing pattern on the block. In determining the most prevailing pattern, immediately adjacent uses shall be considered more heavily.

5. *Mixed-Use Dwelling Units.* In districts where Mixed-Use Dwelling Units are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Residential dwelling units shall only be allowed on the upper floors of the building. A non-residential use shall occupy all areas of the ground floor.

b. Residential dwelling units shall have their own building entrance, separate from any non-residential building entrance. This entrance may be shared by a number of dwelling units and need not be oriented to the street as the "primary building entrance."

c. Each individual residential dwelling unit shall have a minimum of 500 square feet of living space.

d. No floor in the building shall have a mix of residential and non-residential uses. No floor above any residential use shall be used for non-residential purposes.

6. *Accessory Dwelling Units.* In districts where Accessory Dwelling Units are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Accessory dwelling units shall be located on the same lot as the principal dwelling. The accessory dwelling may be located in the principal building or and accessory building subject to all lot and building dimension requirements for the zoning district.

b. The residential floor area of the accessory dwelling shall be limited to 750 square feet or 35% of the principal dwelling unit, whichever is less.

c. The owner of the principal building or lot shall be the occupant of the principal dwelling or the accessory dwelling at all times.

d. No more than one accessory dwelling unit is allowed per principal dwelling.

e. No exterior structural alterations that provide visible evidence of an accessory dwelling unit shall be made to the principal building. When the accessory dwelling unit is located in an accessory building, the accessory building shall have a design compatible to the principal building, including compatible windows, doors, exterior materials, and roof structures.

f. Accessory structures for the accessory dwelling may go up to 25 feet high provided:

(1) In no case shall it be higher than the principal structure; and

(2) The accessory structure shall meet all applicable design standards of the principal structure.

B. Civic Uses.

1. *Neighborhood/Public Assembly*. In districts where Neighborhood/Public Assembly is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. In addition to the standards in this sub-section, uses shall generally meet the lot and building dimension standards and the design standards applicable to civic buildings in the MU-2 District.

b. Front setbacks of less than 30 feet are only permitted on streets with a Pedestrian Enhanced streetscape design specified in Title 2, provided the primary entrance of the building is oriented to the street.

c. Front setback more than 30 feet are only permitted provided the frontage provides open space between the building front and the street meeting the requirements of Chapter 1132.

d. All other setbacks adjacent to residential lots shall be at least 30 feet.

e. The maximum building footprint is 20,000 square feet provided all other lot and site requirements are met.

f. Towers, steeples, turrets or other prominent architectural features may exceed the maximum building height, but be no higher than 60 feet. The exceptions shall be limited to no more than 15% of the total building footprint.

2. *Cemetery.* In districts where Neighborhood/Public Assembly is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. A Medium Screening Intensity Buffer meeting the requirements of Table 1145-26 shall screen the perimeter of the property from any adjacent residential use.

C. Office Uses.

1. *Contractor or Service Provider Office*.

a. All equipment or material storage shall receive heavy screening as described in Table 1146-6 Screening Intensity.

b. All parking and outdoor storage surfaces shall comply with Section 1134.05 B.

c. All outdoor lighting shall comply with 1144.06 Lighting Design.

d. Shredding, processing and wholesale distribution of materials is only allowed in M-1 Districts.

e. All chemicals must be stored indoors.

2. *Home Occupations*. In districts where Home Occupations are a Limited Use, Subject to Specific Conditions, the following specific standards apply:

a. The home occupation shall be an accessory use, incidental to the primary use of the premises for residential purposes.

b. No non-resident employees shall be employed on the premises.

c. No equipment or facilities may be used other than those utilized, purely for domestic or household purposes.

d. No trading of merchandise or personal physical service shall occur in association with the home occupation.

e. The home occupation shall not involve use of more than one room or more than 20% of the floor area of the principal dwelling, whichever is greater.

f. No home occupation shall alter the appearance of the home or neighborhood either through structural changes, signs, or ongoing activities and operations. No building shall be altered in any fashion inconsistent with the residential appearance and standards for the purpose of accommodating or expanding any home occupation.

g. The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise vibration, electrical disturbance, radioactivity, electromagnetic interference or any other condition detrimental to the character of the surrounding area.

h. The home occupation residents must submit proof of compliance with any other applicable local, state, or federal regulation of the occupation upon request.

D. Retail Uses.

1. *Service Station with Convenience Store.* In districts where a Service Station with Convenience Store is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Pump Island Limitations. Pump islands and service locations shall be limited in the following situations:

(1) All gasoline pump islands shall be set back at least 20 feet from any right-of-way line or lot line.

(2) The number of service locations shall be limited as follows:

Table 1133-17: Pump Island and Service Location Limitations

PUMP ISLAND AND SERVICE LOCATION LIMITATIONS		
	MAXIMUM PUMP ISLANDS	**MAXIMUM SERVICE LOCATIONS**
MU-1, MU-2, AND ANY LOT WITHIN 300' OF A RESIDENTIAL ZONING DISTRICT	4	8
MU-3, MU-4, MU-5, MU-6	6	12

b. Canopies.

(1) Canopies shall be setback at least 10 feet from any property line.

(2) Canopy heights shall be limited to:

(a) A maximum of 18 feet in the MU-1 District, MU-2 District, or any lot within 300 feet of a residential zoning district.

(b) A maximum of 22 feet in all other situations.

(3) Canopy areas shall be limited to no more than:

(a) 2,000 square feet per lot in the MU-1 District, MU-2 District, or any lot within 300 feet of a residential zoning district;

(b) 3,000 square feet per lot in the MU-3, MU-4, MU-5, or MU-6 Districts; and

(c) 4,000 square feet per lot in all other districts.

(4) The roof structure of any canopy shall match the roof of the principal building.

(a) Where building roofs are pitched, canopies shall have a similar pitch and the same building material.

(b) Where building roofs are flat with a parapet or cornice line, the canopy shall feature the same parapet or cornice line.

(5) Light or glare shall not spill onto adjacent property or rights-of-way. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that fully encloses and shields the bulb and lens with a 90-degree cut-off.

c. Materials and Colors. Except for signs permitted under Chapter 1146, all exterior structure materials and colors shall be complementary to the principal building in the following manner:

(1) All canopy columns shall be subject to the material standards of the principal building, and be designed in a compatible manner as the principal building. Canopy columns shall use the same material as, or accent material complementary to the principal building.

(2) Colors shall be muted, natural or earth tones, or subdued hues.

d. Streetscape Edge. In Mixed-Use Zoning Districts, buildings and lots should be organized to provide a defined streetscape edge along all portions of the lot that abut public rights-of-way.

(1) All buildings shall have at least one street-facing façade that includes a primary building entrance.

(2) Any building façade within 20 feet of the right-of-way shall have the following design elements:

(a) A primary entrance facing the street and connected to the public sidewalk by a minimum 8-foot wide sidewalk;

(b) At least 60% percent of the facade between 2 feet and 8 feet above grade shall be occupied by windows or door openings. All windows counting towards this requirement shall remain transparent and non-reflective, allowing views to the inside commercial space or views of product display bays at least 2 feet deep.

(3) A defined streetscape edge must be provided along at least 60% of all right-of-way frontages. The defined edge may include any combination of the following:

(a) A building façade if it is within 10' of the lot line and meets the requirements of sub-section d.(2). above;

(b) A 2.5 foot to 4 foot high decorative masonry wall or ornamental fence, matching the architecture of the building; or

(c) A 2.5-foot to 4-foot tall dense vegetative screen.

(d) On corner lots, the first 20' in each direction from the corner of the lot shall have a defined streetscape edge.

e. Curb Cuts and Driveways. Curb cuts and driveways shall be limited to no wider than 35 feet or no more than 30% of the lot frontage, whichever is less. Any curb cut wider than 24 feet shall be separated from any other curb cut by at least 80 feet.

f. Landscape and Screening Enhancements. In addition to other provisions of the Design Regulations, the following landscape enhancements shall apply:

(1) Except for any buildings fronting directly on the street and for driveways, a 10-foot permeable landscape setback area shall be provided along all lot lines.

(2) At least 20% of the site shall be permeable landscape area if the lot is within 300 feet of any residential zoning district.

(3) A solid fence or wall not less than six feet shall be erected along all property lines adjacent to any property that is residentially zoned or used solely for residential purposes.

g. Compressed Air. A compressed air station must be provided as following:

(1) The air shall be dispensed free of charge during business hours.

2. *Drive-Thru Establishments.* In districts where Drive-Thru Establishments are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply. These standards shall also apply to any drive-through facility that is accessory to any allowed use in any district.

a. Queuing Area. Sufficient dedicated queuing areas shall be provided for vehicles awaiting service.

(1) A minimum queuing area of 100 feet shall be provided at each service area where a vehicle may stop.

(2) Queuing areas shall not intersect with any required pedestrian connection on the lot or in the public right-of-way.

(3) Queuing areas and service areas or facilities shall be setback at least 30 feet from any right-of-way line.

(4) A minimum queuing area of 200 feet shall be provided at each service area where a vehicle may stop at a full-service car wash.

b. Access and Circulation.

(1) No entrance to or exit from a drive through facility shall occur on a street that has a Pedestrian Enhanced design type, as specified in Title 2, Subdivision Regulations.

(2) No entrance to or exit from the drive through facility shall occur on a block face with residential uses.

c. Any service area or facility shall be oriented away from and fully screened from any property that is residentially zoned or used solely for residential purposes. No speaker, sign, or service window shall be audible or visible from any property zoned for or used solely for residential purposes. All elements of the drive-through shall be at least 50 feet from any residentially zoned lot.

d. In Mixed-Use Districts, any drive through facility shall meet the following additional standards.

(1) Drive-Thru facilities shall be separated at least 300 feet from any other lot or parcel that provides a drive-through facility.

(2) Any use providing drive-through services shall also provide at least one pedestrian walk-up service area.

3. *Outdoor Sales –Limited.* In districts where Outdoor Sales – Limited is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. The outdoor sales shall be an accessory use, incidental to an existing allowed use in the district.

   b. The outdoor sales area shall involve no permanent structures specifically placed or constructed to serve outdoor sales.

   c. Merchandise, sales, support facilities, or all other evidence of outdoor sales shall only be outdoors during business hours of the principal use.

   d. When the outdoor sales area is on a sidewalk or other pedestrian facility, at least 6 feet of clear area shall be maintained at all times.

   e. The outdoor sales shall be subject to one of the following duration and frequency limitations:

      (1) Hourly – Limited only to business hours of the day, but allowed every day. Examples include coffee stands, newsstands, or temporary outdoor café seating in non-designated areas;

      (2) Periodic – Occurring during all business hours, but limited to short event periods no more than 7 consecutive days for each event and no more than 6 events in a year. Examples include sidewalk, tent, equipment, vehicle sales; or

      (3) Seasonal – Occurring during all business hours for long event periods, but no more than 3 months for each event and no more than 2 events in a year. Examples include Christmas tree sales or plant sales.

4. *Outdoor Sales Lot.* In districts where Outdoor Sales Lots are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. All outdoor sales lots shall have a minimum of 300 feet of frontage on a public street.

   b. All portions of the lot used for merchandise sales and storage shall be on a stable and solid surface, maintained with a permanent dust-free material.

      (1) Storage of retail merchandise in undesignated locations that do not meet this requirement, is prohibited.

      (2) Alternative paving materials, such as porous pavement or stabilized permeable surfaces, may be approved as part of a site plan provided the area is low-traffic/low turnover area and the surface is capable of supporting the anticipated storage weight.

c. All merchandise sales and storage areas shall be setback from any property line a minimum of 10 feet. The 10-foot setback shall be utilized to include appropriate screening and edge treatments subject to the following:

(1) A 6-foot solid fence or dense vegetation screen with 100% opacity shall be provided along all side and rear property lines.

(2) A streetscape edge meeting the requirements of Sub-Section d., below for any storage area that is within 30 feet of a right-of-way line.

(3) Lighting used to illuminate merchandise sales and storage areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential property or any public rights-of-way.

d. Buildings and lots should be organized to provide a defined streetscape edge along the public rights-of-way, subject to the following:

(1) All buildings shall have at least one street facing façade with a primary building entrance.

(2) Any building façade within 20 feet of the right-of-way line shall have the following design elements*:*

(a) A primary entrance facing the street and connected to the public sidewalk by a minimum 8-foot wide sidewalk;

(b) Windows or door openings shall occupy 60% percent of the facade between 2 feet and 8 feet above grade. All windows counting towards this requirement shall remain transparent and non-reflective, allowing views to the inside commercial space or views of product display bays at least 2 feet deep.

(3) All lot lines along rights-of-way shall have a defined streetscape edge along at least 60% of the lot frontage. The defined edge may include any combination of the following:

(a) A building façade if it is within 10’ of the lot line, and designed according to d. above;

(b) A 2.5 foot to 4 foot high decorative masonry wall or ornamental fence, matching the architecture of the building; or

(c) A 2.5-foot to 4-foot hedge or other similar dense vegetative screen.

(d) On corner lots, the first 20' in each direction from the corner of the lot shall have a defined streetscape edge.

e. Accessory vehicle repair facilities shall follow these standards:

(1) Vehicle Bays. Vehicle service or entrance bays, including car wash or garage entrances shall be limited as follows in Table 1133-19:

Table 1133-18: Vehicle Bay Limitation

VEHICLE BAY LIMITATIONS	
	MAXIMUM VEHICLE BAYS
MU-1, MU-2, AND ANY LOT WITHIN 300' OF A RESIDENTIAL ZONING DISTRICT	N/A
MU-3, MU-4, MU-5, MU-6	6

f. Vehicle bays shall be oriented away from public rights-of-way or oriented away from any property that is residentially zoned or used solely for residential purposes. Alternatively, any vehicle bay oriented towards public rights-of-way any property that is residentially zoned or used solely for residential purposes, shall be setback at least 40 feet from the public right-of-way or such property.

g. *Vehicle and Outdoor Storage.* In Mixed-Use zoning districts, vehicle storage shall be limited according to the following

(1) All operable vehicles being serviced shall only be stored outside for up to 7 calendar days per visit.

(2) Any disabled or inoperable vehicle shall be stored in an enclosed area.

(3) All vehicle repairs shall occur in an enclosed area.

(4) Outdoor storage of rental property shall only occur on lots greater than 20,000 square feet, and shall be behind the building line and screened from any public street or adjacent lot. Storage areas shall not exceed more than 20% of the lot.

E. Service Uses.

1. *Nursing Home/Assisted Living/Independent Living Facility.* In districts where Assisted or Independent Living Facilities are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. The design standards in Title 4 shall not be modified unless it is necessary to more effectively match the character of adjacent and less intense residential uses.

b. The number of units will not exceed the density of the underlying zoning district.

2. *Vehicle Repair Facility.* In Mixed-Use districts where Vehicle Repair is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. Except for any buildings fronting directly on the street and for driveways, a 10-foot permeable landscape setback area shall be provided along all lot lines.

   b. A solid fence or wall six feet in height shall be erected along all property lines adjacent to any property that is residentially zoned or used solely for residential purposes.

   c. Vehicle Bays. Vehicle service or entrance bays, including car wash or garage entrances shall be limited as follows:

Table 1133-19: Vehicle Bay Limitation

VEHICLE BAY LIMITATIONS	
	MAXIMUM VEHICLE BAYS
MU-1, MU-2, AND ANY LOT WITHIN 300' OF A RESIDENTIAL ZONING DISTRICT	N/A
MU-3, MU-4, MU-5, MU-6	6

   d. Vehicle bays shall be oriented away from public rights-of-way or oriented away from any property that is residentially zoned or used solely for residential purposes. Alternatively, any vehicle bay oriented towards public rights-of-way any property that is residentially zoned or used solely for residential purposes, shall be setback at least 40 feet from the public right-of-way or such property.

   e. Vehicle and Outdoor Storage. In Mixed-Use zoning districts, vehicle storage shall be limited according to the following

      (1) All operable vehicles being serviced shall only be stored outside for up to 7 calendar days per visit.

      (2) Any disabled or inoperable vehicle shall be stored in an enclosed area.

      (3) All vehicle repairs shall occur in an enclosed area.

      (4) Outdoor storage of rental property shall only occur on lots greater than 20,000 square feet, and shall be behind the building line and screened from any public street or adjacent lot. Storage areas shall not exceed more than 20% of the lot.

3. *Personal Storage.* In districts where Personal Storage is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. No storage bays accessed directly from the exterior of a building shall be permitted within 50 feet of the property line or within 35 feet of the front building line, whichever is more.

b. All exterior-accessed storage bays shall be screened and located so as not to be visible from the public right-of-way.

c. At least 75% of the storage bays shall be accessed internally from a building and complying with all of the site and building design standards for the district.

4. *Bed and Breakfast.* In districts where Bed and Breakfasts are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Bed and breakfasts shall be accessory to a principal dwelling unit.

b. In the R-6 zoning district, bed and breakfasts shall be located only on lots within 660 feet of a Mixed-Use Zoning District, measured along a dedicated pedestrian facility.

c. Bed and breakfasts shall contain no more than 4 guest rooms.

d. The owner of the principal dwelling unit shall occupy the dwelling unit at all times or be located in an adjacent structure on the same property.

e. Guests must pay on the basis of a daily rental rate, and must limit their stay to a maximum of 14 consecutive days.

f. Guest rooms are to be limited to the purpose of sleeping; and kitchen or cooking facilities shall not be allowed in guest rooms.

g. Receptions or meetings of groups are limited by parking requirements of this code.

h. The facility shall require no more than 4 non-resident staff to be present at any one time.

5. *Animal Service, Small.* In districts where Animal Services, Small is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. The use shall be allowed only as a home occupation, meeting all specific use standards for home occupations generally, except as specified in this Sub-Section.

b. All outdoor animal enclosures, storage of equipment or supplies shall be setback from the front lot lines a minimum of 100 feet and 50 feet from any other lot line. All outdoor animal enclosures, storage shall be in an enclosed area and screened on all sides with landscape materials at a minimum height of 6 feet.

c. Any accessory structure used to house animals shall be setback from any lot line a minimum of 50 feet.

d. No more than 4 non-resident employees shall be allowed to operate the service.

F. Manufacturing Uses.

1. *Limited Industrial.* In districts where Limited Industrial use is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. At least 30% of the floor areas shall be dedicated to retail, showroom, or walk-in services component, directly accessible and visible from the street.

   b. No impacts or byproducts of the use, including noise, odor, or operations such as delivery facilities, supply storage, or waste disposal shall be discernable from the exterior of the building.

   c. In any Mixed-Use zoning district or in any zoning district in the CR Planning Area, building footprints for buildings with limited industrial uses shall not exceed 5,000 square feet. Limited industrial uses, which occupy up to 10,000 square feet, shall be located in buildings with 2 or more stories.

2. *Clean or General Industrial.* In districts where Light or General Industrial use is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. In the CR Planning Area, building footprints for buildings with Clean or General Industrial uses shall not exceed 60,000 square feet. Clean or General Industrial uses, which occupy more than 60,000 square feet, shall be located in buildings with 2 or more stories.

   b. All storage and operations for any General Industrial use in the CR Planning District shall occur indoors.

G. Agriculture, Natural Resource, and Preservation Uses.

1. *General Farming.* In districts where General Farming is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. Farming that is not associated with a principal residential dwelling shall only occur on lots of 16 acres or more.

   b. Keeping or breeding of only domesticated farm animals are allowed.

2. *Orchards or Nursery.* In districts where an Orchard or Nursery is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

   a. Orchards or nurseries shall be an accessory use, incidental to a principal dwelling unit.

   b. Orchards or nurseries shall only occur on lots of 5 acres or more.

c. No retail sales of products of the orchard or nursery shall occur on the premises, except for roadside stands.

d. Keeping or breeding of only domesticated farm animals are not allowed.

3. *Animal Services, Large.* In districts where Animal Services, Large are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Animal boarding shall be an accessory use, incidental to a principal dwelling unit.

b. Any accessory structure used to house domestic or farm animals shall be setback from any lot line a minimum of 50 feet.

c. Boarding of more than 5 domestic animals or any number of farm animals shall only occur on rural lots of more than 5 acres.

d. Boarding of horses shall require a minimum lot of 2 acres, with at least 1 acre available for every horse boarded on the property.

e. Open enclosures for dogs, such as pens and runs shall be in a rear yard and setback from any lot line at least 20 feet.

4. *Agro Business/Tourism.* In districts where Agro Business/Tourism is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Agro Business/Tourism uses shall only occur on lots of 16 acres or more.

b. Agro Business/Tourism uses shall be accessory to an on-going agricultural use of the property.

c. No more than 15% of the lot shall be dedicated solely to agro-tourism uses, including associated parking facilities. Areas where visitors experience actual agriculture activities or areas, such as pick-your-own orchards, may be excluded from this limitation.

d. At least 75% of the net sales dollars shall be for products or services produced on site.

e. At least 50% of the net sales dollars, exclusive of any revenue produced by an allowed Bed and Breakfast use, shall be for agriculture or horticulture products.

f. No more than 20 non-resident employees may be employed by the agro-tourism business at any one time.

5. *Agriculture Equipment and Supply.* In districts where Agriculture Equipment and Supply is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. All outdoor storage of equipment or supplies shall be setback from the front lot line a minimum of 100 feet and 50 feet from any other lot line. All outdoor storage shall be in an enclosed area and screened on all sides with landscape materials at a minimum height of 6 feet.

b. The maximum building footprint of any sales, service, office, administrative building shall be 20,000 square feet.

6. Natural Resource Harvesting and Management.

1133.03 CONDITIONAL USES

A. The uses in this section are Conditional Uses, allowed only subject to a Conditional Zoning Certificate in one or more zoning districts, indicated with a "◆" in *Table 1132-2 Zoning District and Use Table*. These uses have the potential to produce negative impacts on adjacent property, on other uses in the zoning district, and on the intent of the zoning district. However they may be acceptable upon special mitigating conditions, which can only be evaluated in the context of a site-specific proposal. The following uses are conditional uses in one or more zoning districts:

1. Nursing Home/Assisted Living/Independent Living Facility
2. Bar
3. Nightclub
4. Day Labor Agency
5. Electronic Game Center
6. Gun Club
7. Heliport/Vertiport and Airport
8. Helistop/Vertistop
9. Outdoor Bulk Storage
10. Outdoor Recreation Facility
11. Outdoor Sports/Entertainment Facility
12. Pawnshop
13. Advance, Payday or Title Loan
14. Vehicle Wash and Detail
15. Liquor Store
16. Outdoor Sales Lot
17. Vehicle Repair Facility
18. Tow Lot or Impound Lot
19. Recycle Center
20. Wireless Communications Facility
21. Sexually Oriented Business
22. Wind Facilities

B. Initial and Periodic Review. Conditional uses that are acceptable upon special mitigating conditions and designs, and upon satisfaction of criteria based in the context of a site-specific review require initial and potentially periodic review. Review shall occur according to the procedures in Chapter 1113.08 and may consider:

1. Impact of the initial design and proposal;

2. Continued conformance with these regulations and any conditions on approval of the permit; and

3. Continued appropriateness of the conditional use permit. Periodic review may ensure that the character of the surrounding areas have not changed so that it alters the appropriateness of the conditional use or so that the impacts the conditional use has on other allowed uses on adjacent property has been altered.

C. Conditions and Criteria. Any conditional use is subject to the review criteria for conditional zoning certificates in Chapter 1113.08, the standards for the base zoning district, the design regulations of Title 4, and all other applicable regulations. Conditional uses may be subject to specific conditions in addition to the required standards addressing any of the following that the Planning Director, Planning Commission, or City Council determines are applicable. The Director, Commission, or Council shall make this determination in order to best protect adjacent property, the public welfare, and bring about the purpose and intent of the zoning district and these regulations. Conditions may address:

1. Relationship to other uses in the general vicinity, including additional limitations on the proximity to those uses or proximity to the same or similar use that is the subject of the conditional use certificate application. This determination shall be made considering the utility of the use to other uses in the general vicinity and the impact on adjacent property and the intent of the district.

2. Location requirements or limitations in relation to specific streets. Conditions may consider both the functional classification and the design of the street as described in Chapter 1122, and may include adding or limiting requirements to pedestrian and vehicle connections to adjacent property.

3. Special lot and dimension standards. Setback or building line regulations that better protect adjacent property, the character of the district, or the design quality of the public right-of-way.

4. Additional site design, building design, open space, landscape design, and sign requirements that emphasize the character the general area and de-emphasize the presence of the conditional use, and best fulfill the design goals in Title 4 throughout the surrounding area.

5. Buffering, screening, and fencing that minimize the impact of the use and preserve the safety of the general area, with particular consideration to noise, odor, vibration, traffic, or other impacts of the conditional use.

6. Special requirements on operation, extent, or duration of the use at the particular location that minimize any immediate or potential future impacts that harm the existing or planned character for the district or area.

7. The most appropriate and efficient use of the land, considering potential future uses in relation to the General Plan, and the ability of the site to eventually be developed in conformance with planned goals – particularly where the conditional use is limited in duration.

8. Furthering the intent of the planning area and the zoning district in which the land is located.

9. Compliance with any federal, state, or other local regulations, permits, or licensing requirements necessary for the use.

D. Vehicle Repair Facility. In Mixed-Use districts where Vehicle Repair is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

1. Except for any buildings fronting directly on the street and for driveways, a 10-foot permeable landscape setback area shall be provided along all lot lines.

2. A solid fence or wall six feet in height shall be erected along all property lines adjacent to any property that is residentially zoned or used solely for residential purposes.

3. Vehicle Bays. Vehicle service or entrance bays, including car wash or garage entrances shall be limited as follows:

Table 1133-20: Vehicle Bay Limitation

VEHICLE BAY LIMITATIONS	
	MAXIMUM VEHICLE BAYS
MU-1, MU-2, AND ANY LOT WITHIN 300' OF A RESIDENTIAL ZONING DISTRICT	N/A
MU-3, MU-4, MU-5, MU-6	6

a. Vehicle bays shall be oriented away from public rights-of-way or oriented away from any property that is residentially zoned or used solely for residential purposes. Alternatively, any vehicle bay oriented towards public rights-of-way any property that is residentially zoned or used solely for residential purposes, shall be setback at least 40 feet from the public right-of-way or such property.

b. *Vehicle and Outdoor Storage.* In Mixed-Use zoning districts, vehicle storage shall be limited according to the following

(1) All operable vehicles being serviced shall only be stored outside for up to 7 calendar days per visit.

(2) Any disabled or inoperable vehicle shall be stored in an enclosed area.

(3) All vehicle repairs shall occur in an enclosed area.

(4) Outdoor storage of rental property shall only occur on lots greater than 20,000 square feet, and shall be behind the building line and screened from any public street or adjacent lot. Storage areas shall not exceed more than 20% of the lot.

1133.04 OTHER LIMITATIONS AND STANDARDS

A. Incidental Uses. Incidental uses are uses that are customarily incidental to and subordinate to an allowed, limited, or conditional use in any of the zoning districts, and therefore are typically not specifically mentioned in the zoning ordinance. The following incidental uses have common and known impacts that are different from the principal use they are associated with. In addition to the general requirements of the zoning district in which the principal use is located, the following specific standards shall apply to the accessory use.

1. *Recreational Vehicles, Boats, & Trailers, or Commercial Vehicles on Residential Lots*.

a. Outdoor storage of recreational vehicles, boats, trailers, or commercial vehicles shall be limited on residential lots according to lots size as indicated below. Storage inside is not limited other than by accessory building limitations.

Table 1133-21: Accessory Vehicle Limitation

ACCESSORY VEHICLE LIMITATIONS				
VEHICLE TYPE➢ ➘ LOT SIZE	RV OR TRAILER	COMMERCIAL VEHICLE (UNDER 10,000 LBS.)	COMMERCIAL VEHICLE (OVER10,000 LBS)	TOTAL COMBINED
LESS THAN 1.5 ACRE	2	1	0	3
MORE THAN 1.5 ACRE BUT LESS THAN 3 ACRES	2	1	1	4
MORE THAN 3 ACRES	3	2	2	7

b. Storage shall be in the rear yard, or in the side yard entirely behind the front building line; and for corner lots, storage shall also be behind the side building line facing the street. (See Figure 1132-1)

c. Storage shall be on a stable and solid surface, maintained with a permanent dust-free material.

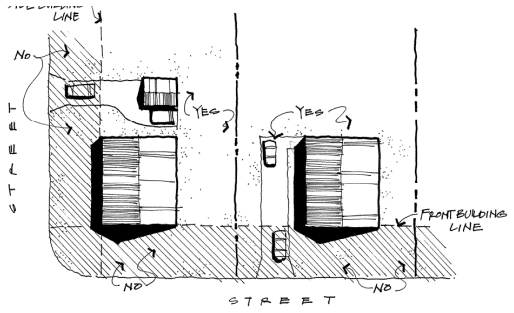
d. A fence or landscape screen meeting the requirements of Chapter 1146 shall screen storage areas from any adjacent lots.

e. Public right-of-way shall not be used to store such items.

f. No vehicle, camper or tent shall be used for permanent or temporary (up to 72 consecutive hours) residential purposes.

g. In all residential districts, except R-R, R-1, NP-1 Districts, all commercial vehicles must be stored in a garage.

Figure 1132-1: RV, Trailer, Boat or Commercial Vehicle Storage Locations.



Outdoor storage of large vehicles or items shall be located out of the streetscape zone.

2. *Large Temporary Storage Containers*. Temporary storage containers, such as a construction dumpster, storage bin, or moving trailer, shall be limited as follows:

    a. Residential Lots. No more than one (1) temporary storage container in excess of 500 cubic feet or covering more than 120 square feet shall be placed on any residential lot at one time. The duration of the placement shall be limited to no more than 7 consecutive days and no more than 2 events in a calendar year.

    b. Commercial/Mixed Use. No more than three (3) temporary storage containers in excess of 1,600 square feet shall be placed on any commercial/mixed use lot at one time. The duration of the placement shall be limited to no more than 45 consecutive days and no more than 2 events in a calendar year. The container shall be behind the rear of the building line; on corner lots, containers shall be behind the side building line facing the street. Containers shall be screened according to Table 1146-5 and shall comply with Section 107 of the Building Code.

    c. Exception. Storage containers being used in conjunction with a valid building permit may be stored no longer than 60 days.

3. *Temporary construction shed, trailers and sales offices.* In all districts, temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall be utilized for the duration of construction and shall not be continued as permanent structures or uses. Prior approval for specified time and location must be secured from the Planning Division.

4. *Garage Sales*. Garage sales on residential lots shall be limited to no more than 2 events per calendar year and no longer than 72 hours per event.

5. *Domestic Animals*.

    a. No more then 3 (three) adult dogs, six months or older are permitted in any residential district, except as specified in 1131-1: Zoning Districts and Uses.

    b. Keeping of swine, goats, llamas, mink, geese, chickens, pigeons and other fowl, and other similar domesticated animals is not permitted in residential districts, except as specified in 1131-1: Zoning Districts and Uses.

6. *Beekeeping* (Owning and breeding bees for their honey).

    a. All bee hives (colonies) must be kept with movable combs in good condition.

    b. Allowed beehives

        (1) Small, Attached-Single Family, and Multi-Family Lots -- not allowed

(2) Standard Lot to Suburban Lot -- up to 2 hives

(3) Low Density Lot -- up to 4 hives

(4) Large Lot -- up to 6 hives

(5) Rural Lot -- up to 8 hives

(6) Agro Businesses, Farming Operations or Employment Zone (E-1) Businesses -- beehive quantities are subject to Major Site Plan application procedures.

c. No hive shall be kept closer than fifteen (15) feet to any lot line or public right-of-way. The entrance of any hive shall face whichever lot line or public right of way is furthest from the beehive location or the residence. Bees shall only be kept in the rear yard.

d. A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height shall be placed along the side of the bee hive that contains the entrance to the colony, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines, for beehives that are located at least ten (10) feet above grade or for beehives with the sole opening pointed towards the residence of beekeeper.

e. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day. This water source must be closer than any other water source not owned by the property owner.

f. No Africanized bees may be kept.

g. Must be in compliance with all State of Ohio rules and regulations for the keeping of bees. Property owners keeping bees must post a copy their certificate of registration from the Ohio Department of Agriculture on or near the hives.

7. *Home Child Day Care.* Home child day care is permitted as a Home Occupation in all Single Family Detached Residential Districts subject to limitations as promulgated by Ohio Revised Code Section 5104.01(SS) – Type B Home.

8. *Swimming Pools and Ponds*. In-ground or above-ground swimming pools, decorative and landscape ponds, wading or other pools containing over one and one half feet (1-1/2') of water depth shall be considered structures requiring building permits, be furnished with appropriate fencing, and shall not be located in the front yard or street building setback. (Exception: Water features constructed for the purpose of stormwater control, streams, ponds, lakes or all other water bodies with natural water supply.)

9. Skateboard Ramps.

a. Skateboard ramps may be an accessory to a residential dwelling unit provided:

(1) The ramp shall not exceed three feet in height;
(2) The ramp shall be setback at least 20 feet from any property line;
(3) The ramp shall not be located in any front yard, or any street-facing side yard; and
(4) The owner of the property shall maintain the ramp in a safe and working order.

B. Height Limitations for appurtenances.

1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, fire or parapet walls, skylights, towers, antennas, steeples, stage lofts and screens, or similar structures may be erected to exceed the building height in any Zoning District by no more then 10 feet provided that structures comply with the building code.

2. Non-commercial radio, television, and wireless aerials, masts and flagpoles for display of governmental flags may be erected to a maximum height of fifty feet in any residential district.

CHAPTER 1134 PARKING REQUIREMENTS

1134.01 INTENT AND APPLICABILITY 218
1134.02 REQUIRED PARKING 218
1134.03 SHARED PARKING 222
1134.04 PARKING CREDITS 223
1134.05 SPECIFICATIONS AND MAINTENANCE 224

TABLE 1134-22: OFF-STREET PARKING 218
TABLE 1134-23: PARKING LOT DIMENSIONS 222
TABLE 1134-24: SHARED PARKING 223

1134.01 INTENT AND APPLICABILITY

This Chapter is intended to ensure that all land uses are provided with adequate site accessibility from a variety of modes of transportation, including pedestrians, bicycles, automobiles, and any current or potential future transit service. The parking requirements ensure adequate vehicle storage to support land uses; provide appropriate site location and design features that mitigate the impact of parking lots on other land uses and goals for the City; create the least visible impact of parking on adjacent private and public property; encourages parking designs that minimize runoff and incorporates infiltration of stormwater into the ground; and reduce the need to dedicate areas of individual sites to underutilized or redundant vehicle parking. In addition to the requirements of this Chapter, parking is also subject to the Site Design and Landscape standards in Title 4, Design Regulations.

1134.02 REQUIRED PARKING

A. Minimum Required Vehicle Parking. Minimum parking shall be based on the following schedule:

Table 1134-22: Off-Street Parking

OFF-STREET PARKING SCHEDULE	
LAND USE	**PARKING SPACES REQUIRED**
RESIDENTIAL	
SINGLE-FAMILY DETACHED DWELLING UNITS	2 enclosed parking spaces per dwelling unit.
SINGLE-FAMILY ATTACHED	2 parking spaces per dwelling unit: 1 enclosed.
MULTI-FAMILY	2 parking spaces per unit 650 sq. ft. or larger. 1 space per unit less than 650 square feet of net floor area. Developments with 10 units or more shall also provide 5 guest parking spaces for each 10 units. Senior Citizen Housing -- Subject to approval by the Planning Commission, but no less than .50 parking spaces per unit. Developments with 10 units or more shall also provide 5 guest parking spaces for each 10 units.
ACCESSORY DWELLING UNIT	1 parking space per dwelling unit.
MIXED DWELLING UNIT	1.5 parking spaces per dwelling unit
ALL OTHER DWELLING UNITS	2 parking spaces per dwelling unit.
CIVIC USES	
PRIMARY AND SECONDARY SCHOOLS	1.5 parking spaces per classroom, plus 1 space for every 2 employees

OFF-STREET PARKING SCHEDULE	
LAND USE	**PARKING SPACES REQUIRED**
	and member of faculty. 1 parking space per every 6 seats in principal auditorium.
HIGHER EDUCATION FACILITIES	1.5 parking spaces per classroom plus 1 space for each 8 students, plus 1 space for every 2 employees and member of faculty.
LIBRARY OR MUSEUM	1 parking space for each 500 square feet of floor area. *
PUBLIC ASSEMBLY (NEIGHBORHOOD OR COMMUNITY)	1 parking space for each 4 seats, or 1 parking space for each 400 square feet of floor area, whichever is greater.
CEMETERY	Subject to approval by Planning Commission.
HOSPITAL	1 parking space for each 3 beds plus one per employee at peak shift.
GOVERNMENT OFFICE OR FACILITY	Same as Office Uses.
OFFICE USES	
NEIGHBORHOOD OFFICE	3 parking space per 1,000 square feet.
GENERAL OFFICE	4 parking spaces per 1,000 square feet.
OFFICE CAMPUS OR COMPLEX	5 parking spaces per 1,000 square feet.
HOME OCCUPATION	2 parking spaces per dwelling units.
RETAIL USES	
CONVENIENCE STORE **	6 parking spaces per 1,000 square feet.
GROCERY STORE	4 parking spaces per 1,000 square feet.
SUPERMARKET	5 parking spaces per 1,000 square feet.
NEIGHBORHOOD MERCHANDISE	3 parking spaces per 1,000 square feet.
GENERAL MERCHANDISE	4 parking spaces per 1,000 square feet.
WAREHOUSE MERCHANDISE	5 parking spaces per 1,000 square feet.
GARDEN CENTERS	2.5 parking spaces per 1,000 square feet.
RESTAURANT, DINE IN	1 per every 2 seating accommodations including outdoor dining.
COMMERCIAL EQUIPMENT AND SUPPLY	2 parking spaces per 1,000 square feet interior sales or service, plus; 1 parking space per every 2 employees.
THEATER	Live performance and single-screen theater – 1 space for every 3 fixed seats. Multi-screen theater – 1 space for every 5 fixed seats.
SERVICE STATION WITH CONVENIENCE STORE	2 parking spaces per 1,000 square feet of interior sales or office area, plus; 1parking spaces per every 2 employees, plus; 1 parking space for every service bay.
DRIVE-THROUGH ESTABLISHMENTS	Restaurants --1 parking space per every 3 seating accommodations including outdoor dining. All Other—Based on actual retail use.
OUTDOOR SALES LOT	3 parking spaces per 1,000 square feet of interior sales or showroom area, plus 1 parking space per every 2 employees.
ALL OTHER RETAIL, GENERALLY	Subject to Planning Commission approval, however the following standards shall be generally followed: 0 to 50,000 square feet of floor area*--3 parking spaces per 1,000 square feet. 50,001 to 200,000 square feet of floor area*--same as above, plus 5 parking spaces for each additional 1,000 square feet above 50,000 square feet. Over 200,000 square feet of floor area*--same as above, plus 4 parking spaces for each additional 1,000 sq. feet above 200,000 square feet.
SERVICE USES	
NEIGHBORHOOD PERSONAL SERVICES	2.5 parking spaces per 1,000 square feet.
GENERAL SERVICES	3 parking spaces per 1,000 square feet.
NURSING HOME/ASSISTED LIVING/INDEPENDENT LIVING FACILITY	Subject to approval by the Planning Commission. Developments with 10 units or more shall also provide 5 parking spaces for each 10 units.

OFF-STREET PARKING SCHEDULE	
LAND USE	**PARKING SPACES REQUIRED**
MEDICAL CLINIC	5 parking spaces per 1,000 square feet.
CHILD/ADULT CARE	2.5 parking spaces per 1,000 square feet.
LAUNDRY/DRY CLEANER	3 parking spaces per 1,000 square feet.
VEHICLE REPAIR FACILITY	2 parking spaces per 1,000 square feet of interior sales or service, plus; 1per every 2 employees, plus 1 for every service bay.
PERSONAL STORAGE	1 parking space per every 50 rental units.
BED & BREAKFAST	1 parking space per guest room; plus 2 parking spaces.
MOTEL/HOTEL	1 parking space per guest room, or; 1 parking space per every 400 square feet of public meeting space, whichever is more.
MORTUARY / FUNERAL HOME	1 parking space per every 4 seats in public gathering areas.
ANIMAL SERVICE, SMALL	2.5 parking spaces per 1,000 square feet.
PUBLICATION AND BROADCAST SERVICES	3 parking spaces per 1,000 square feet.
INDOOR RECREATION FACILITY	1parking space per every 2 participant accommodation areas at full capacity.
ENTERTAINMENT VENUES (INCLUDING MOVIE THEATERS)	1 parking space per 5 fixed seats, or 28 spaces per 1,000 sq. ft. of seating area if there are no fixed seats.
ALL OTHER SERVICE USES, GENERALLY	0 to 50,000 square feet of floor area* --2.5 parking spaces per 1,000 sq. ft. Over 50,000 square feet of floor area* --same as above, plus 4 parking spaces for each additional 1,000 square feet.
MANUFACTURING USES	
LIMITED, CLEAN, GENERAL AND HEAVY	2 parking spaces per every 3 employees at peak shift, plus; 1 parking space for each company vehicle.
WAREHOUSING, DISTRIBUTION & STORAGE	2 parking space per every 3 employees at peak shift, plus; 1 parking space for each company vehicle.
RESEARCH AND DEVELOPMENT (NON-OFFICE)	2 parking spaces per 1,000 square feet.
TRUCKING TERMINALS	2 parking spaces per every 3 employees at peak shift, plus; 1 parking space for each company vehicle with a minimum of .5 spaces per 1,000 square feet.
OTHER INDUSTRIAL USES	2 parking spaces per 1,000 square feet.
AGRICULTURE, NATURAL RESOURCES AND PRESERVATION USES	
ALL AGRICULTURE & NATURAL RESOURCE USES	1 parking space per employee at max shift, plus; 2 parking spaces per 1,000 square feet of sales or display area, plus; 2 parking spaces per each dwelling unit.
ALL PRESERVATION USES	No specific requirement – Requirements based on similarity of uses to above describe uses and Parking requirements.
CONDITIONAL USES	
BARS, NIGHTCLUBS	1 parking space per 2 fixed seats, or 28 spaces per 1,000 sq. ft. of seating area if there are no fixed-seats; plus 28 spaces per 1,000 sq. ft. of dance floor area.
ELECTRONIC GAME CENTERS	1 parking space per electronic game.
GUN CLUB/SHOOTING RANGE	3 parking spaces per 1,000 square feet.
HELIPORT/VERTIPORT	As specified by the Planning Commission.
HELISTOP/VERTISTOP	As specified by the Planning Commission.
OUTDOOR BULK STORAGE	See other industrial uses.
OUTDOOR RECREATION FACILITY	1 parking space per each 600 square feet of outdoor recreation space.
OUTDOOR SPORTS/ENTERTAINMENT FACILITY	1 parking space per 5 fixed seats, or 28 spaces per 1,000 sq. ft. of seating area if there are no fixed seats.
PAWNSHOP	3 parking spaces for 1,000 square feet.
ADVANCE/PAYDAY/TITLE LOAN	3 parking spaces for 1,000 square feet.
VEHICLE/ WASH/DETAIL	2 parking spaces per 1,000 square feet; plus queue spaces for a minimum of 5 cars.
LIQUOR STORE	4 parking spaces per 1,000 square feet.
TOW/IMPOUND LOT	2 parking spaces per 1,000 square feet.

OFF-STREET PARKING SCHEDULE	
LAND USE	**PARKING SPACES REQUIRED**
RECYCLE CENTER	2 parking spaces per 1,000 square feet; plus 1 space per bin.

** As used herein, floor area excludes basement or storage areas.*

***Under-canopy spaces can count towards the required parking.*

For purposes of this table, employees shall be the maximum number of persons to be employed at any one time, taking into account day, night, and seasonal variations.

B. Accessible Parking Space Requirements. Parking facilities accessible for physically handicapped persons shall be provided according to the most recent standards of the Americans with Disabilities Act and associated guidelines, including quantity, size, location, and accessibility. Applicants must clearly demonstrate compliance with these standards or in the alternative, demonstrate why the standards are not applicable to their project or parcel.

C. Maximum Parking. No use shall provide more than ten (10%) percent over the minimum required parking without incorporating two or more of the following mitigating design features:

1. The surface shall be a porous surface that allows all stormwater to be infiltrated below the surface, subject to the approval by the City. Any porous surface used shall demonstrate that it has at least the same or better performance standard as the required standard parking surface and does not present any maintenance issues.

2. The site shall be required to provide additional area, equal to or greater than the area of parking in excess of the maximum, as public or common open space. This additional open space shall be subject to the design and location requirements of Title 4, Chapter 1145, Open Space Design, and shall be in addition the minimum open space requirements for the site.

3. Landscape material requirements for the site shall be increased by 10% percent above the minimum amount required in the Landscape Design Standards of Title 4 and shall be allocated to provide enhanced buffering of all on-site parking; or

4. Internal landscape islands for the on-site parking shall be increased by 5% percent above the minimum percentage requirements of this Section and the Landscape Design Standards of Title 4.

5. In multi-use buildings, parking demands may be computed for each separate use.

D. Dimensions. Parking lot dimensions shall be according to the following Table 1135-2:

Table 1134-23: Parking Lot Dimensions

PARKING LOT DIMENSIONS*					
SEE FIGURE 1133-1	**90 ° ANGLE**	60 ° ANGLE	45 ° ANGLE	30 ° ANGLE	PARALLEL
A – STALL WIDTH	9'	8.5'	8.5'	8.5'	8'
B – CURB OR END WIDTH	9'	10'	12'	17'	25'
C – STALL DEPTH	18'	17.5'	16'	15'	25'
D – AISLE WIDTH, TWO-WAY	23'	22'	20'	20'	20'
D – AISLE WIDTH, ONE-WAY	16'	15'	12'	12'	12'
D – AISLE WIDTH, ONE-WAY SINGLE-LOADED	14'	12'	12'	12'	10'

* Dimensions may vary up to 5% of the dimension in the table to adapt for specific site conditions. For 90 ° stalls, up to two feet of the stall depth may include an overhang of landscaped, non-pedestrian areas, provided it is not a perimeter buffer of the parking area.

E. Tandem Parking. For the purpose of this section, tandem parking does not comply with Section 1134.02 A. All parking areas shall provide adequate interior, entrance and exit space that is functionally arranged to provide adequate maneuverability.

1134.03 SHARED PARKING

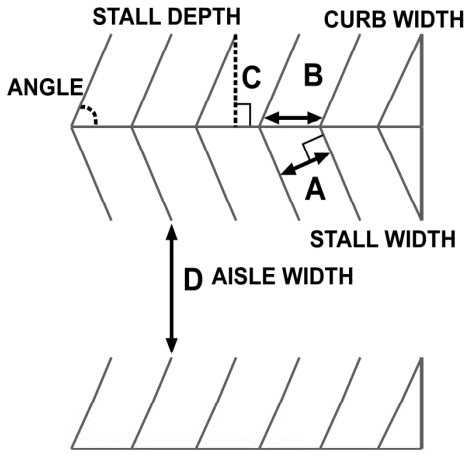
A. In meeting the requirements of *Table 1134-22: Off-street Parking Schedule*, adjacent land uses, lots, or sites may share parking under the following conditions and standards:

1. All landowners participating in the shared parking shall execute the necessary cross-access easements to facilitate shared parking and record all documents for the easements with the Summit County.

2. A written agreement for the joint use of parking facilities shall be executed by the parties and approved by the City.

3. All shared parking spaces shall be within a reasonable proximity of the main entrance of any building sharing the parking and provide direct pedestrian access to the entrance.

Figure 1134-2: Parking Lot Dimensions



Dimensions A through D labeled on this figure this figure shall be within 5% of the dimensions given in Table 1134-25.

4. Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different categories of uses (Retail or Service, Employment, Civic, or Dwellings) are located on the same or adjacent lot. The following table is a base guide for shared parking. Each use should provide a percentage of parking required by these regulations according to Table 1134-24: Shared Parking. Whichever time period requires the highest total parking

spaces among the various uses should be the amount of parking provided subject to the shared parking agreement. Alternative parking allocations may be approved by the City based on sufficient evidence an analysis of peak parking demands for specific uses.

Table 1134-24: Shared Parking

SHARED PARKING					
	PERCENTAGE OF REQUIRED PARKING SPACES BY TIME PERIOD				
	WEEKDAY DAYTIME & EVENING		WEEKEND DAYTIME & EVENING		NIGHTTIME
⩛ LAND USE	6 AM TO 5 PM	5 PM TO 1 AM	6 AM TO 5 PM	5 PM TO 1 AM	1 AM TO 6 AM
EMPLOYMENT	100 %	10 %	5 %	5 %	5 %
RETAIL OR SERVICE	75 %	75 %	100 %	90 %	5 %
RESTAURANT	50 %	100 %	75 %	100 %	25 %
ENTERTAINMENT & RECREATION	30%	100 %	75 %	100 %	5 %
CHURCH	5 %	25 %	100 %	50 %	5 %
SCHOOL	100 %	10 %	10 %	10 %	5 %
DWELLINGS	25 %	90 %	50 %	90 %	100 %
LODGING	50 %	90 %	75 %	100 %	100 %

1134.04 PARKING CREDITS

A credit may be given to the requirements of the *Table 1134-24: Off-street Parking Schedule* under the following conditions:

A. On-street Parking Credit. On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two on-street parking spaces.

B. Bicycle Parking Credit. Bicycle parking facilities within 150 feet of the primary building entrance may be credited at a rate of one credit for every four-bicycle parking spaces, up to a maximum of 10% percent of the required vehicle parking. The applicant shall provide sufficient justification that bicycles can reasonably access the site and that land uses on the site can generate bicycle access in order to receive the bicycle parking credit.

C. Public Parking Credit. Public parking within 600 feet of any lot line may be credited at a rate of one credit for every three public parking spaces. The City, or other public entity in charge of management of the public parking facilities reserves the right to restructure the eligibility for parking credits through a parking district management program, subject to approval of the City Council.

D. Downtown Credit. For all non-residential uses allowed in the MU-6 zoning district, the number of required parking spaces according to *Table 1134-24: Off-street Parking Schedule* may be reduced by twenty-five percent.

1134.05 SPECIFICATIONS AND MAINTENANCE

A. Maintenance and Repair. All off-street facilities shall be properly maintained. Surfaced parking areas shall be replaced or resurfaced should they become cracked, broken, or otherwise not in compliance with this section.

B. Specifications. All off-street parking facilities shall use engineering specifications to ensure the following:

1. Drainage shall prevent damage, inundation or nuisance to abutting properties and public streets or public areas.

2. Surfaces shall be asphalt or cement pavement, or its approved equal, or any alternative surface approved by the City as part of an overall stormwater management plan for the site

C. Design. Design, location and layout of any off-site parking areas shall be subject to the design standards of Title 4.

D. Accessory Use. No parking areas or spaces shall be used for accessory uses such as sales, storage or materials, or repair or service work, except otherwise specified in these regulations.

E. Pavement Marking.

1. All spaces shall be striped or marked to conform to Table 1134-24.

2. Spaces reserved for handicapped persons shall comply with Section 1134.02 B.

CHAPTER 1135 WIRELESS COMMUNICATION FACILITIES

1135.01 INTENT AND APPLICABILITY 226
1135.02 LOCATION AND DESIGN 234
1135.03 RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT 236
1135.04 CONDITIONAL ZONING CERTIFICATE APPLICABILITY 237
1135.05 MAINTENANCE AND ENFORCEMENT 239

1135.01 INTENT AND APPLICABILITY

A. Intent. The Telecommunications Act of 1996 affirmed the City of Cuyahoga Falls' authority concerning the placement, construction and modification of wireless telecommunications facilities. The City of Cuyahoga Falls finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of wireless telecommunications facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this ordinance is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of City of Cuyahoga Falls.

B. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. Any conditional zoning certificate issued under this ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total.

C. Definitions. For purposes of this Section, and where not inconsistent with the context of a particular sub-section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. *Accessory Facility or Structure*. An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. *Applicant*. Wireless service provider submitting an application for a conditional zoning certificate for wireless telecommunications facilities.

3. *Application*. All necessary and appropriate documentation that an applicant submits in order to receive a conditional zoning certificate for wireless telecommunications facilities.

4. Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority.

5. *Co-location*. The use of an existing tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

6. *Commercial Impracticability or Commercially Impracticable*. The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardize the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

7. *Completed Application*. An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

8. *FAA*. The Federal Aviation Administration, or its duly designated and authorized successor agency.

9. *FCC*. The Federal Communications Commission, or its duly designated and authorized successor agency.

10. *Height*. When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an Antenna or lightening protection device.

11. *Modification*. The addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

12. *NIER*. Non-Ionizing Electromagnetic Radiation

13. *Person*. Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

14. *Personal Wireless Facility*. See definition for 'wireless telecommunications facilities'.

15. *Personal Wireless Services, PWS, Personal Telecommunications Service or PCS*. All shall have the same meaning as defined and used in the 1996 Telecommunications Act.

16. *Telecommunication Site*. See definition for wireless telecommunications facilities.

17. State. State of Ohio.

18. *The Use of Stealth or Stealth Technology*. The use of the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

19. *Telecommunications*. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

20. *Telecommunications Structure*. A structure used in the provision of services described in the definition of 'wireless telecommunications facilities'.

21. *Temporary*. Temporary in relation to all aspects and components of this ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

22. *Wireless telecommunications facilities, Telecommunications Tower, Tower Telecommunications Site and/or Personal Wireless Facility*. A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority, excluding those used exclusively for the City's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial Telecommunications where the height of the facility is below the height limits set forth in this ordinance.

23. *Zone of Visibility Map*. Graphic representation of locations from which the tower is visible.

D. Overall Policy and Desired Goals for Conditional Zoning Certificates for Wireless Telecommunications Facilities.

1. In order to ensure that the placement, construction of wireless telecommunications facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this ordinance, the City hereby adopt an overall policy with respect to a conditional zoning certificate for wireless telecommunications facilities for the express purpose of achieving the following goals:

2. Implementing an application process for person(s) seeking a conditional zoning certificate for wireless telecommunications facilities.

3. Establishing a policy for examining an application and issuing a conditional zoning certificate for wireless telecommunications facilities that is both fair and consistent.

4. Ordinance promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.

5. Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

E. Conditional Zoning Certificate Application and Other Requirements. The applicant shall comply with provisions of Chapter 1131.03 H, Conditional Zoning Certificates.

1. There shall be no public hearing required for an application to co-locate on an existing tower or other structure, as long as there is no proposed increase in the height of the tower or structure, including attachments thereto.

2. No tower operator or manager shall be permitted to submit an application for a conditional zoning certificate for a tower if the tower operator does not have a signed agreement committing a commercial service provider to occupy space on the Tower.

3. The Application shall include the following information:

   a. Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;

   b. The name, address and phone number of the person preparing the application;

   c. The name, address, and phone number of the property owner, operator, and applicant, including the legal form of the applicant;

d. The postal address and tax map parcel number of the property;

e. The zoning district or designation in which the property is situated;

f. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;

g. The location of nearest residential structure;

h. The location, size and height of all structures on the property, which is the subject of the application;

i. The location, size and height of all proposed and existing antennae and all appurtenant structures;

j. The type, locations and dimensions of all proposed and existing landscaping, and fencing;

k. The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users;

l. The make, model and manufacturer of the tower and antenna(s);

m. A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

n. The frequency, modulation and class of service of radio or other transmitting equipment;

o. The actual intended transmission and the maximum effective radiated power of the antenna(s);

p. Direction of maximum lobes and associated radiation of the antenna(s);

q. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;

r. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices;

s. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;

t. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan,

that the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site.

4. In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City's Planning Commission in the application, along with any letters of rejection stating the reason for rejection.

5. The applicant shall certify that the telecommunication facility, foundation and attachments are designed and will be constructed to meet all city, state and federal structural requirements for loads, including wind and ice loads.

6. The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

7. An applicant may be required to submit an environmental assessment analysis and a visual addendum. Based on the results of the analysis, including the visual addendum, the City's Planning Commission may require submission of a more detailed visual analysis. The scope of the required environmental and visual assessment will be reviewed at the pre-application meeting.

8. The applicant shall furnish a visual impact assessment, which shall include:

    a. A " Zone of Visibility Map"

    b. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

    c. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

9. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.

10. Any and all representations made by the applicant to the City on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the City.

11. All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

12. All wireless telecommunications facilities shall be sited so as to be the least visually intrusive reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the wireless telecommunications facility.

13. Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, including the utilization of stealth or concealment technology as may required by the City.

14. At a telecommunications site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

15. A person who holds a conditional zoning certificate for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the city, state, or United States, including but not limited to the most recent editions of the appropriate State Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

16. A holder of a conditional zoning certificate granted under this ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City Council or other governmental entity or agency having jurisdiction over the applicant.

17. An applicant shall submit to the City the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application can be provided to the legislative body of all adjacent municipalities.

18. The applicant shall examine the feasibility of designing a proposed tower to accommodate future demand for at least five (5) additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least five (5) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not

technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

a. The foreseeable number of FCC licenses available for the area;

b. The kind of wireless telecommunications facilities site and structure proposed;

c. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;

d. Available space on existing and approved towers.

19. The owner of the proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:

a. Respond within 60 days to a request for information from a potential shared-use applicant;

b. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.

c. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

d. Failure to abide by the conditions outlined above may be grounds for revocation of the conditional zoning certificate for the tower.

20. There shall be a pre-application meeting attended by the Planning Director or his/her designee, the City consultant, if any, and the applicant. The purpose of the pre-application meeting will be to address issues, which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. The holder of a conditional zoning certificate shall notify the City of any intended modification of a wireless telecommunication facility and shall apply to the City to modify, relocate or rebuild a wireless telecommunications facility.

21. The applicant may be required, for the purpose of visibility, prior to the public hearing on the application, hold a "balloon test". The applicant shall arrange to fly, or rise upon a temporary mast, a minimum of a three- (3) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The applicant shall inform the City, in writing, of the dates and times of the test, at

least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 PM on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

22. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided as soon as such are received by the applicant.

1135.02 LOCATION AND DESIGN

A. Location of Wireless Communication Facilities.

1. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in the following priority areas, a. being the highest priority and f. being the lowest priority.

   a. Existing Towers or other structures without increasing the height of the tower or structure

   b. City-owned properties

   c. Industrial zoned properties

   d. Commercially zoned properties

   e. High density residential zoned properties

   f. Rural

2. If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The applicant seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

3. An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

4. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

5. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City Council may disapprove an application for any of the following reasons:

   a. There is conflict with safety or safety-related codes and requirements.

   b. There is conflict with the historic nature or character of a neighborhood or historical district.

   c. The use or construction of wireless telecommunications facilities is contrary to an already stated purpose of a specific zoning or land use designation.

   d. The placement and location of wireless telecommunications facilities would create an unacceptable safety risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;

   e. There is a conflict with the provisions of this ordinance.

B. Shared use of Wireless Telecommunications Facilities and Other Structures. The City, as opposed to the construction of a new tower, prefers locating on existing towers or others structures without increasing the height. The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within four (4) miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an exiting tower or other suitable structure cannot be used. An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant. Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the City.

C. Height of Telecommunications Tower(s).

1. The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City.

2. No tower constructed after the effective date of this ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with city, state, and/or any federal law, local law, rule or regulation.

D. Appearance & Visibility of Wireless Telecommunications Facilities.

1. Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.

2. Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this ordinance.

3. If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

E. Security of Wireless Telecommunications Facilities.

1. All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.

2. All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

3. All transmitters and telecommunications equipment shall be installed such a manner that they are readily accessible only to persons authorized to operate or service them.

F. Signage. Wireless telecommunications facilities shall contain one (1) sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). A warning sign of same size shall be provided as well. The signs shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

G. Lot Size and Setbacks. All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or wireless telecommunications facility structure or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

1135.03 RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT

The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

A. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be $8,000.00. The placement of the $8,000 with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for all services, including the oversight for the construction and modification of the site. The applicant will also receive copies of all invoices. If at any time during the process this escrow account has a balance less than $2,500.00, the applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

B. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

1135.04 CONDITIONAL ZONING CERTIFICATE APPLICABILITY

A. Exceptions from a Conditional Zoning Certificate for Wireless Telecommunications Facilities.

1. No Person shall be permitted to build, construct, or prepare any site for the placement or use of a wireless telecommunications facilities as of the effective date of this ordinance without having first obtained a conditional zoning certificate for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no conditional zoning certificate shall be required for those non-commercial exceptions noted in the definition of wireless telecommunications facilities.

2. All wireless telecommunications facilities existing on or before the effective date of this ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility must comply with this ordinance.

B. Re-certification of a Conditional Zoning Certificate for Wireless Telecommunications Facilities.

1. Six (6) months prior to the five (5) year anniversary date after the effect date of the conditional zoning certificate and all subsequent five year anniversaries of the effective date of the original conditional zoning certificate for wireless telecommunications facilities, the holder of a conditional zoning certificate for such wireless telecommunication facilities shall submit a signed written request to the City's Planning Commission for recertification. In the written request for re-certification, the holder of such conditional zoning certificate shall document the following:

a. The name of the holder of the conditional zoning certificate for the wireless telecommunications facilities;

b. The number or title, if applicable, of the conditional zoning certificate;

c. The date of the original conditional zoning certificate;

d. Statement of whether the wireless telecommunications facilities have been moved, re-located, rebuilt, or otherwise visibly modified since the issuance of the conditional zoning certificate and if so, did the Planning Commission approve such action, and under what terms and conditions, and whether those terms and conditions were complied with;

e. A statement that the wireless telecommunications facilities are in compliance with the conditional zoning certificate and compliance with all applicable codes, laws, rules and regulations;

f. A re-certification that the tower and attachments both are designed and constructed and continue to meet all local, city, state and federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a professional engineer licensed in the state, the cost of which shall be borne by the applicant.

2. If, after such review, the Planning Commission determines that the permitted wireless telecommunications facilities are in compliance with the conditional zoning certificate and all applicable statutes, laws, rules and regulations, then the City Planning Commission will issue a re-certification of the conditional zoning certificate for the wireless telecommunications facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable laws, rules or regulations. If after such review, it is determined that the permitted wireless telecommunications facilities are not in compliance with the conditional zoning certificate and all applicable statutes, laws, rules and regulations, then the City may refuse to re-certify the conditional zoning certificate for the wireless telecommunications facilities, and in such event, such wireless telecommunications facilities shall not be used after the date that the applicant receives written notice of the decision by the City until such time as the facility is brought into compliance. The City shall notify the applicant in writing of any decision requiring the termination of use of the facility or the imposition of a penalty. Notification shall be supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the facility.

3. If the applicant has submitted all of the information requested and required by this ordinance, and if the review is not completed, as noted in subsection 2. of this section, prior to the five (5) year anniversary date of the conditional zoning certificate, or subsequent five-year anniversaries, then the applicant for the permitted wireless telecommunications facilities shall receive an extension of the conditional zoning certificate for up to six (6) months, in order for the completion of the review.

4. If the holder of a conditional zoning certificate for wireless telecommunications facilities does not submit a request for recertification of such conditional zoning certificate within the time frame noted in Sub-Section 1. of this section, then such conditional zoning certificate and any

authorizations granted there under shall cease on the date of the fifth anniversary of the original granting of the conditional zoning certificate, or subsequent five year anniversaries, unless the holder of the conditional zoning certificate adequately demonstrates that extenuating circumstances prevented a timely recertification request. If the City agrees that there were legitimately extenuating circumstances, then the holder of the conditional zoning certificate may submit a late recertification request or Application for a new conditional zoning certificate.

C. Extent and Parameters of Conditional Zoning Certificate for Wireless Telecommunications Facilities. The extent and parameters of a conditional zoning certificate for wireless telecommunications facilities shall be as follows:

1. A conditional zoning certificate shall be non-exclusive;

2. A conditional zoning certificate shall not be assigned, transferred or conveyed without the express prior written notification to the City.

3. A conditional zoning certificate may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the conditional zoning certificate, or for a material violation of this ordinance after prior written notice to the holder of the conditional zoning certificate.

1135.05 MAINTENANCE AND ENFORCEMENT

A. Performance Security. The applicant and the property owner of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a new tower and $25,000 for a modification, and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this ordinance and conditions of any conditional zoning certificate issued pursuant to this ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the conditional zoning certificate and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original conditional zoning certificate.

B. Reservation of Authority to Inspect Wireless Telecommunications Facilities. In order to verify that the holder of a conditional zoning certificate for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, rules and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

C. Annual NIER Certification. The holder of the conditional zoning certificate shall, annually, certify to the City that NIER levels at the site are within the threshold levels adopted by the FCC.

D. Liability Insurance. A holder of a conditional zoning certificate for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional zoning certificate in amounts as set forth below:

1. Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;

2. Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate;

3. Workers Compensation and Disability: Statutory amounts.

4. The Commercial General liability insurance policy shall specifically include the City and its officers, council, employees, committee members, attorneys, agents and consultants as additional named insured and certificate holder. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

5. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

6. Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

7. Prior to construction of a permitted wireless telecommunications facilities is being initiated, but in no case later than fifteen (15) days after the grant of the conditional zoning certificate, the holder of the conditional zoning certificate shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

E. Fines. In the event of a violation of this ordinance or any conditional zoning certificate issued pursuant to this ordinance, the City may impose and collect, and the holder of the conditional zoning certificate for wireless telecommunications facilities shall pay to the City, fines or penalties as set forth below.

1. A violation of this local ordinance is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars ($350.00) per day per occurrence for a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350.00) per day nor more than seven hundred dollars ($700.00) and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars ($700.00) per day nor more than one thousand dollars($1,000.00). Each week's continued violation shall constitute a separate additional violation.

2. Notwithstanding anything in this ordinance, the holder of the conditional zoning certificate for wireless telecommunications facilities may not use the payment of fines, liquidated damages or

other penalties, to evade or avoid compliance with this ordinance or any section of this ordinance. An attempt to do so shall subject the holder of the conditional zoning certificate to termination and revocation of the conditional zoning certificate. The City may also seek injunctive relief to prevent the continued violation of this ordinance, without limiting other remedies available to the City.

F. Default and/or Revocation.

1. If wireless telecommunications facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this ordinance or of the conditional zoning certificate, then the City shall notify the holder of the conditional zoning certificate in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the City may, at its sole discretion, order the violation remedied within twenty-four (24) hours.

2. If, within the period set forth in F.1. above, the wireless telecommunications facilities are not brought into compliance with the provisions of this ordinance, or of the conditional zoning certificate, or substantial steps are not taken in order to bring the affected wireless telecommunications facilities into compliance, then the City may revoke such conditional zoning certificate for wireless telecommunications facilities, and shall notify the holder of the conditional zoning certificate within forty-eight (48) hours of such action.

G. Removal of Wireless Telecommunications Facilities.

1. Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of wireless telecommunications facilities.

   a. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by acts of god, in which case, repair or removal shall commence within 90 days;

   b. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard; and

   c. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required conditional zoning certificate, or any other necessary authorization.

2. If the City makes such a determination as noted in Subsection G.1. of this section, then the City shall notify the holder of the conditional zoning certificate for the wireless telecommunications facilities within forty-eight (48) hours that said wireless telecommunications facilities are to be

removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.

3. The holder of the conditional zoning certificate, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the City.

4. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within ninety (90) days after the permit holder has received notice, then the City may file a claim of the owner's bond and demand the removal of the wireless telecommunications facilities.

5. Notwithstanding anything in this Section to the contrary, the City Planning Director or his/her designee may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the conditional zoning certificate, subject to the approval of the City Council, and an agreement to such plan shall be executed by the holder of the conditional zoning certificate and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the applicant will be considered in violation.

H. Relief. Any applicant desiring relief, waiver or exemption from any aspect or requirement of this ordinance may request such at the pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a conditional zoning certificate, or in the case of an existing or previously granted conditional zoning certificate a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

I. Periodic Regulatory Review by the City.

1. The City may at any time conduct a review and examination of this entire ordinance:

   a. If after such a periodic review and examination of this ordinance, the City determines that one or more provisions of this ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire ordinance at any time.

   b. Notwithstanding the provisions of Subsections I.1. and I.2. of this Section, the City may at any time, and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this ordinance.

c. All existing wireless facilities are legal and non-conforming until they are modified or until the service provider is no longer likened to provide services.

J. Adherence to State and/or Federal Rules and Regulations.

1. To the extent that the holder of a conditional zoning certificate for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a conditional zoning certificate shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and radio frequency emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a conditional zoning certificate for wireless telecommunications facilities, then the holder of such a conditional zoning certificate shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

CHAPTER 1136 SEXUALLY ORIENTED BUSINESSES

1136.01 INTENT....244
1136.02 DEFINITIONS....244
1136.03 RESTRICTIONS....247

1136.01 INTENT

It is the intent of this Section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations regarding sexually oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributor and exhibitors of sexually oriented entertainment to their intended market.

1136.02 DEFINITIONS

For the purposes of this Chapter, certain terms are defined as follows:

A. "Adult arcade" means any place to which the public is permitted or invited wherein coin operated or slug operate or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devises are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of or describing "specified sexual activities" or "specified anatomical areas."

B. "Adult bookstore" or "adult video store" means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of the sale or rental for any form of consideration of any one or more of the following:

   1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas;" or

   2. Instruments, devices, or paraphernalia, other than medical or contraceptive devises, which are designed for use in connection with "specified sexual activities."

C. Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

   1. Persons who appear in a state of nudity; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

D. "Adult motel" means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration, provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant of occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

E. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the display of "specified sexual activities" or "specified anatomical areas."

F. "Escort" means a person who, for consideration, acts or agrees or offers to act as a companion, guide or date for another person, or who models or agrees or offers to privately model lingerie or to privately perform a striptease for another person.

G. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for gratuity or other consideration.

H. "Establish" or "causes the establishment" means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The addition of any sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

I. "Nudity" or "state of nudity" shall have the same meaning as defined by Chapter 2907.01 of the Ohio Revised Code.

J. "Operates" or "causes to operate" means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or sexually oriented business licensee of the business.

K. "Public park" means public land which has been designated for park or recreation activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, open space, wilderness areas, or similar public land within the City which is under the control, operation or management of the City, County or State.

L. "School" means any public or private educational facility including, but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuations schools, special education schools, junior colleges and universities.

M. "Semi-nude" means the showing of the female breast below the horizontal line across the top of the areola at its highest point of the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

N. "Sexual encounter center" means a business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

O. "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.

P. "Specified anatomical areas" means human genitals.

Q. "Specified sexual activities" means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or oral stimulation of the genitals, or sodomy;

3. Masturbation, actual or simulated; and

4. Excretory functions as part of or in connection with any of the activities set forth in sub-section a. through c. above.

1136.03 RESTRICTIONS

A. A sexually oriented business may be located only in accordance with the following restrictions, in addition to all other general restrictions of this Code:

1. No such business shall be located on any parcel within 1,000 feet of any R-R, R-1, R-2, R-3, R-4, R-5, R-6, R-C, or R-M district, or any other property used for residential purposes.

2. No such business shall be located on any parcel within 1,500 feet of any public library, private or public school, public park or assembly.

3. No such business shall be located on any parcel within 1,500 feet of another sexually oriented business.

4. Such business shall be located within the C-1 Zoning District.

B. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where the sexually oriented business is conducted, to the nearest property line or boundary of the use or district used to restrict its location.

C. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

D. No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

E. A sexually oriented business lawfully operating, as a conforming use is not rendered a nonconforming use by the subsequent location of a use or district, which triggers a limitation in sub-section 1.

F. Any sexually oriented business lawfully operating on the effective date of Section 1153.03 of the prior zoning Ordinance No. 190-1974 that is in violation of the previous Section 1153.03 of that ordinance, which therefore remains in violation of this Section, shall be deemed a legal nonconforming use. When a legal nonconforming sexually oriented business use of a structure or premises is voluntarily discontinued or abandoned for more than six (6) months, the structure, building, or premises shall not thereafter be used except in conformity with this Section and with the use district in which it is located.

CHAPTER 1137 WIND FACILITIES

(Amended-Ordinance 11-2011)

1137.01 PURPOSE. 248
1137.02 APPLICABILITY. 248
1137.03 DEFINITIONS. 248
1137.04 GENERAL REQUIREMENTS. 249
1137.05 DESIGN STANDARDS. 252
1137.06 UTILITY CONNECTIONS. 252
1137.07 APPURTENANT STRUCTURES. 253
1137.08 SAFETY AND ENVIRONMENTAL STANDARDS. 253
1137.09 SHADOW/FLICKER. 254
1137.10 NOISE. 254
1137.11 LAND CLEARING, SOIL EROSION AND HABITAT IMPACTS. 254
1137.12 MONITORING AND MAINTENANCE. 254
1137.13 ABANDONMENT OR DECOMMISSIONING. 255
1137.14 FINANCIAL SURETY. 255

TABLE 1137-25: NOISE STANDARDS. 254

1137.01 PURPOSE.

The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

1137.02 APPLICABILITY.

This section applies to all utility-scale and on-site wind facilities proposed to be constructed. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

1137.03 DEFINITIONS.

A. Rated Nameplate Capacity. The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

B. Planning Commission. Refers to the body of local government designated by the municipality to review site plans.

C. Utility-Scale Wind Energy Facility. A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

D. Wind Energy Facility. All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

E. Wind Monitoring or Meteorological Tower. A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

F. Wind Turbine. A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

G. Height. The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

H. Shadow/Flicker. Shadow/flicker caused by wind turbines is defined as alternating changes in light intensity caused by the moving blade casting shadows on the ground and stationary objects, such as a window at a dwelling. No flicker shadow will be cast when the sun is obscured by clouds/fog or when the turbine is not rotating. Shadow flicker is not the sun seen through a rotating wind turbine rotor nor what an individual might view moving through the shadows of a wind turbine.

1137.04 GENERAL REQUIREMENTS.

The following requirements are common to all wind energy facilities to be sited in designated locations:

A. Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

B. Building Permit and Building Inspection. No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Summit County building permit.

C. Fees. The fee required for a conditional use permit must accompany conditional use permit application and the fees required for a building permit must accompany the application for a building permit.

D. Conditional Use/Site Plan Review. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without conditional use permit. A wind turbine shall be allowed by conditional use permit only in NP-1, R-R, E-1 and M-1 Zoning Districts. Wind Turbines shall also be permitted on publicly owned property by conditional use permit. Notwithstanding the requirements of Chapter 1132, the minimum acreage required per each Wind Turbine shall be eight (8) acres in NP-1 and R-R Districts, two (2) acres in E-1 and M-1 Districts and three (3) acres on publicly owned property.

E. Plans and Maps. Plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Ohio.

F. Site Plan will include:

1. Property lines and physical dimensions of the site parcel and adjacent parcels within 300 feet of the site parcel;

2. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet of the site parcel, including distances from the wind facility to each building shown;

3. Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment;

4. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;

5. Any existing overhead utility lines;

6. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of 1.2 times the height of the wind turbine;

7. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;

8. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Ohio;

9. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Ohio;

10. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

11. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

12. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;

13. The name, contact information and signature of any agents representing the applicant; and

14. A maintenance plan for the wind energy facility;

15. Documentation of actual or prospective access and control of the project site;

16. An operation and maintenance plan;

17. A location map consisting of a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; submission of a copy of a zoning map with the parcel identified is suitable for this purpose;

18. Proof of liability insurance;

19. Certification of height approval from the FAA if required;

20. A listing existing ambient sound levels at the site and maximum projected sound levels from the wind energy facility; and

21. Description of financial surety that satisfies Section 3.12.3.

22. The Planning Staff may waive documentary requirements, as it deems appropriate.

G. Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed wind energy facility. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

H. Operation & Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

I. Utility Notification. No wind energy facility shall be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

J. Temporary Meteorological Towers (Met Towers). A building permit shall be required for stand-alone temporary met towers. No site plan review shall be required for met towers.

K. Visual Impact Analysis. The applicant shall furnish a visual impact assessment, which shall include:

1. A " Zone of Visibility Map"

2. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.

3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

4. The applicant may be required, for the purpose of visibility, prior to the public hearing on the application, hold a "balloon test". The applicant shall arrange to fly, or rise upon a temporary mast, a minimum of a three- (3) foot in diameter brightly colored balloon at the maximum height of the proposed new wind turbine. The applicant shall inform the City, in writing, of the date and time of the test, at least 10 days in advance. The balloon shall be flown between 7:00 am and 4:00 PM on the date chosen.

1137.05 DESIGN STANDARDS.

A. Appearance. Appearance, Color and Finish shall comply with Federal Aviation Administration (FAA) safety requirements.

B. Lighting. Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

C. Signage. Signage on wind energy facilities shall comply with Chapter 1146 Sign Design. The following signs shall be required:

1. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.

2. Educational signs providing information about the facility and the benefits of renewable energy.

3. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

1137.06 UTILITY CONNECTIONS.

Reasonable efforts, as determined by the Planning Commission and Electric Department, shall be made to place all utility connections from the wind energy facility underground, depending on appropriate soil

conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

1137.07 APPURTENANT STRUCTURES.

All wind energy facilities appurtenant structures shall be subject to regulations described in Chapter 1132 Zoning District Standards (bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements). All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts. In addition, the specific wind turbine is subject to the following additional requirements:

A. Height. The height of wind turbine shall not exceed 150 feet in height in E-1 and M-1 Districts and 200 feet in R-R and NP-1 Districts.

B. Setbacks. A wind turbine may not be sited within: (a) a distance equal to the height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility; (b) Two times (2x) the height of the turbine from the nearest existing residential structure; or (c) one point five times (1.5x) the height of the turbine from the nearest property line.

1. Setback Increase. The Planning Commission may increase any minimum setback based on site-specific ecological, topographic, soil, wildlife habitat or built environment conditions.

2. Setback Waiver. The Planning Commission may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.

3. In any application for a conditional use permit submitted under this Chapter, compliance with minimum lot sizes established in Section 1137.04 and/or setback or separation requirements established in this Section may be obtained by submission of a joint application by owners of abutting parcels defining a tract of land that meets the applicable requirements, provided that easements or other irrevocable commitments are in place to guarantee that the defined tract will continue to comply with the lot size and separation requirements for such time as the wind turbine is in place.

1137.08 SAFETY AND ENVIRONMENTAL STANDARDS.

A. Emergency Services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be

clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

B. Unauthorized Access. Wind energy facilities shall be designed to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of 8 feet above the ground. Electrical equipment shall be locked where possible.

1137.09 SHADOW/FLICKER.

Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

1137.10 NOISE.

A wind energy facility shall not exceed the following dB(A) noise standards as measured at the closest neighboring inhabited dwelling:

Table 1137-25: Noise Standards

Type	Daytime Limits	Evening Limits (7-11pm)	Nighttime (11pm-7am)
NP-1, R-R	35dB(A)	30dB(A)	25dB(A)
E-1, M-1	40dB(A)	35dB(A)	30dB(A)
Publicly Owned	40dB(A)	35dB(A)	30dB(A)

The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

1137.11 LAND CLEARING, SOIL EROSION AND HABITAT IMPACTS.

Clearing of natural vegetation shall be limited to that which is necessary for the construction.

1137.12 MONITORING AND MAINTENANCE.

A. Wind Energy Facility Conditions. The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Cuyahoga Falls Fire Department. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way.

B. Modifications. All material modifications to a wind energy facility made after issuance of the required building permit shall require approval by the Planning Commission.

1137.13 ABANDONMENT OR DECOMMISSIONING.

A. Removal Requirements. Any wind energy facility, which has reached the end of its useful life or has been abandoned, shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.

2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment. Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Planning Commission. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City of Cuyahoga Falls may enter the property and physically remove the facility.

1137.14 FINANCIAL SURETY.

Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or if such guarantee does not exist, the City could remove and such cost will be added to tax duplicate, to cover the cost of removal in the event the City of Cuyahoga Falls must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

TITLE 4: BUILDING & SITE DESIGN

CHAPTER 1141 DESIGN STANDARDS - GENERALLY 258
1141.01 INTENT AND APPLICABILITY 258
1141.02 DESIGN ELEMENTS AND GOALS 259
1141.03 MODIFICATION OF STANDARDS 261
CHAPTER 1142 RESIDENTIAL NEIGHBORHOOD DESIGN 264
1142.01 APPLICABILITY 264
1142.02 GENERAL DESIGN STANDARDS 264
1142.03 ACCESS AND CIRCULATION STANDARDS 269
1142.04 PARKING DESIGN 270
1142.05 LIGHTING DESIGN 272
CHAPTER 1143 MIXED-USE CENTER DESIGN 274
1143.01 APPLICABILITY 274
1143.02 MIXED-USE BUILDING FAÇADE DESIGN 274
1143.03 MASSING AND SCALE 276
1143.04 MIXED USE CENTER DESIGN MATERIALS 277
1143.05 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 278
1143.06 ACCESS AND CIRCULATION 278
1143.07 PARKING DESIGN 280
1143.08 LIGHTING DESIGN 283
CHAPTER 1144 GENERAL DISTRICT DESIGN 286
1144.01 APPLICABILITY 286
1144.02 FAÇADE DESIGN 286
1144.03 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 288
1144.04 GENERAL DISTRICT ACCESS AND CIRCULATION 288
1144.05 PARKING DESIGN 290
1144.06 LIGHTING DESIGN 292
CHAPTER 1145 LANDSCAPE DESIGN 294
1145.01 DESIGN GOALS 294
1145.02 APPLICABILITY 295
1145.03 GENERAL REQUIREMENTS 296
1145.04 TREE PRESERVATION & PROTECTION 300
1145.05 STREET TREES 305
1145.06 INSTALLATION AND MAINTENANCE 307
1145.07 LANDSCAPE DESIGN 308
1145.08 SCREENING DESIGN 312
1145.09 FENCING 313
1145.10 WALLS AND HEDGES 314
CHAPTER 1146 SIGN DESIGN 316
1146.01 DESIGN GOALS 316
1146.02 LEVELS OF REGULATION 316
1146.03 EXEMPT SIGNS 317
1146.04 SIGN CLASSIFICATIONS 320
1146.05 SIGN STANDARDS 321
1146.06 RULES FOR SPECIAL SIGNS 332

TABLES

TABLE 1142-1: RESIDENTIAL NEIGHBORHOOD DESIGN -- SINGLE-FAMILY DRIVEWAY WIDTHS 269
TABLE 1142-2: RESIDENTIAL NEIGHBORHOOD DESIGN -- PARKING AREA 270
TABLE 1142-3: MULTI-FAMILY LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 272
TABLE 1142-4: MULTI-FAMILY DESIGN -- REQUIRED SHIELDING 272
TABLE 1143-5: MIXED USE DESIGN -- REQUIRED BUILDING FRONTAGE 275
TABLE 1143-6: MIXED USE DESIGN -- CENTERS MATERIAL SPECIFICATIONS 277
TABLE1143-7: MIXED USE DESIGN -- DRIVEWAY WIDTHS 278
TABLE 1143-8: MIXED USE DESIGN -- INTERNAL PEDESTRIAN ACCESS WIDTHS 280
TABLE 1143-9: MIXED USE DESIGN -- PARKING AREA LOCATION REQUIREMENTS 281
TABLE 1143-10: MIXED USE DESIGN -- PARKING AREA SIZE LIMITATIONS 281
TABLE 1143-11: MIXED USE LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 283
TABLE 1143-12: MIXED USE LIGHTING DESIGN -- REQUIRED SHIELDING 284
TABLE 1144-13: GENERAL DISTRICT DESIGN -- INTERNAL PEDESTRIAN WIDTHS 290
TABLE 1144-14: GENERAL DISTRICT DESIGN -- PARKING AREA LOCATION REQUIREMENTS 290
TABLE 1144-15: GENERAL DISTRICT DESIGN -- PARKING AREA SIZE LIMITATIONS 291
TABLE 1144-16: GENERAL DISTRICT LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 293
TABLE 1144-17: GENERAL DISTRICT LIGHTING DESIGN -- REQUIRED SHIELDING 293
TABLE 1145-18: LANDSCAPING DESIGN -- REQUIRED VERTICAL CLEARANCE FOR NEW TREES 299
TABLE 1145-19: LANDSCAPE DESIGN -- REQUIRED HORIZONTAL SETBACKS FOR NEW TREES 299
TABLE 1145-20: LANDSCAPE DESIGN -- BONUS FOR LARGER TREES 302
TABLE 1145-21: LANDSCAPE DESIGN -- NUMBER OF STREET TREES REQUIRED 305
TABLE1145-22: LANDSCAPE DESIGN -- PROHIBITED STREET TREES 306
TABLE 1145-23: LANDSCAPE DESIGN -- RECOMMENDED STREET TREES 306
TABLE1145-24: LANDSCAPE DESIGN -- USES REQUIRING TRANSITION BUFFERS 308
TABLE 1145-25: LANDSCAPE DESIGN -- USES REQUIRING OTHER LANDSCAPE SCREENING 309
TABLE 1145-26: LANDSCAPE DESIGN -- SCREENING INTENSITY 310
TABLE1146-27: SIGN DESIGN -- EXAMPLES OF SIGN CLASSIFICATIONS 321
TABLE 1146-28: SIGN DESIGN -- SIGN AREA CAPACITIES 323
TABLE 1146-29: SIGN DESIGN -- PERMANENT SIGN ALLOWANCES 324
TABLE 1146-30: SIGN DESIGN -- INCREASE IN PERMANENT SIGN ALLOWANCE 324
TABLE1146-31: SIGN DESIGN -- PSA INCREASES FOR DESIGN ENHANCEMENTS 325
TABLE 1146-32: SIGN DESIGN -- MAXIMUM SIGN PROJECTION 326
TABLE 1146-33: SIGN DESIGN -- VISUAL CLEARANCE TRIANGLE 327

CHAPTER 1141 DESIGN STANDARDS - GENERALLY

1141.01 INTENT AND APPLICABILITY 258
1141.02 DESIGN ELEMENTS AND GOALS 259
1141.03 MODIFICATION OF STANDARDS 261

1141.01 INTENT AND APPLICABILITY

A. Intent. This Code has the following purposes, among others, indicated in Title 1:

1. To create meaningful, functional, accessible, and well-designed focal points throughout the City;
2. To promote the overall character and quality of the City;
3. To provide a balance of urban and rural environments;
4. Create effective transitions between urban and rural areas of the City;
5. To promote design qualities that contribute to the overall character of the surrounding area; and
6. To improve the form, function, and relationship between buildings, site design elements, open spaces, and rights-of-way with context-based design solutions.
7. In order to achieve each of these purposes site design elements must be integrated within an individual site, but also integrated with elements on adjacent sites. Therefore, it is the intent of Title 4, Design Regulations to:

    a. Establish guidance and minimum standards for urban and community design which are essential to mixing uses within districts and on development sites, and necessary to create transitions and relationships among adjacent districts and neighborhoods.

    b. Require a scale and form for the design of sites and buildings consistent with the development patterns required in the subdivision regulations and necessary for implementation of the zoning districts and uses in the zoning regulations.

    c. Specify the appropriate relationship of buildings, site design elements, open spaces, and public rights of way through form-based standards.

    d. Coordinate and link functional site design elements among several adjacent lots and within neighborhoods and districts to produce the maximum impact and community benefit, to encourage more efficient and coordinated development, and to prevent each functional site design element from becoming unnecessarily diluted and separated into disjointed parts across several lots or sites.

    e. Avoid redundant requirements unnecessarily employed on separate adjacent sites by consolidating elements that provide multiple benefits across several lots.

    f. Create unique identities and community character within neighborhoods and districts through diverse architecture styles, variety of design details, and a range of distinct public and community spaces.

g. Associate all of the diverse elements of development sites, neighborhoods, and districts, through the consistent scale, form, and development patterns specified in the General Plan and these regulations.

h. Promote and enhance the public realm as the primary physical asset of the community by placing a priority on design standards for areas that impact public rights-of-way, public or common open spaces, or any other physically prominent aspect of the community.

B. Applicability. The standards in this Title are applied through the site plan review process specified in Title 1, Chapter 1113 and may be combined with the review of zoning map amendments and planned development proposals, also specified in Title 1, Chapter 1113. All site plans shall address all of the design elements listed in Section 1141.02. The design goals and standards for each element is found in the specific Chapters of this Title.

C. Overlay Districts. The Overlay District creates the opportunity to utilize more flexible development practices in exchange for a detailed planning process and development of a master plan. Through the Overlay District process, the site and building design standards may be modified, provided the plan equally or better meets the intent and the design goals of each site design element.

1141.02 DESIGN ELEMENTS AND GOALS

This Title addresses basic design elements that are part of every development site, or when not specifically part of a development site, are adjacent to a development site and must be related and integrated into the site design. The design elements, which shall be addressed as part of every site plan are Building Design; Site Design; Open Space Design; Landscape Design; and Signs. The goals for each of the elements are listed below and the standards for each of these elements are contained in the specific Chapters of this Title.

A. Building Design.

1. *Building Design Elements.* Building design includes design of the following specific elements:

   a. Façade design, including primary entrance features, window openings;

   b. Materials; and

   c. Screening or minimizing certain structural design elements.

2. *Building Design Goals*. In meeting the Intent of Title 4, Site & Building Design Regulations, the site design standards in this title fulfill the following site design goals:

   a. Connect buildings to the broader built environment, through consistent orientation and design elements applied across adjacent lots and throughout neighborhoods and districts;

   b. Activate public streetscapes and other public or community spaces with pedestrian scale design elements and "permeable" buildings and facades, particularly when associated with Pedestrian Enhanced streetscape designs;

c. Create consistent well-designed building frontages along streets and other public or community spaces, suitable to rural, sub-urban, or urban context;

d. Include uniform application of basic design qualities and materials on all sides of buildings;

e. Encourage architectural diversity appropriate to a site's immediate context and create unique neighborhoods and districts within the City;

f. Use exterior materials that contribute to the desired character and goals of the Planning Area, and are compatible with existing materials of surrounding buildings;

g. Avoid blank walls and long, uninterrupted facades along public streetscapes and other public or community spaces;

h. Screen, minimize, or otherwise remove building elements dedicated to loading and mechanical equipment, vehicle access, or other intensive services from prominent positions on streetscape or from adjacent property;

i. Protect the character and values of adjacent properties and the public realm by establishing mass and scale standards which dictate the relationship of buildings to the public streetscapes and to adjacent property lines, and

j. Create effective transitions from the public realm to private areas though the design, location, and orientation of buildings.

B. Site Design.

1. *Site Design Elements*. Site design includes design of the following specific elements:

   a. Access and circulation;
   b. Parking design;
   c. Fencing and screening; and
   d. Exterior lighting.

2. *Site Design Goals*. In meeting the Intent of Title 4, Site & Building Design Regulations, the site design standards in this title fulfill the following site design goals:

   a. Design development sites consistent to the overall plan for the city, Planning Area goals, surrounding development patterns, applicable zoning districts, adjacent streetscape design, and building types and adjacent uses;

   b. Provide adequate access to all lots through multiple and alternative access strategies, but dependant on the streetscape design and specific site or lot type;

   c. Balance vehicle and pedestrian access to lots considering the Planning Area goals, the overall development pattern, the applicable zoning district, the streetscape design, and the specific use and building type;

   d. Align site access and circulation standards with the street standards in Title 2, Subdivision Regulations;

e. Minimize interruptions of the streetscape design and public streets, necessitating frequent vehicle crossings of pedestrian facilities, pose potential traffic hazards, or limit potential on-street parking areas;

f. Provide adequate vehicle storage for all sites and uses in association with Title 3, Zoning Regulations, but require designs that minimize the impact of large parking areas visible from the public rights-of-way;

g. Design and orient parking lots so that undesirable features t are located in the most discrete locations; and

h. Establish exterior lighting standards, minimizing the intrusion on adjacent property and the public streetscape.

C. Open Space Design.

1. *Categories of Open Space*. Designed open space may include combinations of:

a. Formal open space;

b. Natural open space; or

c. Remnant open space.

2. *Open Space Types*. The open space types, design goals and standards are provided in Chapter 1126.

D. Landscape Design. The landscape design elements, design goals and standards are provided in Chapter 1145.

E. Signs. The sign types, goals and standards are provided in Chapter 1146.

1141.03 MODIFICATION OF STANDARDS

A. Applicability. This Section provides limited flexibility in the application and interpretation of Title 4, Site & Building Design Regulations. A design standard modification is a means of alternative compliance that meets the intent of this Chapter and the goals for each design element in an equal or better manner. The proposed alternative compliance shall provide equal or better public benefits with no adverse impact on the public or surrounding property as compared to the stated standard in this chapter, based on specific site conditions. The modification process shall ensure that the best design solutions are applied to sites, buildings, open space, landscape and sign standards, in order to best implement the General Plan for the City. Modification of the design standards in this Title may be recommended by the Planning Commission and approved by the City Council through the site plan review process specified in Title 1, Chapter 1113.

B. Standards. Recommendation and approval of a design standard modification authorized by this section shall only occur when:

1. Each site design standard for which a modification is requested is specifically identified by the applicant and submitted as part of the initial application;

2. The modification shall not alter any specific zoning district standard contained in Title 3, Zoning Regulations;

3. The requested modification shall be based on specific site conditions, which make compliance with the design standard impractical, and shall not be due to the convenience or needs of a specific applicant, tenant, or other individual aspect of a development proposal;

4. The requested modification shall be the minimum necessary to overcome the site conditions, which make compliance with the design standard impractical;

5. The site plan shall propose alternative design techniques that equally or better meet the intent of this Title and the specific design goals of the design element for which the modification is sought;

6. The proposed alternative site design technique shall not compromise any of the design goals specified for any other design element, and shall not compromise any of the design goals and intent of this Title 4 with respect to any adjacent site, and

7. The proposed alternative design techniques shall comply with more specific design guideline developed by or in association with the City as part of an official master planning effort approved for the site, building, neighborhood, or area.

C. Conditions. In granting approval of a site plan with a modification of standards, the Planning Commission may recommend and the City Council may require that additional conditions be met in order to:

1. Secure the objectives and interest of the City;

2. Provide benefits to the community and neighborhood or district;

3. Enforce the intent of this Title and the design goals and elements herein; and

4. Achieve the intent and purpose of this Code.

CHAPTER 1142 RESIDENTIAL NEIGHBORHOOD DESIGN

1142.01 APPLICABILITY 264
1142.02 GENERAL DESIGN STANDARDS 264
1142.03 ACCESS AND CIRCULATION STANDARDS 269
1142.04 PARKING DESIGN 270
1142.05 LIGHTING DESIGN 272

TABLE 1142-1: RESIDENTIAL NEIGHBORHOOD DESIGN -- SINGLE-FAMILY DRIVEWAY WIDTHS……..269
TABLE 1142-2: RESIDENTIAL NEIGHBORHOOD DESIGN -- PARKING AREA 270
TABLE 1142-3: MULTI-FAMILY LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 272
TABLE 1142-4: MULTI-FAMILY DESIGN -- REQUIRED SHIELDING 272

1142.01 APPLICABILITY

The Residential Building Design Standards in this section shall apply as follows:

A. All site design regulations shall apply to all sites in any residential zoning district.

B. All building design regulations shall apply to any site with a front building line less than 80 feet from the front lot line.

C. All standards shall apply to residential sites in Mixed Use Center zoning districts where principal residential buildings are allowed.

D. All building design standards shall apply to accessory structures greater than 80 square feet of floor area, which are accessory to a principal building under B. or C., above. Except, this shall not include accessory structures located in the NP-1, R-R or R-1 zoning districts.

E. All building and site design guidelines shall provide direction towards adherence to site and building regulations.

1142.02 GENERAL DESIGN STANDARDS

A. Single Family.

1. Walls.

a. Brick veneer, stone, cast stone

b. Wood, cement fiberboard or vinyl siding

c. Wood, cement fiberboard or vinyl clapboard

d. Wood, cement fiber board or vinyl shakes

e. Stucco

2. *Foundation Walls.* Foundation walls shall be brick veneer, stone, cast stone, concrete block, or poured concrete.

3. *Materials.* Building wall materials shall be combined on each façade horizontally, heavier generally below.

4. *Roofs*.

    a. Pitched roofs shall be symmetrically sloped no less than 5:12 except that porches may be attached sheds with slopes no less than 2:12. Canopy structures such as window awnings or porch roofs shall be compatible with those of the principle structure.

    b. Cape Cod style homes shall have a pitched roof of at least 8:12.

    c. Parapets shall enclose flat roofs, a minimum of 12 inches high, or as required to conceal mechanical equipment. Flat roofs are only allowed on California Mission or Art-Modern Style homes.

    d. Craftsman Bungalow styles shall have the roof pitched between 4:12 and 6:12.

    e. Eaves shall be continuous and have closed soffit, except those on buildings of the Craftsman Bungalow style, which shall have exposed rafters.

    f. Dormers shall be habitable and a minimum of 3 feet wide.

    g. All gable ends, including front porches shall be enclosed.

5. Attachments.

    a. Chimneys on street facing walls shall be brick, stone, cast stone.

    b. Porch decking shall be wood, wood composite or pre-cast concrete and be at least 6' deep. Porches can project into a front yard up to 10'.

    c. Front Stoops shall be wood, brick, stone, stucco, or the foundation material and extend no more than 5' from foundation.

    d. Decks shall be wood or composite materials, and when extending into front yard more then 5 feet, shall not face street frontages. A deck can extend into a required back yard and any side yard as per *Table 1132-2*.

    e. Railings shall be wood, vinyl or composite materials, cast metal or aluminum.

6. Attached Garages.

    a. On lots less than 50 feet wide garages shall be accessed from a rear lane or if front accessed, garages shall be set back at least 15 feet from house frontage. The depth of a porch may reduce the setback proportionally. The maximum garage width shall not exceed 50% of the front façade.

b. On lots between 51 feet and 70 feet wide garages shall be setback at least 10 feet from the house frontage. The depth of a porch may reduce the setback proportionally. The maximum garage width shall not exceed 45% of the front façade.

c. On lots between 71 feet wide and no greater than 100 feet wide with front building line greater than 45 feet, garages shall be at least flush with house frontage The maximum garage width shall not exceed 40% of front façade.

d. There are no depth or width standards for garages on lots greater than 100 feet wide.

e. There is no garage width or setback limit for side entry garages.

7. *Detached Garages*. See *1142.02 C.*

8. *Extensions & Projections.*

a. Front Yard Maximum Projections:

(1) Shall be not more than ten (10) feet in the setback. On corner lots the secondary (side yard) projections shall be not more than 5 feet unless the side yard is a minimum or 20 feet.

(2) A porch area enclosed with storm (glass) windows must maintain a minimum of sixty (60) percent of open (glass) wall space. Insect type screening shall not be considered an enclosure. Porches in front yards shall not be converted to living space or provided with heating or plumbing facilities.

(3) Vestibules and entrances shall be no more than six (6) feet with a maximum width of twelve (12) feet if combined with a front porch of equal width or more.

b. Rear Yard Projections shall not be more than ten (10) feet into a minimum rear yard as specified for each residential district.

c. All other

(1) Balconies and bay windows may project up to three (3) feet with a maximum width of ten (10) feet.

(2) Cornices, eaves, awnings and chimneys may project no more than two (2) feet over any minimum yard, except for a detached accessory building where the maximum projection into a required yard is six (6) inches.

9. Ramps.

a. Front Yard maximum projection for an open permanent ramp shall be twelve (12) feet.

b. Rear yard maximum projection shall be no more than twelve (12) feet into a minimum rear yard as specified for each residential district.

c. Open sides of permanent ramps must be screened with lattice, siding or masonry complimentary to the principal structure.

10. Other.

a. Front walks shall be concrete, brick, or pavers, and connect to sidewalk or driveway. Walks must connect to the sidewalk on lots that are 50 feet wide or less in the Cuyahoga River Area, in Mixed Density Overlay Districts and in Mixed Use Districts.

b. Equipment, including HVAC and utility meters, are limited to rear and interior side yards. Clotheslines, play equipment, hot tubs, and the like shall be permitted in rear yards only. On corner lots such equipment shall be inside the designated setback.

B. Multi Family.

1. Walls.

a. Walls shall be brick veneer, stone, cast stone wood siding, vinyl siding, or cement-fiber board.

b. All first stories shall be brick veneer, stone or cast stone.

c. Walls shall be brick veneer, stone, or cast stone on all street-facing walls.

d. Foundation walls shall be brick, brick veneer, stone, cast stone, concrete block, or poured concrete.

e. Building wall materials shall be combined on each façade horizontally, heavier generally below.

f. In any RU-5, RU-6 and M-U district, residential buildings with over 100 feet of building frontage shall have at least two primary entrances.

2. Roofs.

a. Pitched roofs shall be symmetrically sloped no less than 5:12 except that porches may be attached sheds with slopes no less than 2:12. Canopy structures such as carports or porch roofs shall be compatible with those of the principal structure.

b. Parapets shall enclose flat roofs, a minimum of 18 inches high, or as required to conceal mechanical equipment.

c. Eaves shall be continuous and have closed soffit, except those on buildings of the Craftsman Bungalow style, which shall have exposed rafters.

d. All gable ends shall be enclosed.

3. Attachments.

a. Chimneys, on street walls, shall be brick, stone, cast stone.

b. Porch floor shall be wood or pre-cast concrete and be at least 6' deep.

c. Front Stoops shall be wood, brick, stone, stucco, or the foundation material.

d. Decks shall be wood or composite materials, and when extending into front yard more then 5 feet, shall not face street frontages. A deck can extend into a required back yard and any side yard as per *Table 1132-2*.

e. Railings shall be wood, vinyl or composite materials, cast metal or aluminum.

f. Front walks shall be concrete, brick, and pavers and connect to sidewalk or driveway or parking lot.

g. Equipment including HVAC and utility meters is limited to rear and interior side yards. All other equipment and the like shall be permitted at rear yards only.

4. Garages.

a. On multi family structures with 4 or fewer units, all garages shall be accessed from a rear lane or if front facing, garage must be set back 15 feet (5 feet with full front porch) from building frontage. The maximum garage width is 65% of the front façade.

b. On multi family structures with 4 or more units, garages must be accessed from a rear lane.

c. Exterior walls of detached garages, off of rear lanes, shall be constructed of brick, split-face brick, wood shingles, vinyl siding, fiber-cement siding. Roof pitch shall be at least 4:12 or can be flat.

C. Accessory Structures.

1. *Garages*. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards in Title 3, Chapter 1132 – Specific Zoning District Standards.

a. For Single Family Detached Dwellings, newly constructed or replaced garages shall accommodate 2 parallel parked vehicles and be a minimum of 400 square feet, provided there are no other vehicle storage buildings on the lot, there are no physical barriers for construction, and the location requirements of the underlying zoning district can be met.

b. *Overhead Doors*. A functioning door is required with the maximum height of 9 feet high. *Exception:* Accessory structures in R-R, R-1, NP-1 Districts.

c. *Materials*.

(1) *Walls*. Walls shall be wood or vinyl siding similar to the prevailing exterior of the principal structure.

(2) *Roofs.* Roofs shall have a pitch no more than 25% greater than the principal dwelling and the material is to be compatible with the principal structure.

(3) *Floors.* Unless used for animal husbandry, a concrete floor is required for buildings in excess of 280 square feet of floor area.

2. *Carports*. Carports are only permitted in multi-family developments and shall meet standards of *Section 1142.02 C (1) c* and requirements of *Table 1132-2*.

3. *Storage Buildings*. Any storage building greater than 25 square feet shall meet standards of Section *1142.02 C (1) c* and requirements of *Table 1132-2*.

4. *Other Structures*. Any building greater than 25 square feet shall meet requirements of *Table 1132-2* and shall meet commonly accepted building and engineering practices for its intended uses.

1142.03 ACCESS AND CIRCULATION STANDARDS

A. Driveways.

1. *Single-family Driveway Widths.* Front-loaded driveway access shall be limited based on the width of the frontage for residential lots. Single-family attached and single-family detached lots specified in Title 3 shall be allowed front-loaded driveway access according *Table 1142-1: Single-family Front-loaded Driveway Widths*.

Table 1142-1: Residential Neighborhood Design -- Single-Family Driveway Widths

RESIDENTIAL NEIGHBORHOOD DESIGN -- SINGLE-FAMILY FRONT-LOADED DRIVEWAY WIDTHS			
LOCATION ON LOT ➢ / ⩛ LOT FRONTAGE	MAXIMUM DRIVEWAY WIDTH		
	BETWEEN THE ROW AND THE FRONT BUILDING LINE	BETWEEN THE FRONT BUILDING LINE AND REAR BUILDING LINE	BEHIND THE REAR BUILDING LINE
50' OR LESS	12' maximum per lot – shared access required for front-loaded driveways. Shared driveways and Rear access lanes encouraged.	33% of lot width	No limitations on width other than total surface coverage for entire lot (see Title 3, Chapter 1132)
BETWEEN 51' AND 70'	16' maximum per lot - single lane to expanded areas behind front building line required for front-loaded driveways. Rear access lanes encouraged	33% of lot width	
71' AND GREATER	18'	30% of lot width	

The location of driveways on the lot shall be further restricted by the curb-cut separation standards for the public right-of-way according to street classifications (See Title 2, Section 1123.04.C.1)

Exceptions. The following are exceptions to driveway width limitations in *Table 1142-1*.

a. Parking aprons are permitted according to *Section 1142.05 C.*

b. Shared access drives between two lots may have a maximum width between the front lot line and front building line of 15% of the combined frontage of the two lots.

c. Lots platted prior to adoption of these regulations with a frontage of 50-feet or less, and with existing front-loaded driveways, are permitted to maintain a front-loaded driveway of up to 25% of the lot frontage between the front building line and the right-of-way, but not wider than 16 feet. This exception shall not remove any nonconforming legal status of a site condition existing at the time of adoption of these regulations.

2. *Multi-family Driveway Widths*. Multi-family lots shall be allowed the following front-loaded driveway access:

   a. On streets with a Pedestrian Enhanced design according to Title 2, Subdivision Regulations, a maximum of 15% of the lot frontage but cumulative driveway access shall be no more than 10% of the entire block face.

   b. On all other streets, a maximum of 20% of the lot frontage, but no wider than 24 feet per driveway.

3. *Driveways*. All but replacement driveways shall be set back a minimum distance of 2 feet from the side lot line. Exception: Where a shared access driveway is provided by an easement on a recorded plat, or where two driveways share the same curb cut, driveways may be built to the site lot line.

4. All driveways shall be paved with a solid concrete, masonry or asphalt surface.

   Exception:

   a. On lots larger than 1.5 acres, an alternative dust-minimizing porous surface such as washed gravel or crushed and compacted limestone may be used, provided any portion of the driveway within 25' of the street edge shall be paved.

5. Lots with 120 feet of frontage or more, on corner lots with more than 70 feet of frontage on each street may provide a circular drive with two street access points provided the driveway is not more than 12 feet wide. Such drives must also facilitate access to a legal parking area.

1142.04 PARKING DESIGN

A. General. In meeting the required minimum, or any applicable maximum, parking requirement for the use and zoning district required in Title 3, *Chapter 1134*, the following additional site design standards shall apply.

B. Parking Areas. The standards in this sub-section apply to any parking area for more than 4 vehicles. Parking areas for 4 or less vehicles pr parking aprons shall be designed according to the sub-section C of this section and the driveway design standards in *Section 1142.04*.

   1. Location and Size. Exterior parking areas for residential uses or any allowed, limited, or conditional non-residential use in Residential Neighborhood zoning districts shall be designed according to *Table 1142-2: Residential Neighborhood Design --Parking Area*.

Table 1142-2: Residential Neighborhood Design -- Parking Area

RESIDENTIAL NEIGHBORHOOD DESIGN -- PARKING AREA		
	MAXIMUM PARKING AREA SIZE	LOCATION REQUIREMENTS (PARKING AREAS FOR MORE THAN 3 SPACES)
R-R	20 spaces	▪ At least 80' from any front lot line

		▪ At least 50' from any side or rear property line
R-1	20 spaces	▪ At least 80' from any front lot line ▪ At least 30' from any side or rear property line and fully screened with any combination landscape materials, fences, or walls.
R-2	20 spaces	▪ At least 50' from any front lot line ▪ At least 20' from any side or rear property line and fully screened with any combination landscape materials, fences, or walls.
R-3	40 spaces	▪ From the front lot line, either: ▪ Located behind the front building line and screened with a 2.5' to 4' decorative wall or fence at the extension of the front building lien; or ▪ Setback at least 30' from the front lot line and screened by landscape materials or a decorative wall or fence; and ▪ At least 10' from any side or rear lot line and fully screened with any combination landscape materials, fences, or walls
R-4	40 spaces	▪ Same as R-3
R-5	60 spaces	▪ Same as R-3
R-6	60 spaces	▪ Same as R-3

2. *Large Parking Areas*. Where any allowed, limited, or conditional use requires more parking than allowed by the maximum parking area size in *Table 1142-4*, parking shall be divided into two or more areas, each surrounded by a minimum 10-foot wide landscape buffer.

C. Landscape. All parking areas in Residential Neighborhoods shall meet the standards of Chapter 1145, Landscape Design.

D. Parking Aprons. One parking apron may be located in front of the front building line, provided: *(See Figure 1142-1).*

1. The apron is necessary to meet the minimum parking requirements for the site;

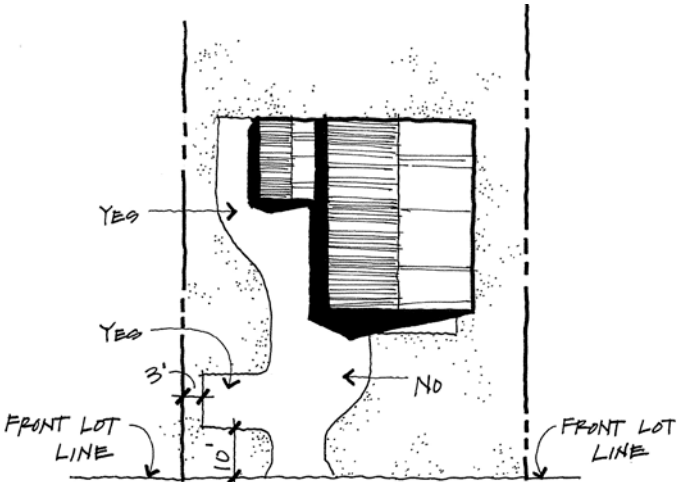
2. The apron area shall not exceed more than 200 square feet;

3. The apron is setback at least 10' from the front lot line;

4. If lots are more than 50-feet wide, the apron shall be setback at least 3' from the side lot line. Lots 50-feet wide or less may build aprons to the property line; and

5. The apron is located to the side of the driveway opposite the primary façade of the principal building.

Figure 1142-1 Parking Aprons



Parking aprons may be allowed as an exception to the driveway access design provided it is necessary to meet required parking and subject to design standards that minimize the impact on the streetscape.

E. Parking Spaces. In R-R, R-1, R-2, R-3, R-4, R-5 and R-6 Residential Neighborhood Districts construction of parking spaces in front yards shall be prohibited

except as provided in paragraph C above.

1142.05 LIGHTING DESIGN

A. Security. All multi-family facilities requiring lighting for security of people, vehicles, or property shall be illuminated.

B. Mounting Height. All exterior lighting shall be limited to the mounting heights specified in *Table 1142-3: Maximum Lighting Mounting Height*.

Table 1142-3: Multi-Family Lighting Design -- Maximum Lighting Mounting Height

MULTI-FAMILY LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT				
LIGHT TYPE ➢ ⩛ PLANNING DISTRICT	DRIVEWAYS AND PARKING AREAS	PEDESTRIAN WALKWAYS, PLAZAS OR COURTYARDS	FACADE LIGHTS	OTHER SITE LIGHTING
NH Planning District	12’	8’	Below the eave or cornice line, provided the light is directed downward	8’
BMF or SPT Planning District	12’	8’		8’
CR Planning District	12’	8’		12’

C. Shielding. All exterior lighting shall be shielded and shall be contained to the specific lot (0 foot candles at adjacent lots.) as specified in *Table 1142-14: Required Shielding*.

Table 1142-4: Multi-Family Design -- Required Shielding

MULTI-FAMILY LIGHTING DESIGN -- REQUIRED SHIELDING			
SHIELD TYPE ➢ ⩛ WATTAGE OR MOUNTING HEIGHT	FULL CUTOFF A	CUTOFF B	SEMI-CUTOFF C
All lights above 450 Watts	Required	Prohibited	Prohibited
All lights Between 100 Watts and 450 Watts Lumens	Permitted	Required	Prohibited
All Lights Between 55 Watts and 99 Watts; or	Permitted	Permitted	Permitted
All Lights Mounted below 6’ AND Less than 55 Watts	No shielding is required; all shielding types permitted.		

A. Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.
B. Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.
C. Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

D. General Standards. In addition to the Mounting Height and Shielding standards, exterior site lighting shall meet the following general standards:

1. All lighting shall be designed and located as to not provide direct light or glare onto any adjacent property.

2. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize up-lighting and glare.

CHAPTER 1143 MIXED-USE CENTER DESIGN

1143.01 APPLICABILITY 274
1143.02 MIXED-USE BUILDING FAÇADE DESIGN 274
1143.03 MASSING AND SCALE....276
1143.04 MIXED USE CENTER DESIGN MATERIALS 277
1143.05 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 278
1143.06 ACCESS AND CIRCULATION 278
1143.07 PARKING DESIGN 280
1143.08 LIGHTING DESIGN 283

TABLE 1143-5: MIXED USE DESIGN -- REQUIRED BUILDING FRONTAGE 275
TABLE 1143-6: MIXED USE DESIGN -- CENTERS MATERIAL SPECIFICATIONS 277
TABLE1143-7: MIXED USE DESIGN -- DRIVEWAY WIDTHS....278
TABLE 1143-8: MIXED USE DESIGN -- INTERNAL PEDESTRIAN ACCESS WIDTHS 280
TABLE 1143-9: MIXED USE DESIGN -- PARKING AREA LOCATION REQUIREMENTS 281
TABLE 1143-10: MIXED USE DESIGN -- PARKING AREA SIZE LIMITATIONS 281
TABLE 1143-11: MIXED USE LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT 283
TABLE 1143-12: MIXED USE LIGHTING DESIGN -- REQUIRED SHIELDING....284

1143.01 APPLICABILITY

The Mixed-Use Centers Design Standards in this Chapter shall apply to all non-residential or mixed-use buildings and sites in any of the Mixed-Use Centers zoning districts.

1143.02 MIXED-USE BUILDING FAÇADE DESIGN

A. Facade Elements. All facades shall be designed with a base, body, and crown subject to the following: *(See Figure 1143-2)*

1. *Base.* The lowest portion of the facade, directly along the grade shall be differentiated from other portions of the facade as the base.

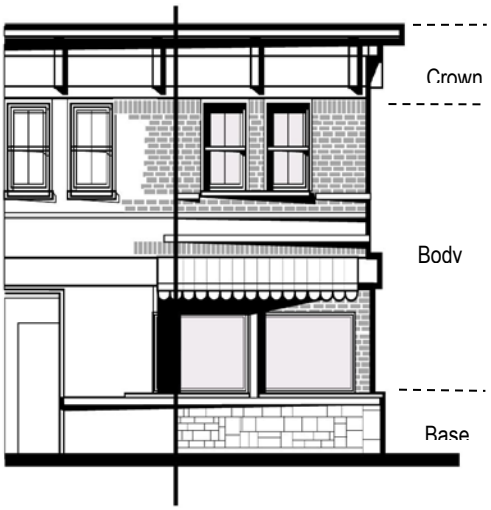
   a. The base shall be between 5% and 10% of the total facade height, except that the base may consist of the entire first story on buildings that are 3 stories or taller.

   b. The base shall be differentiated with either a change of materials, or a continuous horizontal architectural treatment.

2. *Crown.* The portion of the facade immediately above the body shall be differentiated from other portions of the facade as the crown.

   a. The crown shall be between 3% and 5% of the

Figure 1143-2 Façade Elements



A distinctive base, body, and crown sets proportions for the facade, adds diversity to the design, and establishes appropriate material changes.

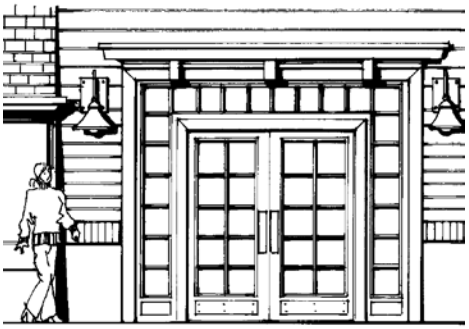
total facade height, except that the crown may consist of the entire top story on buildings that are 4 stories or taller.

b. The crown shall be differentiated with either a change of materials or a continuous horizontal architectural treatment such as a cornice line, parapet, or similar detail.

3. *Body*. All portions of the facade that are not the Base or the Crown shall be considered the body.

B. Primary Entrance Feature. Any façade, which faces a public street, internal access street, or formal open space, shall have a primary entrance features subject to the following:

Figure 1143-3 Primary Entrance Feature



A pedestrian-scaled primary interest feature creates diversity along the block face, helps break up the mass of large facades, and activates the streetscape for street-front buildings.

1. Primary entrance features shall be articulated by one or a combination of the following design elements: *(See Figure 1143-3)*

   a. A canopy or arcade;

   b. An entrance projecting from the facade by no more than 3 feet;

   c. An entrance recessed from the facade by between 3 and 10 feet; or

   d. Architectural treatments such as significant decorative moldings and framing, distinctive single-story roof frames or awnings, or transom and sidelight windows.

   e. Primary entrance features shall occur at least every 75 feet of building frontage. Facades with building frontages larger than 150 feet shall have at least two primary entrances meeting Subsection 1; spaced so that no single span of the façade exceeds 75 feet without a primary entrance feature.

C. Required Building Frontage. The primary facade of the building shall occupy at least the percentage of the front building line specified in *Table 1143-5: Mixed Use Design -- Required Building Frontage*.

Table 1143-5: Mixed Use Design -- Required Building Frontage

MIXED USE DESIGN -- REQUIRED BUILDING FRONTAGE		
FRONTAGE STREET DESIGN ➢ / ZONING DISTRICT ⩛	FRONTAGE ON STREETS WITH PEDESTRIAN ENHANCED OR BOULEVARD DESIGNS	FRONTAGE ON STREETS WITH ALL OTHER DESIGN TYPES.
MU-1	60%	30%
MU-2	75% in the CR Planning District 60% in the SPT and BMH Planning Districts	40% in the CR Planning District 25% in the SPT or BMH Planning District
MU-3	60%	30%
MU-4, MU-5, AND MU-6	75%	60%

Exception:

a. The required building frontage at the front building may be reduced by up to ½ the requirement specified in Table 1143-5 in the case of a courtyard or plaza. The courtyard or plaza shall provide an alternative streetscape edge in the form of a decorative wall, fence, or landscape edge along the front building line.

D. Minimum Openings on Primary Facade. Primary facades shall have openings subject to the following:

1. At least 50% percent of all street-facing facades, between 2 feet and 12 feet above grade shall be occupied by windows or door openings.

a. All windows counting towards this requirement shall remain transparent and non-reflective, allowing views to the inside commercial space or views of product display bays at least 2 feet deep.

b. All openings meeting this requirement shall begin at 3.5 feet above grade or lower.

2. On buildings higher than 20 feet, between 10% percent and 50% percent of the primary façades above 14 feet shall be occupied by window or door openings. Each story of the building shall satisfy this requirement independently.

3. Primary facades shall have no more than 30 feet of blank horizontal wall space at the street level without an opening of either a door or a window.

E. Minimum Opening on Secondary Facades. Secondary facades shall have openings subject to the following:

1. On corner buildings, the first 50' of a secondary façade closest to the corner shall meet the opening requirements for the Primary Façade.

2. On all other portions of a secondary façade, between 10% percent and 50% percent of the façades shall be occupied by window or door openings. Each story of the building shall satisfy this requirement independently.

1143.03 MASSING AND SCALE

A. Horizontal Massing. All building facades with a horizontal dimension greater than 100 feet shall be articulated using at least **two** of the following techniques:

1. Provide differentiated storefronts at least every 50 feet, which are integral to the structure or are related to the internal operation of the building. Each differentiated storefront shall include a separate primary entrances meeting *Section 1143.02.B.* above, and incorporate material or color changes, window design changes, architectural details, or similar differentiating elements;

2. Provide differentiated horizontal massing with projections, recesses and offsets in the façade between 18 inches and 3 feet, so that no single wall plane spans over 40% of the façade length; or

3. Variations in roof lines between 10% and 15% of the building height, so that no single roofline spans over more than 40% of the façade length.

B. Vertical Massing. All facades with a vertical dimension of over 40 feet and with a total area of more than 2000 square feet shall be articulated in at least one of the following manners, providing differentiation for least 20% of the entire facade:

1. Provide step-back or projection of more than 3 feet differentiating stories on the facade.

2. Horizontal expression lines which project between 6 inches and 18 inches from the facade with architectural details such as cornices or friezes, and clearly distinguish the ground floor, base, or crown of the building; or

3. Balconies, bays, or step-backs with usable terraces on upper stories.

C. Roofs.

1. The following roof types shall be used:

a. Pitched roofs shall be symmetrically sloped no less than 5:12 except that porches may be attached sheds with slopes no less than 2:12. Canopy structures such as carports or porch roofs shall be compatible with those of the principle structure.

b. Parapets shall enclose flat roofs, a minimum of 12 inches high, or as required to conceal mechanical equipment.

c. All structures with primarily pitched roofs shall have an 18-inch minimum eave overhanging all supporting exterior walls.

1143.04 MIXED USE CENTER DESIGN MATERIALS

Exterior materials for all buildings in Mixed Use Centers shall conform to the general character of the Planning Area, and to the context of surrounding buildings. Exterior materials shall meet the specifications in *Table 1143-6: Mixed Use Design -- Centers Material Specifications.*

Table 1143-6: Mixed Use Design -- Centers Material Specifications

MIXED USE DESIGN -- CENTERS MATERIAL SPECIFICATIONS		
CUYAHOGA RIVER AREA	**BAILEY-MUNROE FALLS & STATE-PORTAGE TRAIL AREAS**	**NORTHAMPTON AREA**
• Front façade walls shall be brick veneer and/or stucco. Brick must make up at least 80% of front façade. Maximum brick size is 3 5/8" by 8". • Street facing walls shall be brick veneer. • Side and rear walls (not street facing) shall be brick, decorative split-faced block, and cement-fiber siding or stucco material. Stucco shall not be used on first floor levels. • Buildings wall materials must	• Front façade walls shall be brick, cement-fiber siding, stone, pre-cast stone or stucco material. Brick, stone, pre-cast stone must make-up 60% of front façade. Maximum brick size is 3 5/8" by 12". • Street facing walls shall be the same material(s) as the front façade. • Side and rear walls (not street facing) shall be brick, decorative split-faced block, and cement-fiber siding or stucco material. Stucco	• Front façade walls shall be brick, wood siding, and cement-fiber siding, stone or pre-cast-stone. Maximum brick size is 3 5/8" by 8". • Street facing walls shall be same as front façade. • Side and rear walls (not street facing) shall be brick, decorative split-faced block, and cement-fiber siding or stucco material. Stucco shall not be used on first floor levels. • Buildings wall materials must

be combined on each façade horizontally, heavier generally below lighter.	shall not be used on first floor levels. • Buildings wall materials must be combined on each façade horizontally, heavier generally below lighter.	be combined on each façade horizontally, heavier generally below lighter.

1143.05 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS

A. All service areas and loading docks shall be located on a discrete façade.

B. Any roof-top equipment shall be screened from view of the adjacent public streetscape or other public or common open spaces by a parapet.

C. Any service areas and equipment or loading docks that are visible from adjacent property shall be screened according to *Chapter 1145 – Landscape Design*.

D. Any vehicle entrance bay on a primary facade shall be set back at least 30 feet from the front building line.

E. Vehicle entrance bays shall occupy no more than 40% of the width of a primary or secondary façade.

1143.06 ACCESS AND CIRCULATION

A. Driveways.

1. *Widths.* All lots in Mixed Use Centers shall be allowed driveway access according to *Table 1143-7: Mixed Use Design -- Driveway Widths*.

Table1143-7: Mixed Use Design -- Driveway Widths

MIXED USE DESIGN -- DRIVEWAY WIDTHS	
STREET TYPE (SEE TITLE 2)	**DRIVEWAY WIDTH**
Pedestrian Enhanced Streets	Maximum of 15% of the lot frontage but cumulative driveway access along an entire block shall be no more than 10% of the entire block face.
All other Streets	Maximum of 25% of the lot frontage, but no wider than 24 feet on a single lot frontage.
Rear Alleys and Shared Drives	Rear alleys and shared drives are permitted as an alternative access to individual driveways. Driveway access from rear alleys shall not be limited behind the rear building line, other than by the total surface coverage standards for entire lot (see Title 3, Chapter 1132)

* *The location of driveways on the lot shall be further restricted by the curb-cut separation standards for the public right-of-way according to street classifications (See Title 2, Section 1123.04.C.1, Table 1123-18)*

2. All driveways shall be set back a minimum distance of 5 feet from a side or rear lot line.

   Exception: Where a shared access driveway is provided by an easement on a recorded plat or an easement recorded by a separate document, driveways may be built to the side lot line.

3. All driveways shall be paved with a solid concrete, masonry, or asphalt surface.

B. Internal Access Streets. Any single block, lot or development site larger than 7 acres shall provide a system of internal access streets to establish connectivity and mobility within the site and coordinate with streets and blocks adjacent to the site. Internal access streets shall:

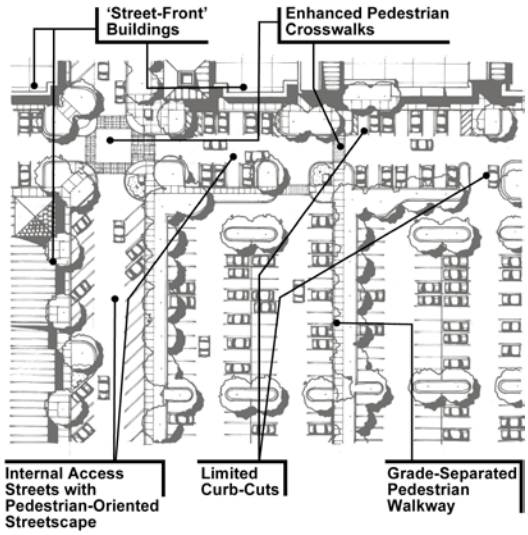
1. Be designed according to the public streetscape design standards in Title 2, Subdivision Regulations, including the standards for frequency and connectivity, vehicle lanes, parking lanes, amenity areas, sidewalks, and curb cuts; *(See Figure 1143-4)*

2. Organize the site into smaller "blocks" between 2 and 5 acres for buildings, open space, and parking; and

3. Be treated as public streets for interpretation and application of setbacks, build to lines, curb cuts and driveway access, and building and lot frontage standards.

4. Be designed to the Pedestrian Enhanced standard in Title 2, Section 1122.01 and Table 1122-1 providing on-street parking and expanded sidewalks.

Figure 1143-4 Internal Access Streets



Internal access streets provide connections through large blocks are parcels, provide the appearance of public streetscapes, and divide the parcel into smaller development sites and parking blocks.

C. Pedestrian Access and Circulation. All lots, blocks or development sites shall include direct pedestrian connections and circulation routes at the same or greater frequency as is provided by streets, driveways, and internal access streets.

1. *Generally*. At a minimum pedestrian access and circulation shall provide dedicated pedestrian facilities directly connecting each of the following:

   a. All public entrances of all buildings;

   b. The public sidewalk on adjacent streets or internal access streets;

   c. On-site parking areas;

   d. Required open space and other site amenities; and

   e. Adjacent sites, where pedestrian access between sites via the sidewalks on streets or internal access streets is remote.

2. *Primary Building Entrances.* Each lot shall have a direct pedestrian connection to the primary entrance of buildings from the sidewalk in the right-of-way or on an adjacent to the internal access street.

   a. Buildings with a 0-foot front building line meet this requirement.

   b. Buildings with front building line permitted to be set back from the front lot line may meet this requirement by:

   c. A minimum 8-foot wide sidewalk;

d. Access through an open space area meeting the design requirements of *Chapter 1145*, such as a courtyard or plaza.

e. A dedicated crosswalk meeting Subsection 4. below where any front parking or drive lanes are permitted.

f. All portions of the entrance connection, other than crosswalks, shall be dedicated to pedestrians only and separated from vehicle surfaces by grade or landscape buffer.

3. *Internal Sidewalk Widths.* Where required pedestrian connections are not provided by the streets or internal access streets, internal sidewalks shall be according to *Table 1143-8: Mixed Use Design -- Internal Pedestrian Access Widths*.

Table 1143-8: Mixed Use Design -- Internal Pedestrian Access Widths

MIXED USE DESIGN -- INTERNAL PEDESTRIAN ACCESS WIDTHS	
LOCATION OF SIDEWALK	MINIMUM WIDTH
Internal Sidewalks	6’
Along any building façade abutting a parking Area or with a secondary entrance	8’
Along any building façade with a Primary Entrance	12’

a. Except at building entrances, plazas, or courtyards, the façade-adjacent sidewalks shall be located between 6 feet and 10 feet from any facade to allow for foundation landscaping required by Title 4, *Chapter 1145, Landscape Design*.

b. Where any parking could potentially overhang the sidewalk, 2 feet shall be added to the minimum width of the sidewalk.

c. All portions of the sidewalk, other than crosswalks, shall be dedicated to pedestrians only and separated from vehicle surfaces by grade or landscape buffer.

4. *Crosswalks.* Where parking or vehicle areas are permitted in front of the building, the pedestrian access may include a designated crosswalk across vehicle surfaces, provided the crosswalk does not exceed 28 feet in length.

a. Where crosswalks would otherwise exceed 28 feet, curb projections or “bulb-outs” identified in Title 2, *Table 1122-15* shall be used to shorten pedestrian crossing distances.

b. Crosswalks shall be differentiated from vehicle surfaces by different materials, texture or color, or a speed table identified in Title 2, *Table 1122-14*.

1143.07 PARKING DESIGN

A. Parking Location. In meeting the parking requirements of Title 3, *Chapter 1135*, all on-site parking for Mixed Use Centers shall be located on the site according to T*able 1143-9: Mixed Use Design -- Parking Area Location Requirements*.

Table 1143-9: Mixed Use Design -- Parking Area Location Requirements

MIXED USE DESIGN -- PARKING AREA LOCATION REQUIREMENTS			
ZONING DISTRICT	PARKING AREA LOCATION IN RELATION TO BUILDING		
	FRONT	SIDE	REAR
MU-1	Limited, to one single-loaded aisle of front parking; unless building fronts on street with Pedestrian Enhanced design, then prohibited	Permitted, only if screened at the extension of the front building line or along any right-of-way.	Preferred
MU-2 BMH and SPT Planning Areas	Limited, to one double loaded aisle of front parking, unless building fronts on a street with Pedestrian Enhanced design, then prohibited.	Permitted, only if screened at the extension of the front building line Limited on street facing sides of buildings on corner lots to one double loaded aisle of side parking and only if screened along the streetscape edge; unless side street has Pedestrian Enhanced design, then prohibited.	Preferred
MU-2 CR Planning Area	Prohibited	Permitted, only if screened at the extension of the front building line. Prohibited on street facing sides of buildings on corner lots.	Preferred
MU-3	Limited, only where Internal Access Streets are provided directly along the building frontage separating the building and any front parking area by an access street with the appearance of a public streetscape. (See Figure 1143-10.)	Permitted, only if screened at the extension of the front building line and along any right-of-way or internal access street.	Preferred
MU-4	Limited, to one single loaded aisle of front parking; unless building fronts on street with Pedestrian Enhanced design, then prohibited.	Permitted, only if screened at the extension of the front building line. Limited on street facing sides of buildings on corner lots to one double loaded aisle of side parking and only if screened along the streetscape edge; unless side street has Pedestrian Enhanced design, then prohibited.	Preferred
MU-5 & MU6	Prohibited	Permitted, only if screened at the extension of the front building line and at least 30 feet from the front lot line. Prohibited on street facing sides of buildings on corner lots.	Preferred

B. Parking Area Screening. All parking areas shall be screened according to the standards in *Chapter 1145, Landscape Design*.

C. Maximum Parking Lot Sizes.

1. No single parking area shall exceed more than the sizes indicated in *Table 1143-10: Mixed Use Design -- Parking Area Size Limitations*.

Table 1143-10: Mixed Use Design -- Parking Area Size Limitations

MIXED USE DESIGN -- PARKING AREA SIZE LIMITATIONS		
ZONING DISTRICT	MAXIMUM SIZE FOR SINGLE PARKING AREAS	
	INDIVIDUAL ON-SITE AREAS	SHARED AREAS OR COMMUNITY PARKING BLOCKS
MU-1	25 spaces	50 spaces
MU-2	40 spaces	60 spaces
MU-3	100 spaces	140 spaces
MU-4, MU-5, & MU6	80 spaces	100 spaces

2. On-site parking exceeding the maximum parking area size shall be divided into 2 or more parking areas, each completely surrounded by:

   a. A minimum 10-foot landscape buffer, except for access points;

   b. A public street or internal access street with the Pedestrian Enhanced design standard in Title 2, *Section 1122.01, Table 1122-1* providing on-street parking and expanded sidewalks; or

   c. Any building facade and façade-adjacent sidewalk permitted to front directly on the parking area according to these regulations.

D. Pedestrian Access. All parking areas over 40 spaces or more than 150 feet in any one dimension shall provide a dedicated pedestrian facility within the parking area, which shall: *(See Figure 1143-5)*

1. Be a minimum of 6 feet wide;

2. Be central to the parking area, providing convenient access to as many parking spaces as possible;

3. Provide direct connections to the primary entrances of buildings it serves. This connection may be to sidewalks in public right-of-way or along internal access streets if these routes provide more convenient and direct access to the buildings it serves; and

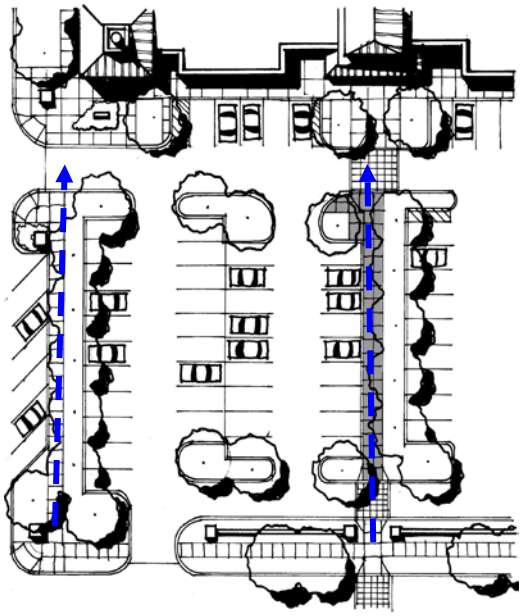
4. For parking areas over 100 spaces or 200 feet in any one dimension, the parking facility shall

   be differentiated from vehicle surfaces at all locations by either a grade separation or landscape buffer, except at crosswalks.

   a. Crosswalks shall be differentiated from vehicle surfaces by different materials, texture or color, or a speed table identified in Title 2, *Table 1122-14*.

   b. Crosswalks shall not exceed 28 feet in length. Where crosswalks would exceed 28 feet, curb projections or "bulb-outs" identified in Title 2, *Table 1122-15* shall be used to shorten pedestrian crossing distances.

Figure 1143-5 Pedestrian Connections in Large Parking Area.



Large parking areas should be broken into "blocks," framed by internal access streets which public streetscape designs and landscape, and include dedicated pedestrian facilities and crosswalks connecting main entrances

E. Storm Drainage. All parking areas and vehicle access lanes shall be designed to manage stormwater on-site.

Parking areas shall be designed using the techniques and management priorities established in *Table 1124-19: Stormwater Best Management Practices*, in Title 2, Subdivision Regulations.

F. Off-street Loading and Unloading. Space for off-street loading/unloading spaces shall be provided for all non-residential lots according to the following:

1. *Required spaces.* All non-residential buildings with uses requiring the receipt or distribution of materials or merchandise shall provide at least one off-street loading/unloading space per each 30,000 square feet of floor area. The space shall be located on the same lot as the building or use. Adjacent buildings or uses of less than 10,000 square feet may share loading/unloading spaces within 300 feet of the loading/unloading entrance.

2. *Location.* All off-street loading/unloading spaces shall be located to not hinder free movement of pedestrians and vehicles over a sidewalk, street, or alley. Spaces shall be located on the most discrete portion of the site, considering important public streetscapes, adjacency to residential uses, and the ability to most effectively screen or buffer spaces from less intense land uses.

3. *Size of Spaces.* Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as 25 feet.
4. *Connection to Street or Alley.* Each required off-street loading/unloading space shall have direct access to a street or alley, or have a driveway which offers satisfactory ingress and egress for trucks.

1143.08 LIGHTING DESIGN

A. Security. All facilities requiring lighting for security of people, vehicles, or property shall be illuminated.

B. Mounting Height. All exterior lighting shall be limited to the mounting heights specified in *Table 1143-11: Maximum Lighting Mounting Height.*

Table 1143-11: Mixed Use Lighting Design -- Maximum Lighting Mounting Height

MIXED USE LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT				
LIGHT TYPE➢ ⩛ PLANNING DISTRICT	DRIVEWAYS AND PARKING AREAS	PEDESTRIAN WALKWAYS, PLAZAS OR COURTYARDS	FACADE LIGHTS	OTHER SITE LIGHTING
NH Planning District	20’	8’	Below the eave or cornice line, provided the light is directed downward	4.5’
BMH or SPT Planning District	25’	12’		8’
CR Planning District	15’	18’		15’

C. Shielding. All exterior lighting shall be shielded and shall be contained to the specific lot (0 foot candles at adjacent lots.) as specified in *Table 1143-10: Required Shielding.*

Table 1143-12: Mixed Use Lighting Design -- Required Shielding

MIXED USE LIGHTING DESIGN -- REQUIRED SHIELDING			
SHIELD TYPE ➢ ⮟ WATTAGE OR MOUNTING HEIGHT	FULL CUTOFF A	CUTOFF B	SEMI-CUTOFF C
All lights mounted above 15'; or All lights above 450 Watts	Required	Prohibited	Prohibited
All lights Between 100 Watts and 450 Watts Lumens	Permitted	Required	Prohibited
All Lights Between 55 Watts and 99 Watts; or Any Light Mounted Between 12' and 25'	Permitted	Permitted	Permitted
All Lights Mounted below 12' AND Less than 55 Watts	No shielding is required; all shielding types permitted.		

A. Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.
B. Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.
C. Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

D. General Standards. In addition to the Mounting Height and Shielding standards, exterior site lighting shall meet the following general standards:

1. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property.
2. All lighting shall be reduced to levels necessary only for security purposes within 1 hour after closing of the business.
3. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize up-lighting and glare. Gas Station canopies spill over lighting shall not exceed .03 foot-candles onto adjacent property.

CHAPTER 1144 GENERAL DISTRICT DESIGN

1144.01 APPLICABILITY 286
1144.02 FAÇADE DESIGN 286
1144.03 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS 288
1144.04 GENERAL DISTRICT ACCESS AND CIRCULATION.....288
1144.05 PARKING DESIGN 290
1144.06 LIGHTING DESIGN 292

TABLE 1144-13: GENERAL DISTRICT DESIGN -- INTERNAL PEDESTRIAN WIDTHS 290
TABLE 1144-14: GENERAL DISTRICT DESIGN -- PARKING AREA LOCATION REQUIREMENTS 290
TABLE 1144-15: GENERAL DISTRICT DESIGN -- PARKING AREA SIZE LIMITATIONS.....291
TABLE 1144-16: GENERAL DISTRICT LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT.....293
TABLE 1144-17: GENERAL DISTRICT LIGHTING DESIGN -- REQUIRED SHIELDING.....293

1144.01 APPLICABILITY

The standards in this Chapter apply to buildings and sites in the C-1, M-1, and E-1 General Districts.

1144.02 FAÇADE DESIGN

A. Facade Elements. All facades on multi-story buildings shall be designed with a base, body, and crown:

1. *Base.* The lowest portion of the facade, directly along the grade shall be differentiated from other portions of the facade as the base. The base shall be differentiated with either a change of materials, or a continuous horizontal architectural treatment.
2. *Crown.* The portion of the facade immediately above the body shall be differentiated from other portions of the facade as the crown. The crown shall be differentiated with either a change of materials or a continuous horizontal architectural treatment such as a cornice line, parapet, or similar detail.
3. *Body.* All portions of the facade that are not the Base or the Crown shall be considered the body.
4. *Entrance.* Each building shall have at least one primary entrance feature for every 50,000 square feet of ground-floor area.

B. Commercial and Office Buildings.

1. Walls.

a. Front façade walls shall be brick veneer, brick, cast brick, stone, cast stone, fiber cement board siding or stucco.

b. Street facing walls shall be same material as front façade.

c. Non-street facing sidewalls and rear wall may use split-faced block or cast block.

d. Building wall materials must be combined on each façade horizontally, heavier generally below lighter.

2. Openings.

a. All storefront windows shall use clear glass.

b. All openings including porches, galleries, arcades and windows, with the exception of storefronts shall be (square or vertical) in proportion.

c. Openings above the first story shall not exceed 50 percent of the building wall area, with each façade calculated independently.

d. Doors and windows that are sliders are prohibited along frontages.

3. Roofs.

a. Pitched roofs shall be symmetrically sloped no less than 4:12 except that porches may be attached sheds with slopes no less than 2:12.

b. Parapets shall enclose flat roofs, a minimum of 12 inches high, or as required to conceal mechanical equipment.

C. Industrial Buildings.

1. Walls.

a. Front façade walls

(1) All industrial buildings must have a base of brick, stone, cast stone, or decorative concrete split-faced block for all front and sides of building. This base shall be at least 30% of the height of the base and body total. For example, if the total height of the base and body is 20' then the base must be at least 6' high. The Planning Director must approve any deviation from this requirement.

(2) All industrial buildings must have a body of brick, stone, cast stone, decorative concrete split-faced block, metal, cast cement.

(3) All industrial buildings must have a crown made of metal, wood, or stucco.

(4) If an office is constructed separate from industrial building it shall be constructed of brick, stone, cast stone, wood or fiber-cement siding, decorative concrete split-faced block, stucco or other material as approved by the Planning Director. Different materials or architectural elements shall differentiate the base, body and crown. The base must always be either brick, stone, cast stone or decorative split-faced block.

b. Buildings wall materials must be combined on each façade horizontally, heavier generally below lighter.

2. Roofs.

a. Pitched roofs shall be symmetrically sloped no less than 4:12 except that porches may be attached sheds with slopes no less than 2:12. Canopy structures such as carports or porch roofs shall be compatible with those of the principle structure.

b. Parapets or screening must conceal all mechanical equipment

1144.03 SERVICE AREAS, EQUIPMENT, AND VEHICLE BAYS

A. All service areas and loading docks shall be located in the rear of the facility or on a discrete façade.

B. Any rooftop equipment shall be screened from view according to Table 1145-25.

C. Any service areas and equipment or loading docks that are visible from adjacent property shall be screened according to *Chapter 1145 – Landscape Design*.

D. Any vehicle entrance bay on a primary facade shall be set back at least 30 feet from the front building line.

E. Vehicle entrance bays shall occupy no more than 40% of the width of a primary or secondary façade.

F. Accessory structures not to exceed 200 square feet, such as dumpsters, dumpster enclosures, collection boxes, storage buildings necessary for the maintenance of the principal use or structure shall be located only in the rear yard, a minimum of 5 feet from any property line.

1144.04 GENERAL DISTRICT ACCESS AND CIRCULATION

A. Driveways.

1. All lots shall be allowed driveway access according to the following:

a. On streets with a Pedestrian Enhanced design according to Title 2 , Subdivision Regulations, a maximum of 20% of the lot frontage, but no greater than 24’ on a single frontage. Additionally, the cumulative driveway access along an entire block shall be no more than 15% of the entire block face.

b. On all other streets, a maximum of 40% of the lot frontage, but no wider than 50 feet total on a single frontage.

c. Wider lot access is permitted in sub-section a. or b. above, or any lot access that serves parcels larger than 7 acres should be designed as Internal Access Streets (See Subsection C., below)

d. Rear alleys and shared drives are permitted as an alternative access to individual driveways or where lot frontages do not permit adequate individual drive access according to the above standards. Driveway access from rear alleys shall not be limited behind the rear building line, other than by the total surface coverage standards for entire lot (see Title 3, *Chapter 1132*)

e. The location of driveways on the lot shall be further restricted by the curb-cut separation standards for the public right-of-way according to street classifications (See Title 2, *Section 1123.04.C.1, Table 1123-18*)

2. All driveways shall be set back a minimum distance of 10 feet from a side or rear lot line. Exception: Where a shared access driveway is provided by an easement on a recorded plat or an easement recorded by a separate document, driveways may be built to the side lot line.

3. All driveways shall be paved with a solid concrete, masonry, or asphalt surface and have standard curbs, as defined by the City of Cuyahoga Falls Engineering Department.

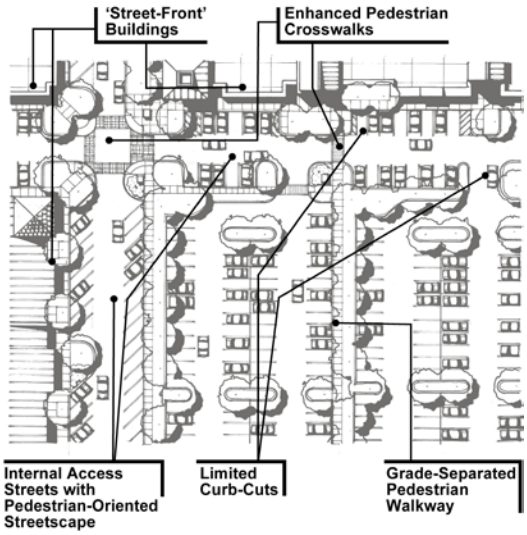
B. Internal Access Streets. Any single block, lot or development site larger than 7 acres in a C-1 district shall provide a system of internal access streets to establish connectivity and mobility within the site and coordinate with streets and blocks adjacent to the site. Internal access streets shall:

1. Be designed according to the public streetscape design standards in Title 2, Subdivision Regulations, including the standards for frequency and connectivity, vehicle lanes, parking lanes, amenity areas, sidewalks, and curb cuts; (See *Figure 1144-6*)

2. Organize the site into smaller "blocks" between 2 and 6 acres for buildings, open space, and parking; and

3. Be treated as public streets for interpretation and application of setbacks, build to lines, curb cuts and driveway access, and building and lot frontage standards. In non-residential zoning districts where front setbacks of 20' or more are required, this setback shall be waived to allow "street-front" buildings to be built along internal access streets subject to the following:

Figure 1114-6 Internal Access Streets



Internal access streets provide connections through large blocks are parcels, provide the appearance of public streetscapes, and divide the parcel into smaller development sites and parking blocks.

a. The internal access street shall be designed to the Pedestrian Enhanced standard in Title 2, *Section 1122.01* and *Table 1122-1* providing on-street parking and expanded sidewalks.

b. The building shall meet the additional design standards of this Chapter for buildings fronting directly on streets, internal access streets, or other public areas.

C. Pedestrian Access and Circulation. All lots, blocks or development sites in C-1 districts shall include direct pedestrian connections and circulation routes at the same or greater frequency as provided by streets, driveways, and internal access streets.

1. *Generally*. At a minimum pedestrian access and circulation shall provide dedicated pedestrian facilities directly connecting each of the following:

a. All public entrances or all buildings;
b. The public sidewalk of adjacent streets or internal access streets;
c. On-site parking areas;
d. Required open space and other site amenities; and
e. Adjacent sites, where pedestrian access between sites via the sidewalks on streets or internal access streets is remote.

2. Internal Sidewalk Widths. Widths of internal sidewalks shall be according to *Table 1144-13*: *Internal Pedestrian Access Widths.*

Table 1144-13: General District Design -- Internal Pedestrian Widths

GENERAL DISTRICT DESIGN -- INTERNAL PEDESTRIAN ACCESS WIDTHS	
Location of Sidewalk	Minimum Width
Internal Sidewalks	5’
Along any building façade abutting a parking Area or with a secondary entrance	6’
Along any building façade with a Primary Entrance	10’

a. Except at building entrances, plazas, or courtyards, the façade-adjacent sidewalks shall be located between 6 feet and 10 feet from any facade to allow for foundation landscaping required by Title 4, *Chapter 1145, Landscape Design*.

b. Where any parking could potentially overhang the sidewalk, 2 feet shall be added to the minimum width of the sidewalk.

c. All portions of the sidewalk, other than crosswalks, shall be dedicated to pedestrians only and separated from vehicle surfaces by grade or landscape buffer.

3. *Crosswalks*. The pedestrian circulation system shall cross streets, internal access streets, and drive aisles only at designated crosswalks.

a. Designated crosswalks shall not exceed 28 feet in length. Where crosswalks would otherwise exceed 28 feet, curb projections or “bulb-outs” identified in Title 2, *Table 1122-15* shall be used to shorten pedestrian crossing distances 5.

b. Crosswalks on arterial or collector streets shall be differentiated from vehicle surfaces by different materials, texture or color, or by adopting crosswalk/traffic calming techniques as defined as defined in Table 112-15

1144.05 PARKING DESIGN

A. Parking Location. All on-site parking for non-residential zoning districts shall be located on the site according to *Table 1144-14: General District Parking Area Location Requirements*

Table 1144-14: General District Design -- Parking Area Location Requirements

GENERAL DISTRICT DESIGN -- PARKING AREA LOCATION REQUIREMENTS			
Zoning District	Parking Area Location In Relation to Building		
	Front	Side	Rear
C-1 and E-1	Permitted; unless: If building fronts on a street with a Pedestrian Enhanced design, then Limited to one double loaded aisle of front parking; or If required parking is more than 180 spaces then at least 50% of the required parking shall be located to the side or rear of the building.	Preferred	Preferred
M-1	Permitted	Permitted	Permitted

B. Parking Area Screening. All parking areas shall be screened according to the standards in Chapter 1146, Landscape Design.

C. Maximum Parking Lot Sizes.

1. No single parking area shall exceed more than the sizes indicated in *Table 1144-15: General District Parking Area Size Limitations*.

Table 1144-15: General District Design -- Parking Area Size Limitations

GENERAL DISTRICT DESIGN -- PARKING AREA SIZE LIMITATIONS		
Zoning District	Maximum Size for Single Parking Areas	
	Individual On-site Areas	Shared Areas or Community Parking Blocks
E-1	▪ 60 spaces in NH district ▪ 140 spaces in BMH or SPT district ▪ 100 spaces in the CR district	▪ 80 spaces in the NH district ▪ 180 spaces in the BMH or SPT district ▪ 140 spaces in the CR district
C-1 & M-1	140 spaces	180 spaces

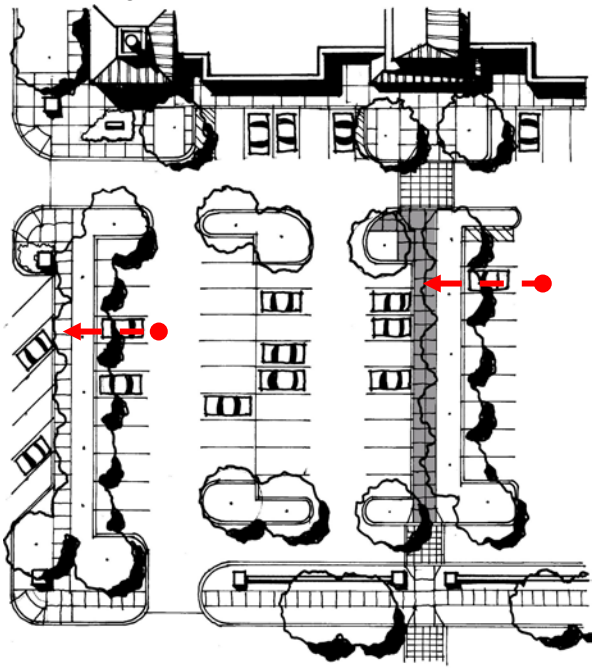
2. On-site parking exceeding the maximum size shall be divided into 2 or more parking areas, each completely surrounded by:

a. A minimum 10-foot landscape buffer, except for access points;

b. A public street or internal access street with the Pedestrian Enhanced design standard in Title 2, Section 1122.01, *Table 1122-1* providing on-street parking and expanded sidewalks; or

c. Any building facade and façade-adjacent sidewalk permitted to front directly on the parking area according to these regulations.

Figure 1144-7 Pedestrian Connections in Large Parking Area



Large parking areas should be broken into "blocks," framed by internal access streets which public streetscape designs and landscape, and include dedicated pedestrian facilities and crosswalks connecting main entrances

D. Pedestrian Access. All parking areas over 40 spaces or more than 150 feet in any one dimension shall provide a dedicated pedestrian facility within the parking area which shall:

1. Be a minimum of 6 feet wide;

2. Be central to the parking area, providing convenient access to as many parking spaces as possible;

3. Provide direct connections to the primary entrances of buildings it serves. This connection may be provided by the internal pedestrian access and circulation system specified in *Section 1144.04.C.*; and

4. For parking areas over 100 spaces or 200 feet in any one dimension, the parking facility shall be differentiated from vehicle surfaces at all locations by either a grade separation or landscape buffer, except at crosswalks. *(See Figure 1144-7)*

    a. Crosswalks shall be differentiated from vehicle surfaces by different materials, texture or color, or the traffic calming techniques identified in Title 2, *Table 1122-15*.

    b. Crosswalks shall not exceed 28 feet. Where crosswalks would exceed 28 feet, curb projections or "bulb-outs" identified in Title 2, *Table 1122-15* shall be used to shorten pedestrian crossing distances.

E. Storm Drainage. All parking areas and vehicle access lanes shall be designed to manage stormwater on-site. Parking areas shall be designed using the techniques and management priorities established in *Table 1124-19: Stormwater Best Management Practices,* in Title 2, Subdivision Regulations.

F. Off-street Loading and Unloading. Space for off-street loading/unloading spaces shall be provided for all non-residential lots according to the following:

1. *Required spaces.* All non-residential buildings with uses requiring the receipt or distribution of materials or merchandise shall provide at least one off-street loading/unloading space per each 30,000 square feet of floor area. The space shall be located on the same lot as the building or use. Adjacent buildings or uses of less than 10,000 square feet may share loading/unloading spaces within 300 feet of the loading/unloading entrance.

2. *Location.* All off-street loading/unloading spaces shall be located to not hinder free movement of pedestrians and vehicles over a sidewalk, street, or alley. Spaces shall be located on the most discrete portion of the site, considering important public streetscapes, adjacency to residential uses, and the ability to most effectively screen or buffer spaces from less intense land uses.

3. *Size of Spaces.* Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as 25 feet.

4. *Connection to Street or Alley.* Each required off-street loading/unloading space shall have direct access to a street or alley, or have a driveway which offers satisfactory ingress and egress for trucks.

1144.06 LIGHTING DESIGN

A. Security. All facilities requiring lighting for security of people, vehicles, or property shall be illuminated.

B. Mounting Height. All exterior lighting shall be limited to the mounting heights specified in *Table 1144-16: Maximum Lighting Mounting Height*.

C. Shielding. All exterior lighting shall be shielded as specified in *Table 1143-17: Required Shielding*

D. General Standards. In addition to the Mounting Height and Shielding standards, exterior site lighting shall meet the following general standards:

1. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property.
2. All lighting shall be reduced to levels necessary only for security purposes within 3 hour after closing of the business and when adjoining any residential use.
3. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize up-lighting and glare. Gas station canopies shall not exceed .03 foot-candles onto adjacent property.

Table 1144-16: General District Lighting Design -- Maximum Lighting Mounting Height

GENERAL DISTRICT LIGHTING DESIGN -- MAXIMUM LIGHTING MOUNTING HEIGHT				
LIGHT TYPE ➢ ⮟ PLANNING DISTRICT	Driveways and Parking Areas	Pedestrian Walkways, Plazas or Courtyards	Facade Lights	Other Site Lighting
NH Planning District	**25'**	**8'**	Below the eave or cornice line, provided the light is directed downward.	**4.5'**
BMH or SPT Planning District	**25'**	**12'**		**8'**
CR Planning District	**20'**	**18'**		**15'**

Table 1144-17: General District Lighting Design -- Required Shielding

GENERAL DISTRICT LIGHTING DESIGN --REQUIRED SHIELDING			
SHIELD TYPE ➢ ⮟ WATTAGE OR MOUNTING HEIGHT	FULL CUTOFF [A]	CUTOFF [B]	SEMI-CUTOFF [C]
All lights mounted above 25'; or All lights above 450 Watts	Required	Prohibited	Prohibited
All lights Between 100 Watts and 450 Watts Lumens	Permitted	Required	Prohibited
All Lights Between 55 Watts and 99 Watts; or Any Light Mounted Between 12' and 25'	Permitted	Permitted	Permitted
All Lights Mounted below 12' AND Less than 55 Watts	No shielding is required; all shielding types permitted.		

A. Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.
B. Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.
C. Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

CHAPTER 1145 LANDSCAPE DESIGN

1145.01 DESIGN GOALS....294
1145.02 APPLICABILITY....295
1145.03 GENERAL REQUIREMENTS....296
1145.04 TREE PRESERVATION & PROTECTION....300
1145.05 STREET TREES....305
1145.06 INSTALLATION AND MAINTENANCE....307
1145.07 LANDSCAPE DESIGN....308
1145.08 SCREENING DESIGN....312
1145.09 FENCING....313
1145.10 WALLS AND HEDGES....314

TABLE 1145-18: LANDSCAPING DESIGN -- REQUIRED VERTICAL CLEARANCE FOR NEW TREES....299
TABLE 1145-19: LANDSCAPE DESIGN -- REQUIRED HORIZONTAL SETBACKS FOR NEW TREES....299
TABLE 1145-20: LANDSCAPE DESIGN -- BONUS FOR LARGER TREES....302
TABLE 1145-21: LANDSCAPE DESIGN -- NUMBER OF STREET TREES REQUIRED....305
TABLE1145-22: LANDSCAPE DESIGN -- PROHIBITED STREET TREES....306
TABLE 1145-23: LANDSCAPE DESIGN -- RECOMMENDED STREET TREES....306
TABLE1145-24: LANDSCAPE DESIGN -- USES REQUIRING TRANSITION BUFFERS....308
TABLE 1145-25: LANDSCAPE DESIGN -- USES REQUIRING OTHER LANDSCAPE SCREENING....309
TABLE 1145-26: LANDSCAPE DESIGN -- SCREENING INTENSITY....310

1145.01 DESIGN GOALS

In meeting the intent of this Title, the standards in this Chapter fulfill the following design goals with respect to landscape design:

A. To realize the benefits of screening and landscaping in realizing greater land use compatibility.

B. Reduce the exposure of parking area users to wind, glare, and temperature extremes

C. Mitigate the adverse effects on streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting

D. Contribute to improved community appearance and property values

E. Preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon, and

F. Minimize disruptive complaints of nuisance effects against the City's businesses from near-by residents

G. Provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen.

H. Relieve property owners of the large setback requirements that are typically used in other cities to buffer uses from neighboring uses or from the street by requiring smaller but intensively screened or landscaped buffers in their place.

1145.02 APPLICABILITY

A. Requirements. Landscaping or screening shall be required as provided in Tables 1145-4 and 1145-5 except as provided herein. Except as otherwise provided herein or in *Chapter 1114, d Nonconformities*, the requirements of this chapter shall not be applied retroactively to actions taken prior to the effective date of this Code.

B. Exceptions.

1. *Conditional Uses.* Because of their special nature, Conditional Uses under *Section 1133.03* of Title 3, Zoning Regulations may be required to have landscaping or screening exceeding the requirements herein.

2. *Existing Uses*. Application of these provisions to uses existing before the effective date of the first edition of this Code (ORD. 93-2005) shall be as provided in Chapter 1114, Nonconformities. Except that conformity to the requirements of *Table 1145-21 Landscape Design – Uses Requiring Other Landscape Screening* for Screens shall be achieved prior to the issuance of an Occupancy Permit for any construction, alteration, or change of occupancy.

3. *Screening on Abutting Lot.* The requirements for a transition buffer or screen may be reduced by crediting any permanent landscaping or screening that may exist on an abutting lot along the applicable common lot line if such installation meets the requirements of Table 1145-20 or 1145-21.

4. *Below-Grade Areas.* The height of a frontage buffer, transition buffer, or screen along a lot line for a below-grade parking or loading area shall be reduced by the amount the mean grade along and outside that lot line within 4 feet thereof exceeds the highest point of the finished grade of the parking or loading area.

5. *Building Walls.* An existing legal building wall may be used to meet the requirement for a screen under *Table 1145-24 or 1145-25*.

6. *Shared Driveway*. No transition buffer or screen shall be required along that portion of a lot line where there is a driveway or vehicular aisle that is shared with an abutting lot.

7. *Lots With Insufficient Space*. The Planning Director may waive or reduce the requirement for installation of any landscaping or screening required by this chapter for a use on any developed lot on which there is insufficient yard space to allow its installation, such as on properties built with small yards or none at all. No waiver shall be granted if a reduction in dimensions would allow the installation, and any such reduction shall be the minimum needed to permit the installation.

8. *Temporary Uses.* Temporary uses, such as temporary parking areas for special events and temporary open sales lots, shall be exempt from all requirements of this Chapter except those the Planning Director may determine necessary to protect the public welfare.

9. *Access Ways.* Transition Buffers and Frontage Buffers shall not be required along the width of driveways and other access ways. Widths of access ways shall not be counted for purposes of determining numbers of trees and shrubs required by *Table 1145-26*.

10. *Sign Vision Clearance Triangle.* Walls, fences, hedges, berms, and other opaque landscaping or screening obstructions shall conform to the provisions in Section 1146.05.C.10, Sign Vision Clearance Triangle

11. *Other.* Requests for other exceptions may be approved as Variances under procedures established in *Section 1113.16 Variances* of Title 1, Administration.

1145.03 GENERAL REQUIREMENTS

A. Types of Landscaping Materials. Varieties of living landscape materials used shall be:

1. Healthy, hardy, having vigorous root systems, and drought-resistant, and

2. Suitable for the environmental influences on the site, such as exposure to sun, wind, water, heat, exhaust fumes, or road salt, and

3. Compatible with the slope of the site, with existing vegetation to be preserved, and with utility lines above or below ground level, and

4. Not prone to cause a nuisance outside the lot lines as a result of dropping fruit or debris other than leaves, and

5. Consistent with the anticipated capacity and inclination of the property owner or tenant to maintain the landscaped areas.

6. Where vulnerable to damage, materials shall be protected from pedestrian or vehicular traffic by grates, pavers, or other measures.

7. Retaining walls and edging strips shall be of ornamental materials as determined by the Planning Director.

B. Permitted Forms for Screens. The Screen required in *Table 1145-25* and in of *Table 1145-26* may take the form of:

1. A fence, or

2. A compact hedge or other live evergreen vegetative barrier, or

3. Buildings or architectural features of buildings such as a parapet or wing wall, or

4. A finished concrete or masonry wall, or

5. A berm conforming to sub-section E. below, or

6. A combination of any of the foregoing.

C. Ground Cover.

1. *Where Required.* Sod or other vegetative ground cover shall be planted (on bare soil) over all landscaped areas including earthen faces of berms except in areas planted in flowers, shrubs, or trees.

2. *When Coverage Required.* Such planting shall present a finished appearance and reasonably complete coverage within 12 months of planting or such longer period as the Planning Director approves based on weather or similar conditions affecting vegetative growth or survival.

3. *Varied Cover Required.* Except in lawns, no single type of ground cover shall be used over more than 50 percent of any required landscaped area.

4. *Non-Living Materials.* Non-living landscaping materials such as sand, stone, rocks, barks, or artificial turf or vegetation may be substituted for living cover over a maximum of 25 percent of the landscaped area.

D. Naturalized Landscaping.

1. *Purpose.* Plantings of varied native and non-native grasses and wildflowers comparable to those found in undisturbed natural environments offer a number of advantages over turf and other vegetation typically found in cultivated green areas in urbanized locations. They reduce runoff and promote infiltration of storm water. Their cultivation is characterized by reduced use of chemical fertilizers, which can pollute both land and water, and lower water consumption, and they conserve energy. They require less maintenance and offer a more varied and changing garden-like appearance.

2. *Where Permitted.* In lieu of conventional turf, naturalized landscaping consisting of a variety of native and/or non-native wildflowers and grasses conforming to these regulations may be used as landscaping and ground cover. It may be used in all or portions of Frontage Buffers, Transition Buffers, Islands, and Lawns as well as in front and rear yards and other open spaces either required or not required herein, whether or not pre-dating the effective date of this Code.

3. *Exemptions.* Because of its environmental superiority in reducing runoff, recharging ground water, and reducing water pollution, a landscaped area or portion thereof planted in naturalized landscaping conforming to these regulations shall be exempt from:

   a. The shrub requirement in *Table 1145-26*, and

   b. The deadline in Subsection C.2 above for complete coverage, and

   c. The 8-inch limit on the height of grass in *561.01(b)* of the Codified Ordinances, except as provided in Subsection D.6 below.

      (1) Naturalized landscape areas shall conform to all other applicable provisions of City regulations.

4. *Weeds Prohibited.* The following noxious weeds shall be removed from any area of naturalized landscaping:

   a. Burdock
   b. Giant and Common Ragweed
   c. Thistles
   d. Leafy Spurge
   e. Field Bindweed
   f. Poison Ivy
   g. Poison Oak
   h. Stinging Nettle
   i. Tree of Heaven or Sumac.

5. *Maintenance.* Areas of naturalized landscaping shall be so maintained as:

    a. To promote the environmental benefits of runoff reduction, ground water recharge, and pollution control.

    b. To enhance the appearance of the property consistent with the garden-like aesthetic found in wild and natural environments.

    c. To avoid hazards on adjacent properties or street rights-of-way or pedestrian paths.

    d. They shall further conform to applicable maintenance requirements of *Section 1145.06.*

6. *Fire Hazard.* The Planning Director in consultation with the Fire Chief may order any area of vegetation to be cut to a height not exceeding 8 inches upon finding it to be a fire hazard.

7. *Exemption.* Natural vegetation in naturally wild areas of 1.5 acres or more--such as in county, state, or national parks, reservations, wildlife preserves, and the like, whether public or private--shall not be subject to these regulations.

E. Berms.

1. The interior face of an earthen berm may be retained by a wall, terrace, or other means acceptable to the Planning Director in lieu of an earthen slope.

2. Earthen face slopes shall not exceed 33 percent if covered with grass or 50 percent if in other plant cover.

3. Earthen berm faces on which groundcover is not yet completely established shall be protected from erosion by a mulch and/or erosion control net.

F. Curbing. All landscaped areas located in or abutting parking or loading or other vehicular areas shall be separated on all sides from the paved surface by curbing consisting of concrete, stone, brick, or other material approved by the City Engineer as having comparable appearance and durability. Curbing shall be in good condition upon installation. The City Engineer may require curbing of a height or material he or she specifies adjacent to vehicular areas commonly used by commercial vehicles of over 10,000 pounds of curb weight unloaded.

G. Trees. The provisions herein shall apply to all trees installed in landscaped areas required by *Tables 1145-24* and *1145-25*.

1. *Required Separation.*

    a. *Vertical Clearance.* Trees shall be planted and pruned so that their branches conform to the vertical distances or clearances provided in *Table 1145-18: Landscape Design – Required Vertical Clearance for New Trees*.

Table 1145-18: Landscaping Design -- Required Vertical Clearance for New Trees

LANDSCAPE DESIGN -- REQUIRED VERTICAL CLEARANCE FOR NEW TREES	
MINIMUM DISTANCE	VERTICAL DISTANCE OF BRANCHES MEASURED FROM -
10’	Overhead utility lines
16’	Pavement: streets or vehicular areas trucks use
12’	Pavement: other streets or vehicular areas
8’	Sidewalks or pedestrian areas
2.5’	The closed 3 feet of landscaped area directly in front of or behind an off-street parking space

b. *Horizontal Setbacks.* New trees shall be planted to conform to the horizontal distances from the trunk provided in T*able 1145-19: Landscape Design—Required Horizontal Setbacks for New Trees*.

Table 1145-19: Landscape Design -- Required Horizontal Setbacks for New Trees

LANDSCAPE DESIGN -- REQUIRED HORIZONTAL SETBACKS FOR NEW TREES	
MINIMUM DISTANCE	DISTANCE OF TRUNK MEASURED FROM
45’	A large tree [a].
35’	A medium tree [a].
25’	A small tree [a].
20’	Street intersection [b].
12’	Street light
10’	Alley intersection [c], driveway [c], fire hydrant, or utility pole.
2’ [D]	Sidewalk curb or street pavement

[a] Standard applies between street trees only.
[b] From right-of-way line. Except 30 feet on near side.
[c] 20 feet on near side of driveways or alleys serving commercial or industrial uses.
[d] Or 3 feet for medium trees and 4 feet for large trees.

2. *Condition.* Trees planted shall be free from disease, fungus, and scales.

3. *Trees and Signs.*

a. *Installation.* New or replacement trees in non-residentail districts shall, consistent with the health of the tree, be installed and maintained to preserve the visibility of existing legal signs to the degree possible in the judgment of the Planning Director consistent with the objectives of tree installation. Where practical, spacing of trees shall be varied if necessary to preserve the visibility of an existing sign. Otherwise species or varieties of trees shall be selected the width, opacity, or height of the top or the base of the crown of which is consistent with minimum obstruction of existing signs.

b. *Pruning.* Trees shall be pruned as necessary to preserve or enhance the visibility of existing signs to the degree consistent with tree health and integrity.

(1) Sign-Obstructing Tree Removal. A business or property owner may re-quest of the Service Director the removal or replacement of a street tree that interferes with the visibility of a legal sign on his or her premises if the installation of the sign in its

current location predated the placement of the tree. The Director may order the tree removed or replaced if he or she determines that:

(a) The tree interferes significantly with the visibility of such sign from the street or sidewalk, and

(b) The tree's age or size does not render it of special value to the public.

(c) If the Planning Director does not approve tree removal or replacement, the Board of Zoning Appeals may approve a Variance under provisions of *Section 1113.16* of Title 1, Administration that will allow sign visibility generally equivalent to that which the sign would have enjoyed but for the location of the tree. Only the City or other public entity shall authorize the removal of street trees on public streets.

1145.04 TREE PRESERVATION & PROTECTION

A. Mandatory Preservation.

1. *Purpose*. The purpose of these regulations is to preserve the public benefits of shade, beauty, and other attributes of mature trees and to recognize the difficulty in replacing these benefits in light of the time it takes trees to reach maturity.

2. *Preservation of Larger Trees.* Trees on public or private property with a 18-inch or greater trunk caliper dbh (diameter at breast height) at 4.5 feet above grade at the base of the trunk shall not be removed without a permit issued by the Planning Director.

3. *Exceptions*. No permit shall be required for tree removal in the following cases:

a. Built Home Lots - The tree is on a lot or building site currently accommodating a permanent single- or two-family dwelling.

b. Other Built-Up Lots - The tree is on a lot or building site of 2 acres or less accommodating any other permanent building on which no expansion of a principal or accessory use is proposed.

c. Smaller Undeveloped Lots - The tree is on a lot or building site of 2 acres or less that is vacant or solely in agricultural cultivation.

d. Necessary or Desirable Removal - The preservation of the tree is undesirable or impractical because:

(1) The tree to be removed is incurably diseased, dying, or dead, or so damaged that it is likely to become so, or

(2) It poses a safety hazard to an existing or proposed structure for which another location is impractical, or

(3) It presents a safety hazard to pedestrians or vehicular traffic, or

(4) It may disrupt public services, or

(5) It is an undesirable species for its location, or

(6) It is on a site judged to have sufficient mature trees to achieve the objectives of these provisions even with the loss of the subject tree, or

(7) Removal is necessary for the health of nearby trees or is otherwise consistent with good forestry practice, or

(8) It is within or within 15 feet of the ground coverage of proposed structures for which other locations are impractical, or

(9) It is in the path of, or within the right-of-way of a proposed street, alley, access drive, driveway, or drainage or utility installation for which an alternative alignment is not practical, or

(10) Any Variance, Conditional Use, or other special approval authorized by this or any other City code necessary to avoid removal of the tree is prohibited or unlikely to be approved, or

(11) Retention of the tree would preclude any reasonable use of the property.

B. Replacement of Removed Trees.

1. *Legally Removed Trees.* Any tree required to be preserved hereunder that is removed under1145.04A2 shall either be:

   a. Moved to another location, or

   b. Replaced with:
      (1) Another tree of a caliper no less than 15 percent of that of the removed tree, or
      (2) Multiple trees the combined calipers of which total not less than 25 percent of that of the removed trees.

2. *Illegally Removed Trees*. Any tree required to be preserved hereunder that is removed without approval under Section 1145 A. 2 shall be replaced with:

   a. A tree of a caliper no less than 50 percent of that of the removed tree, or

   b. Multiple trees the combined calipers of which total not less than 200 percent thereof.

3. *Location of Replacement Trees.* Trees replacing removed trees under Section 1145 B (1) and 1145 B (2) shall be installed at a location approved by the Planning Director that is:

   a. On the same lot or building site, or

   b. On another lot or building site within the same development, or

   c. In the street right-of-way abutting the development.

      (1) A tree that cannot be so installed shall be installed in a location the Director approves.

4. *Credit Toward Requirements.* The Planning Director shall credit toward the requirements of Table 1145-20 healthy trees or shrubs existing on a site prior to development, that are located within proposed landscaped areas, and that are proposed to be preserved. Except as provided in Section 1145.04 A. 2, each preserved tree or shrub meeting the requirements of *Table 1145-20* shall reduce by one the number of new trees or shrubs, respectively, required.

5. *Bonus Credit for Larger Trees.* Larger trees preserved under Section 1145.04 A. 2 shall reduce the number of new trees required by *Table 1145-20: Landscape Design* as follows:

Table 1145-20: Landscape Design -- Bonus for Larger Trees

TRUNK CALIPER OF EXISTING TREE TO BE PRESERVED*	NUMBER OF NEW TREES REQUIRED
4" – 10"	2
11" to 20"	3
Over 20"	4

* *Measured 1 foot above grade at base.*

C. Tree Protection During Construction.

1. *Certification Required.* An applicant preserving existing trees under Chapter 1146.02.H. shall file with the Planning Director a written statement certifying that all such trees and shrubs are currently healthy and that the requirements of this section will be adhered to with respect to the trees to be preserved. The Planning Director may consult with an arborist or urban forester in determining compliance herewith.

2. *Mechanical and Chemical Injury.*

   a. Purpose. Protective barriers are required to prevent mechanical injuries to trees intended to be pre-served that are caused by soil compaction, unnecessary cutting of roots, fire, collisions with heavy equipment, carelessness with tools, or girding with guy wires, and injury caused by solvents, paints, oils, or other chemicals.

   b. Enclosure of Drip Line Area. A fence, roping, flagging, or other protective barrier shall enclose areas within the drip line(s), and exposed roots outside such line(s), of each tree or group of trees to be preserved.

      (1) Such barrier shall be visible enough to be seen easily by equipment operators.

      (2) Removal of brush and weeds within this barrier shall be performed with hand tools only. To avoid chemical damage to trees, equipment shall not be cleaned within the barrier.

      (3) No equipment, materials, fill, or debris shall be stored within the barrier except as may be necessary for a reasonable time if no other storage area is available.

   c. Bark Protection. Trunks of trees to be preserved that surround the immediate building site and border access roads shall be wrapped with sections of snow fence or boards wired together. No nails or spikes shall be driven into trees to be preserved, nor shall such trees be used for signs, fencing, roping, or cables.

3. Grade Changes.

a. *Purpose.* Because changing the grade of the land surrounding a tree can impair the ability of its roots to obtain necessary amounts of air, water, and land minerals, protective measures shall be taken as specified herein.

b. Raising of Grade.

(1) Tree Preservation Measures. Before the grade of the land around a tree to be preserved is raised by land filling, the Planning Director may, in consultation with an arborist or urban forester, require the party undertaking the grading to:

(a) Relocate the tree if feasible, or

(b) Install an aeration system consisting of a dry well around the trunk together with a layer of gravel and stone and a system of drain tiles over the root system at the level of the original grade, or

(c) If an aeration system is impractical or financially infeasible, take other measures to protect the tree.

(d) Any aeration system shall be configured to provide, in the judgment of the Planning Director, adequate air and water circulation and drainage of water away from the trunk.

(2) *Exemption*. Fills are exempt from the provisions of sub-section 1145.04 C 3 b, above if they:

(a) Are 6 inches or less in depth, and

(b) Do not contain clay, marl, or other heavy impervious fills of any depth in the judgment of the Planning Director, and

(c) Consist only of porous, loamy, or gravelly soil high in organic matter.

c. *Lowering of Grade*. To protect trees intended to be preserved from removal of or damage to feeder roots or changes to the water table, the area within the drip line shall not be lowered. Such area shall be separated from a lowered grade by either terracing or, for grade differences of less than 2 feet, construction of a dry retaining wall.

4. Excavations.

a. Location. Excavations for utility pipelines shall be routed within a drip line of a tree to be preserved only if in the judgment of the Planning Director:

(1) No route bypassing the root area is practical, and

(2) Tunneling under the roots with a power-driven soil augur is impractical or financially infeasible in relation to the value of the tree.

(3) The Planning Director shall consult with the public utilities to avoid conflicts with this provision.

b. Root Protection. Parties excavating within the root area shall:

(1) Minimize the number of roots cut, especially large main roots, and

(2) Cleanly cut with proper tools such roots as must be cut and re-trim them after excavation, and

(3) Paint cuts of roots of 1/4-inch diameter or larger with a wound dressing like orange shellac, and

(4) Backfill the trench as soon after excavation as possible to minimize the time roots are exposed to the air, and

(5) Leave no pockets of air when backfilling, and

(6) Mix peat moss with fill soil to promote new growth.

5. *Damage Mitigation.* Where, despite the foregoing provisions, significant damage has been done to the roots, the tree shall be fertilized and excess branches that cannot be supported by the remaining undamaged roots shall be pruned. Tree limbs damaged during construction shall be sawed off flush to the trunk.

6. Cleanup.

a. Disposal of Debris. Debris shall not be burned on site but shall be hauled away to a City-approved disposal site.
b. Removal of Barriers. Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

D. Tree Inventory.

1. A tree inventory plan is required for every with the submission of an application for a: Preliminary Subdivision Plat *(Section 1113.03)*, Final Subdivision Plat (*Section 1113.04*, Conditional Zoning Certificate (*Section 1113.08*), Minor Site Plan (*Section 1113.10*), Major Site Plan (*Section 1113.11*), and Special Overlay District Requirements in Chapter 1132 of Title 3.

2. The inventory will include:

a. Location of trees with the 18- inch or greater trunk caliper dbh (diameter at breast height) at 4.5 feet above grade at the base of the trunk. In addition, each tree types shall also be identified.

b. Location of all trees between 6-inch and 18-inch trunk caliper dbh at 4.5 feet above grade at the base of the trunk.

c. Stream Corridor areas *(Section 1125.02)* and Residential Conservation Overlay District *(Section 1132.20)*

(1) All trees in Stream Corridor areas and in Primary and Secondary Preserved areas in Residential Conservation Overlay Districts shall be protected but not inventoried as stated in 2 a and b above.

(2) Inventory shall only designate "Stream Corridor Area" or "Primary and Secondary Preserved Area" in any Residential Conservation Overlay Districts. These areas shall be protected but do not have to be inventoried.

E. See Section 1113.12 Landscape Plan, Tree Inventory, Tree Preservation/Protection Strategy of Title 1 for application and submission requirements.

1145.05 STREET TREES

A. Number Required. Street trees shall be installed along the right-of-way on each side of the street as specified in *Table 1145-21:Landscape Design*.

Table 1145-21: Landscape Design -- Number of Street Trees Required

NUMBER OF STREET TREES REQUIRED		
SIZE OF TREE	NUMBER OF TREES PER 100 LINEAR FEET [A]	
	RESIDENTIAL NEIGHBORHOOD DISTRICTS	MIXED-USE OR GENERAL DISTRICTS
Small	3.5	1.75
Medium	2.5	1.25
Large	2	1

* *See also minimum spacing requirements in Table 1145-19.*
[a] Excluding frontage devoted to curb cuts. Uniform spacing is not required

B. Where Installed. Street trees shall be planted:

1. In the tree lawn abutting the lot, or

2. Elsewhere in the tree lawn if necessitated by *Tables 1145-18, 1145-19, or 1145.03 G* or

3. In a 10-foot-wide recorded easement abutting the front and corner side yard lines if:

   a. There is no tree lawn, or

   b. The tree lawn is less than 4 feet wide and use of a species suited to a narrow strip is not practical in the judgment of the Planning Director, or

   c. The tree lawn is to be eliminated or narrowed to less than 4 feet wide by a planned road widening, or

   d. The tree lawn is less than 10 feet wide and utility lines lie or will lie beneath it, or

   e. The Planning Commission approves a request for this location.

4. No street tree shall be planted in the path of a planned or code-required sidewalk.

C. Size. Caliper of street trees when planted shall be no less than 2.5 inches measured one foot above ground level. In tree lawns or street tree easements less than 6 feet wide, only small trees, as defined herein, shall be planted. In such areas that are less than 8 feet wide, only small or medium trees shall be installed.

D. Maintenance. Maintenance of street trees shall be the responsibility of the abutting property owner. Property owner responsibilities shall include:

1. Watering and spraying, and

2. Removal of fallen leaves on sidewalks.

3. Tree planting, removal, and pruning shall be performed only by a professional landscape contractor retained by the City or an authorized City employee, except that a public utility may remove branches interfering with utility lines.

E. Street Tree Removal. No street tree on a public street shall be removed without prior approval of the Service Director or other authorized public entity.

F. Tree Lawns. No non-living landscaping materials shall be used in tree lawns in street rights-of-way except for materials approved by the Planning Director in tree lawns 3 feet or less in width. In addition, Chapter 561.05 of the Cuyahoga Falls Codified Ordnance shall also be fully enforced.

G. Street Types. *Tables 1145-22 Landscape Design-Prohibited Trees Types* and *Table 1145-23 Landscape Design-Recommended Street Trees* shall serve as the basis for selecting street trees.

H. Other Requirements. Street trees shall conform to the requirements for all trees in S*ection 1145.03.G.*

Table1145-22: Landscape Design -- Prohibited Street Trees

PROHIBITED STREET TREES			
COMMON NAME	BOTANICAL NAME	COMMON NAME	BOTANICAL NAME
Apple	Malus	Maple, Box Elder	Acer negundo
Ash, ALL	ALL	Maple, Silver	Acer saccharinum
Aspen	Populus	Oak, Pin	Quercus palustris
Beech, American	Fagus Grandifera	Ohio Buckeye	Aesculus glabra
Birch, Paper Grey	Betula Paprifera Populifolia,	Olive, Russian	Eleagnus angustifolia
European	Alba		
Catapla	Catalpa Speciosa	Osage Orange	Maclura pomifera
Elm, Siberian	Ulmus Americana	Poplar	Populus
Elm, Siberian	Ulmus pumilia	Sweetgum	Liquidambar styraciflua
Ginko (female)	Ginko biloba (fem.)	Sycamore	Plantanus occidentalis altissima
Hawthorn	Cataegus	Tree of Heaven	Ailanthus occidentalis
Horse Chestnut (nut bearing)	Aesculus hippocastarum	Walnut, Black	Juglans nigra
Kentucky Coffee Tree	Gymnocladus dioicus	Willow	Salix

Table 1145-23: Landscape Design -- Recommended Street Trees

LANDSCAPE DESIGN -- RECOMMENDED STREET TREES	
Under Utility Wires in Tree Lawns 3 - 5 Feet Wide	**Not Under Utility Wires in Tree Lawns 6 - 8 Feet Wide**
◘ Cherry, Amanogawa Oriental (Prunus serrulata 'Amanogawa')	◘ Birch, River (Betuala nigra)
◘ Cherry, Canada Red Select (Prunus virginiana 'Canada Red Select')	◘ Cleveland Select (Pyrus calleryana)
◘ Dogwood, Kousa (Cornus kousa)	◘ Honeylocust, Thornless (Gleditsia triacanthos inermis)
◘ Lilac, Ivory Silk Japanese Tree (Syringata reticulata 'Ivory Silk')	◘ Hornbeam (Ostrya virginiana)
◘ Magolia, Galaxy (Magnolia x quinquepeta'Galaxy')	◘ Hornbeam, European (Carpinus betulus)
◘ Maple, Paperbark (Acer griseum)	◘ Linden, Corinthian Littleleaf (Tilia cordata 'Corzam')
◘ Serviceberry, Robin Hill (Amelanchier x grandiflora 'Robin Hill')	◘ Linden, Glenleven Hybrid (Tilia x flavescens 'Glenleven')
◘ Serviceberry, Shadblow (Amelanchier arborea)	◘ Maple, Hedge (Acer campestre)
	◘ Oak, English Pyramidal (Quercus robur 'Fastigiata')
	◘ Oak, Skyrocket English (Quercus robur 'Skyrocket')
	◘ Pear, Callery (Aristocrat or Chanticleer)

	◘ Sourgum/Blackgum (Nyssa sylvatica)
Under Utility Wires in Tree Lawns No Less than 8 Feet Wide ◘ Cherry, Kwazan (Prunus serrulata 'Kwazan') ◘ Chokecherry, Shubert (Prunus virginiana'Shubert') ◘ Crabapple, Donald Wyman (Malus 'Donald Wyman') ◘ Crabapple, Floribunda (Malus 'Floribunda') ◘ Crabapple, Indian Magic (Malus 'Indian Magic') ◘ Crabapple, Prariefire (Malus 'Prairiefire') ◘ Crabapple, Spring Snow (Malus 'Spring Snow') ◘ Crabapple, Sugar Tyme (Malus 'Sugar Tyme') ◘ Dogwood, Pagoda (Cornus alternifolia) ◘ Hornbeam, American (Carpinus Caroliniana) ◘ Locust, "Globehead' Globe (Robinia pseudacacia) ◘ Maple, Amur (Acer ginnala) ◘ Maple, Hedge (Acer campestre) ◘ Maple, Tartarian (Acer Tartarian) ◘ Serviceberry, Cumulus (Amelanchier laevis)	**Not under Utility Wires in Tree Lawns No Less Than 8 Feet Wide** ◘ Beech, American (Fagus grandifolia) ◘ Honeylocust (Gleditsia triacanthos inermis) ◘ Linden (Tilia cordata 'Greenspire') ◘ Linden, Redmond (Tilia Americana 'Redmond') ◘ Linden, Silver (Tilia tomentosa) ◘ Maple, Emerald (Acer platanoides) ◘ Queen Norway ('Emerald Queen') ◘ Maple, Red (Acer rubrum) ◘ Maple, Sugar (Acer saccharum) ◘ Oak, Bur (Quercus macrocarpa) ◘ Oak, Red (Quercus rubra) ◘ Oak, Scarlet (Quercus coccinea) ◘ Oak, Swamp White (Quercus bicolor) ◘ Oak, White (Quercus alba) ◘ Planetree, Bloodgood (Platanus x acerifolia) ◘ London ('Bloodgood') ◘ Sweet Gum (Liquidambar styraciflua) ◘ Tuliptree (Liriodendron tulipfera)

1145.06 INSTALLATION AND MAINTENANCE

A. Assurance of Installation. Before any Occupancy Permit is issued for any application, which the provisions of this chapter apply, the Planning Director shall determine either:

1. That landscaping and screening required hereunder have been fully installed, or

2. If seasonal or weather conditions or other factors preclude such installation at the time of application, that a financial guarantee has been submitted to guarantee installation within 9 months of the date of issuance of the Occupancy Permit.

3. Such guarantee shall comply with applicable provisions of Title 2, Subdivision Regulations.

B. Installation Procedures. All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or any successor organization. Materials shall be guyed and staked as necessary to conform to current industry standards in a way that does not interfere with vehicular or pedestrian traffic.

C. Maintenance and Replacement.

1. All living and non-living landscaping and screening, whether installed before or after the effective date of this Code, shall be maintained in a good condition at all times so as to present a healthy, intact, and litter- and refuse-free appearance.

2. Unhealthy or dead vegetation shall be replaced with healthy live plantings by the end of the next applicable planting season.

3. The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing either required by these regulations or not so required but specified in plans approved by the City. Such maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.

D. Removal of Landscaping. Installed landscaping and screening may not be removed except temporarily for replacement or maintenance. Except that a Transition Buffer may be removed if the zoning or land use, as applicable, of an abutting parcel is changed to a district that does not require the Buffer, and other landscaping or screening may be removed if the condition mandating the installation no longer applies.

E. Guarantee. The installer shall guarantee landscaping for one year after planting and replace any living landscaping that dies within such period. The Planning Director may require a financial guarantee for this purpose meeting the requirements of Title 2, Subdivision Regulations.

1145.07 LANDSCAPE DESIGN

Tables 1145-24, 1145-25, 1145-26 and *Figures 1145-8* and *1145-9* provide requirements and guidance in preparing a Landscape Plan as required by Section *1113.12*.

Table1145-24: Landscape Design -- Uses Requiring Transition Buffers

LANDSCAPE DESIGN -- USES REQUIRING TRANSITION BUFFERS		
Use or Zoning District		Screening Intensity*
Buffer Required Between	And	
R-6	R-R, R-1, R-2, R-3, R-4	Medium
R-5	R-R, R-1, R-2, R-3	Medium
Any other District	R- Cluster Overlay	Heavy
MU**, C-1, E-1	Any R District	Medium
M-1	Any R District	Heavy
Off-street Parking Area	Any R District	Heavy
	All other Districts	Light
Drive-through Lane	Any R District	Heavy
Oil or gas well, tank batteries, or brine disposal sites	Adjacent Land	Heavy

** See Table 1145-26 for description of Screening Intensity*

A Transition Buffer is a landscaped area abutting and along the length of interior side and rear lot lines that abut or are across an alley of minor street from districts or uses specified herein which the use or zoning of the subject lot is considered incompatible. Installation of the Transition Buffer required herein shall be the responsibility of all new uses irrespective of zoning district.

A new use in the M-1 District, for example, shall provide a Transition Buffer next to an existing use in an R-5 District. Similarly, a new use in an R-5 District shall provide a Transition Buffer next to an existing use in the M-1 District.

No Transition Buffer is required for parcels devoted entirely to vacant or agricultural land.

The finished or decorative face of a fence or wall included in the Buffer shall face the district or use in the second column.

Where required Buffers do not exist between two existing uses, both are nonconforming. Chapter 1115 shall govern buffer provision in such case.

*** Single-family or attached single-family uses in MU districts will be required light screening intensity to any R Districts.*

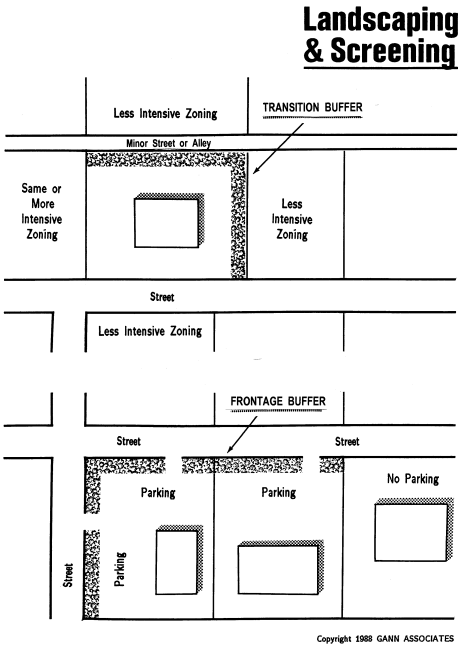


Figure 1145-8 Landscape Design—Landscaping and Screening Diagram

Table 1145-25: Landscape Design -- Uses Requiring Other Landscape Screening

LANDSCAPE DESIGN -- USES REQUIRING OTHER LANDSCAPE SCREENING						
Use		Frontage Buffer [A] Intensity	Foundation Landscaping [B] Intensity	Screen [C]	Street Trees [D]	Lawns [E]
Principle Use	All Residential Uses		Light		X	Light
	Retail and Office Uses [f]		Medium		X	Light
	All Non-residential Uses				X	
	Uses in E-1, M-1, and C-1				X	
	Motor Vehicle Impound Lots			X		Light
	Utility Stations [g]	Medium				Light
Accessory Use	Outdoor Storage [h]			X		
	Open Service/Refuse Disposal Areas [h]			X		
	Residential rear yards abutting arterial streets [i]			X		
	Home occupation outdoor activity [i]			X		
	Electrical/Mechanical Equipment [k]			X		
Vehicular Areas	All Vehicular Areas	Medium				
	Open off-street parking [l]	Medium				
	Open off-street loading spaces	Medium		X		
	Open sales lots and service and filling stations	Light				

An "X" or other entry in a column shall mean the applicable item is required. Uses shall meet all applicable requirements of this table. See Table 1145-24 for Transition Buffer requirements.

*[a] **Frontage Buffer**- A Frontage Buffer is a landscaped area abutting and along the length of a street line in street yards on a lot or building site accommodating the uses specified.*

*[b] **Foundation Landscaping**-Foundation landscaping is a landscaped area abutting a building foundation along no less than 50 percent of its perimeter. Where a walkway abuts the foundation, landscaping may be located on the other side of the walk. Where the foundation abuts a lot line, no foundation landscaping shall be required.*

[c] ***Screen*** *- A Screen is a vertical barrier to visibility such as a fence, wall, or other form as permitted by 1145.03.B.). A Screen shall at all times conceal the use specified from view with minimum 75 percent opacity from any point less than 6 feet above the ground floor level on adjacent lots or building sites (except those separated from the use by an alley) and on any adjacent street. A door or gate left open shall not be considered to meet this requirement. Screens around refuse disposal areas shall be of masonry construction.*

1. Location - Unless otherwise provided herein, the Screen shall be installed on all sides of the specified use. No Screen shall be required on any side where it is unnecessary to accomplish the foregoing objective of a Screen.

2. Height -Except as otherwise provided herein, minimum height of the Screen shall be the lesser of:

A. The height of the use to be screened, or

B. A height sufficient in the judgment of the Planning Director to accomplish the objective of a Screen, as defined herein.

[d] ***Street Trees*** *- See 1145.05*

[e] ***Lawns*** *-Required in actual street yards except for vehicular areas and areas occupied by structures, walkways, and other encroachments allowed in actual street yards by City regulations. No lawn is required where a street yard is not provided.*

[f] ***Retail and Office Uses****- All retail, retail office, office, and personal service uses, as described in Title 3, except in the MU-6.*

[g] ***Utility Stations*** *Electric substations, communications towers, telephone exchanges, and similar utility uses, except in I Districts.*

[h] ***Outdoor Storage & Open Refuse Disposal Areas- This*** *does not apply to such areas that serve individual single- and two-family and townhouse dwelling. Not applicable to recycling units as defined in Section 1115.*

[i] ***Residential Rear Yard Abutting Arterial Street*** *- A Screen no less than 5 feet in fence height shall be required along a rear lot line abutting an arterial street on lots accommodating single- and two-family and townhouse dwellings.*

[j] ***Home Occupation Outdoor Activity*** *- Any conduct of a home occupation allowed under City regulations that takes place outside of a principal or accessory building.*

[k] ***Electrical/Mechanical Equipment*** *- Equipment such as transformers, air conditioners, or dish antennas exceeding 3 feet in diameter located in the open on the ground but protruding above grade, or on a roof. If in either such location they will be visible from a street abutting the lot or from an abutting lot in an R Residential District numbered R-5 or lower. For receiving antennas, the required minimum height of the Screen shall not exceed the greatest height that will clear the reception window, as defined herein.*

[l] ***Open Off-Street Parking Areas*** *- No less than 10 percent of a parking area (not counting landscaped areas) shall be landscaped. Frontage Buffers, Islands, and Transition Buffers abutting off-street parking areas shall be credited toward this requirement. Parking areas with over 60 spaces shall have Islands with Light intensity screening as provided below.*

Islands *- Islands are small landscaped areas in the interior of an open off-street parking area, often located at the ends of parking rows. No less than 5 percent of the area of an off-street parking area excluding landscaped areas shall be devoted to Islands. Islands shall be separated by no more than 100 feet measured along the row of spaces.*

Table 1145-26: Landscape Design -- Screening Intensity

LANDSCAPE DESIGN -- SCREENING INTENSITY				
		Light	**Medium**	**Heavy**
Landscaped Area [a]	Minimum Average Width [b]	5’	7’	10’
	Minimum Area [c]	25 sq. ft.	50 sq. ft.	100 sq. ft.
Landscaped Area Screen [d]	Minimum Height [e] [f]	--	4’	6’
	Minimum year-round OPACITY [g] [h]	--	50%	100%
Trees [i] [j]	Minimum number per 100 Linear feet [k]	1	2	3.5
	If Evergreens are use, Minimum height [e] [f] [g]	6’	6’	8’
	If Deciduous trees are used, Minimum Caliper [e] [l]	2”	2”	3”
Shrubs [i] [m]	Minimum number per 100 Linear feet [k]	10	15	20
	Minimum Height [e] [f] [g]	2’	2’	3’

[a] Ground cover for landscaped areas shall conform to 1145.03.C.

[b] Mean average width over the length of landscaped area separated from another by non-landscaped area, with a minimum width at any point of 4 feet. The width of any landscaped area between the sides of two parking spaces shall be no less than 9 feet to allow for car door openings. The width of any landscaped area between the ends of two parking spaces shall be no less than 8 feet to accommodate vehicle overhang.
[c] Minimum for any landscaped area separated from another by non-landscaped area. Areas with more than one tree shall have 25 square feet of area for each additional tree.
[d] May take any form permitted by 1145.03.B.
[e] At time of installation
[f] Fence height as defined herein.
[g] Also subject to 1146.05.C.10.
[h] Opacity of landscaped screen shall be achieved by the end of second growing season after installation.
[i] All trees and shrubs shall be located between the Screen, if any, and the nearest lot line.
[j] Trees shall conform to 1145.03.G.
[k] 100 linear feet or fraction thereof measured along length of landscaped area except landscaped areas of 25 square feet or less. Shrubs may be grouped: uniform spacing is not required.
[l] At 1 foot above grade at base
[m] At least 2 species of shrubs shall be used where 4 or more shrubs are required and a minimum of 3 species where 8 or more are required.

1145.08 SCREENING DESIGN

A. Screening Height. All fencing or walls where required herein are limited to six feet in height:

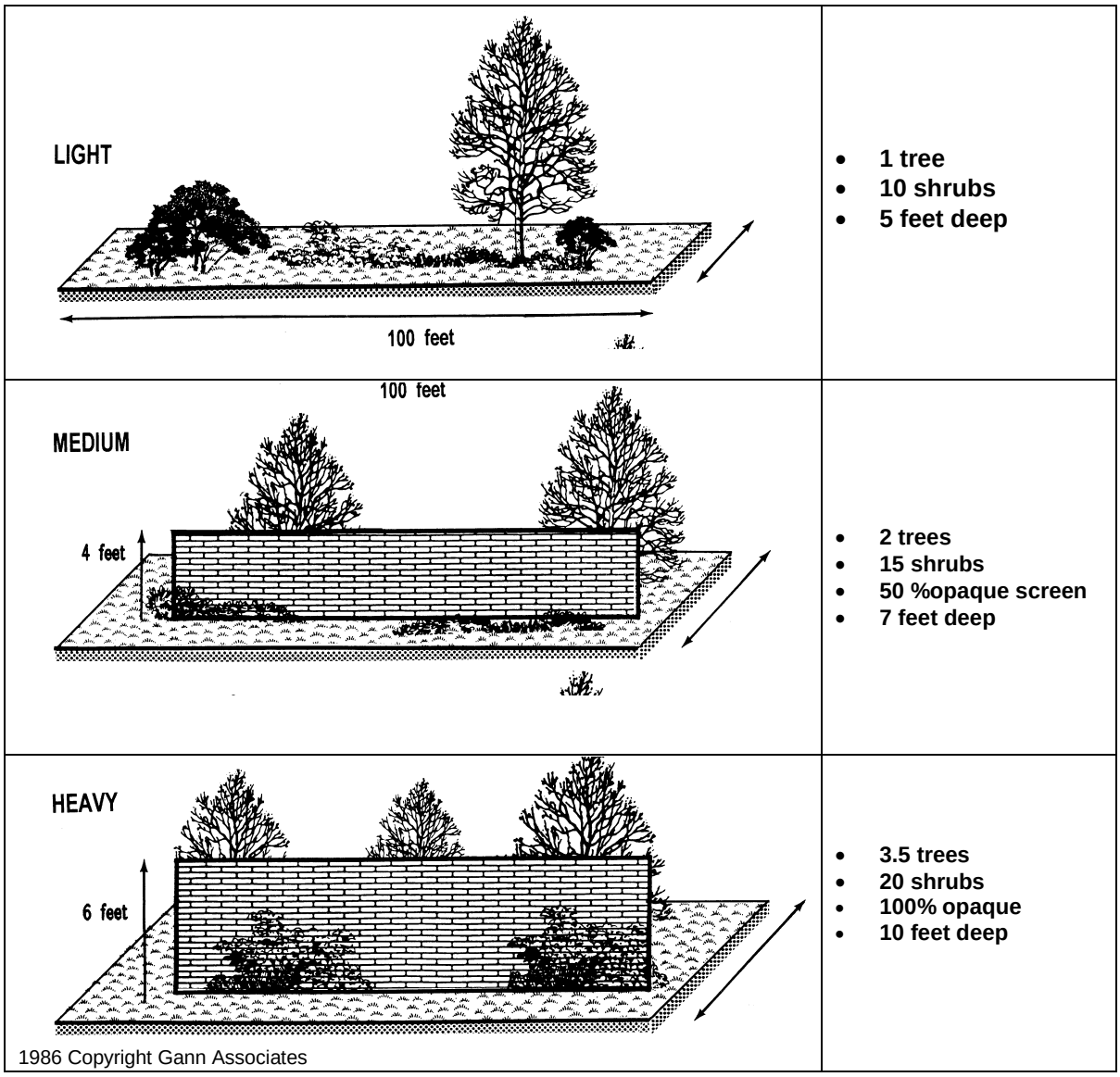


Figure 1145-9 Landscape Design – Screening Intensities

1145.09 FENCING

A. Front and Street-Side Fencing. All fencing in front of the front building line, or on the street-side on corner lots shall:

1. Be limited to no higher than 4 feet; and

2. Have a void of at least 50% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.

B. Side and Rear Fencing. All side and rear fencing located behind the front building line shall:

1. Be limited to no higher than 6 feet;

2. On corner lots, street-side fencing within 10 feet of the public right-of-way shall meet the standards in subsection A.

3. All other side or rear fencing may have a solid screen up to 6 feet.

4. Where Limited and Conditional Uses are allowed, side or rear fencing up to 8 feet is permitted with approval of the Planning Director.

5. In MU Districts where wood or vinyl fencing is used, such fence shall have masonry supports.

   a. The supports shall be spaced no more then 16 feet.

   b. The required screen shall have 100% opacity.

6. In E-1 and M-1 Districts the use of barbed wire on fencing is permitted, with approval of Planning Director.

C. Other Fencing Design Standards.

1. All fencing located along adjacent lot lines shall be constructed so that either:

   a. The face of the fence is on the property line; or

   b. The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment. Fences constructed less than 3 feet must provide proper evidence for variation.

   c. On lots or parcels of single ownership abutting fences are prohibited. When replacing fencing, the existing old fence must be removed.

   d. The property owner or agent is responsible for determining the location of all property lines.

2. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.

3. Fences shall be constructed out of any of the following materials:

   a. Wood or vinyl simulating wood;

   b. Wrought iron or aluminum simulating wrought iron;

   c. Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or

   d. Chain link or vinyl clad chain link, in the rear or side yard only with a maximum height of 4 feet in all districts except for E-1 and M-1, where rear or side yard maximum height is 8 feet.

   e. Electrified fencing for domesticated animals in the NP-1, R-R and R-1 districts only.

   f. Other materials commonly used in the judgment of the Planning Director for fencing or walls or other materials he or she approves.

D. Screening. All other screening in residential neighborhood districts shall occur according to the standards of *Chapter 1145, Landscape Design*.

1145.10 WALLS AND HEDGES

A. Front and Street-Side Walls and Hedges. All walls in front of the front building line, or on the street-side on corner lots shall:

   1. Be limited to no higher than 2.5 feet; and

   2. Hedges in front of the front building line with opacity over 50% that limit sight distance must be maintained at the height of 2.5 feet maximum.

B. Side and Rear Walls. All side and rear walls located behind the front building line shall:

   1. Be limited to no higher than 6 feet;
   2. On corner lots, street-side walls within 10 feet of the public right- of-way shall meet the standards in subsection A.
   3. All other side or rear walls may be erected to the height of up to 6 feet.
   4. Where Limited and Conditional Uses are allowed, side or rear walls up to 8 feet is permitted with approval of the Planning Director.
   5. In E-1 and M-1 Districts the use of barbed wire on walls is permitted, with approval of Planning Director.

C. Retaining Wall Height. The Planning Director may require that individual retaining walls visible from a street in landscaped areas not exceed a height of 10 feet and that tiering retain steeper landscaped areas. Retaining walls greater than 10' tall shall be tiered in 2 to 3 foot increments. When conditions are warranted, top of retaining walls shall be screened with fence according to *1145.08 C 3*.

CHAPTER 1146 SIGN DESIGN

1146.01 DESIGN GOALS....316
1146.02 LEVELS OF REGULATION....316
1146.03 EXEMPT SIGNS....317
1146.04 SIGN CLASSIFICATIONS....320
1146.05 SIGN STANDARDS....321
1146.06 RULES FOR SPECIAL SIGNS....332

TABLE1146-27: SIGN DESIGN -- EXAMPLES OF SIGN CLASSIFICATIONS....321
TABLE 1146-28: SIGN DESIGN -- SIGN AREA CAPACITIES....323
TABLE 1146-29: SIGN DESIGN -- PERMANENT SIGN ALLOWANCES....324
TABLE 1146-30: SIGN DESIGN -- INCREASE IN PERMANENT SIGN ALLOWANCE....324
TABLE1146-31: SIGN DESIGN -- PSA INCREASES FOR DESIGN ENHANCEMENTS....325
TABLE 1146-32: SIGN DESIGN -- MAXIMUM SIGN PROJECTION....326
TABLE 1146-33: SIGN DESIGN -- VISUAL CLEARANCE TRIANGLE....327

1146.01 DESIGN GOALS

A. In meeting the Intent of Title, Design Regulations, the standards in this Chapter 1147, Signs fulfill the following site design goals:

1. Accommodate the communications and advertising needs of businesses and other parties and improve the image of business areas.

2. Enable the public to locate goods, services, and facilities in Cuyahoga Falls easily.

3. Recognize that signs constitute a uniquely public form of communication that has effects on the public that more selective media do not.

4. Furthers visibility of competing messages and the communications effectiveness of signs

5. Creates business districts and business premises that are inviting to shoppers.

6. Promote pedestrian and traffic safety by minimizing sign hazards and obstructions.

7. Acknowledges diverse needs different businesses and organizations have for signage with rules adaptable to varying circumstances.

8. Allow sign users, designers, and fabricators artistic freedom while controlling adverse impacts of excessively obtrusive signage.

9. Do not directly or indirectly regulate the message content of signs but only the time, place, and manner of their display.

1146.02 LEVELS OF REGULATION

A. Two Levels Established. City Council may designate areas to be governed by the regulations established by either of the standards specified below. Such areas shall not be required to correspond with zoning district boundaries but shall not be applied in an arbitrary or inconsistent fashion.

1. *Showcase.* This represents a higher level of regulation for areas of especially significant visibility or where major appearance improvements are undertaken.

    a. MU-1, MU-2 and MU-6 districts have been designated as Showcase Areas.

2. *Standard.* This represents a level of regulation suitable for most parts of the City.

    a. Any portion of the City not specifically designated for either of the foregoing standards shall be considered as Standard. Designation and changes in designation shall conform to the regulations governing zoning amendments in the City Zoning Regulations.

B. Design Standards.

1. The Planning Commission may recommend and City Council may adopt design guidelines to apply to any individual Showcase area, such as the downtown, or to apply to all or multiple Showcase areas. Such guidelines shall be used in reviewing petitions for Variances or Design Exception, under Title 1, Administration, or any other discretionary review involving signs authorized by City regulations.

C. Mandated Showcase Enhancements. The following standards in *Table 1146-29* are mandatory for signs in Showcase areas, and no increase in Permanent Sign Allowance shall be awarded for compliance therewith:

1. Landscaping

2. Ornamental Pole Cover

3. Design Quality

4. No Extra-Large Signs.

D. Regulation by Land Use. Where the provisions herein vary with land use, they vary with the actual use and not with the zoning district. This is intended to recognize several factors.

1. Different land use categories have different requirements for signage.

2. A single zoning district may allow multiple uses that have different requirements.

3. Allowing uses that have lesser need for signage visibility the same signage authorized for uses with greater need that happen to be permitted in the same zoning district can create unnecessary and excessive signage.

4. The viability of land uses that are nonconforming in a zoning district can be jeopardized if they are not allowed signs appropriate to their actual use but are instead confined to signage appropriate only to conforming uses.

1146.03 EXEMPT SIGNS

A. Displays Not Regulated. The following displays are not subject to this chapter:

1. Displays that are not signs, as defined herein, other than festoons, as defined herein.

2. A clock, thermometer, or any measuring instrument that is not in any other respect a sign.

3. Signs on motor vehicles, boats, aircraft, or other moving vehicles, whether moving or stationary, except vehicle signs, as defined herein.

4. Signs of less than 1 square foot each in sign area such as street numbers or store hours.

5. Landmark Signs, as defined herein.

6. Labeling placed by a manufacturer or distributor on merchandise or its packaging displayed in outdoor sales displays, or signs displayed by retailers totaling 10 square feet or less per display or 10 square feet or less per 200 linear feet of street frontage occupied by the display, whichever is greater.

7. Signs accessory to juvenile activities, such as a lemonade stand or chalk sidewalk marking.

8. Graffiti.

9. Ground or sidewalk markings made for utility or construction purposes.

10. Displays of merchandise or other items inside show windows of stores and signs of 5 square feet or less each in area that are part of such displays and are not affixed to windows.

11. Other signs within buildings with messages not legible beyond the lot or building site.

12. Government/Utility Signs.

13. Bulletin boards and bulletin board signs.

14. Inscribed monuments in cemeteries or monument sales facilities.

15. Displays constituting signs that are officially designated by the City Council as works of art, such as statuary, murals, or sculpture.

16. Outdoor storage or display of signs produced or sold by a sign fabricator, distributor, or installer, where outdoor sales displays or storage are permitted in the zoning district.

17. Signs on umbrellas at outdoor cafe tables.

18. Signs, logos, or messages on apparel either being worn or displayed for sale.

19. Decorative illumination that does not constitute a sign, as defined herein, including facade illumination, neon accent lighting, backlit awnings not bearing signs, and the like.

20. Distinctive building architectural treatments that may reflect styles, colors, or the like (but not logos) also used in advertising.

21. Picket signs carried by striking workers, political protestors, or other aggrieved parties.

22. Cornerstone inscriptions or other signs that are part of masonry facades of older buildings.

23. Displays in the interior of roofless buildings intended to be seen only from the inside, such as athletic scoreboards or advertising signs along interior walls of an open stadium.

24. Lettering on newspaper delivery boxes.

25. Seasonal displays relating to a holiday period, seasonal festival, or the like that do not constitute a sign, as defined herein.

26. Signs of under 4 square feet in farm fields.

27. Signs of no more than 10 square feet in sign area and 50 square feet total per lot or building site displayed no more than 30 days before or 5 days after any public election.

28. Event signs, as defined herein, for residential uses.

29. Signs similar in nature in the judgment of the Planning Director to the above signs.

    a. Displays that have sign areas less than specified in this Section but that arrayed together create the effect of a larger sign, are not exempt from these regulations. Displays that are in the judgment of the Planning Director only incidentally displays exempted herein and are primarily non-exempt signs, shall be subject to the provisions of this Chapter. A sign, for example, that also contains a time and temperature display does not thereby become exempt under Subsection A.2.

B. Actions Exempt From Permit. The following shall be exempt from the requirement for a Sign Permit under Title 1, Administration but shall be subject to all other applicable provisions of this chapter:

1. Signs exempt under Subsection A. above.

2. Copy changes on changeable copy areas, changing copy areas, or multi-prism signs.

3. Bill or poster changes on signs consisting of customarily changed bills or posters of paper, vinyl, or similar material attached for a limited duration to a panel, such as billboards or bulletin board signs.

4. Repainting of a worn or faded sign or of a sign customarily repainted with a new message periodically, such as a painted outdoor bulletin.

5. Maintenance, cleaning, or repair or replacement of broken or worn parts with comparable parts of comparable materials not involving removal or alteration of the support structure.

6. Permanent signs allowed for single- and two-family dwellings.

7. Existing signs for which a Sign Permit was either issued or not required prior to the date of effect of this Code.

C. Displays Prohibited.

1. The following signs and attention-getting displays shall be prohibited as permanent signs:

    a. Banner signs.

b. Search and beacon lights.

2. The following signs and attention-getting displays shall be prohibited as permanent, temporary, or event signs:

a. Air-activated signs.

b. Balloon signs.

c. Festoons, except as seasonal displays under sub-section A.25. above.

d. Flashing signs, except for electronic message centers as defined in Chapter 1115.

e. Markings on street pavements, curbs, or sidewalks, except Government/Utility Signs or temporary markings related to utility service, construction, or children's play.

f. Moving signs.

g. Portable signs except as provided in *1146.05.C.2.b*.

h. Projected image signs.

i. Roof signs.

j. Seat bench signs.

k. Signs containing strobe lights visible beyond the property line.

l. Signs on trash containers, public phones parking meters, bus shelters, and the like.

m. Signs on rocks, trees, and natural objects.

n. Signs on utility poles.

o. Trailer signs and portable signs consisting solely or largely of changeable copy areas.

p. Vehicle signs.

q. Signs attached to brackets mounted on lighting or canopy poles on lots or building sites with less than 300 feet of frontage on a single street.

r. Signs displayed on or around the surface of lighting, canopy, or sign poles on which a sign face is already displayed except signs permitted under item 2.g. above.

s. Signs on fences or decorative walls.

1146.04 SIGN CLASSIFICATIONS

A. Sign Form. All signs are considered as either Surface Signs or Non-Surface Signs. Examples are provided in *Table 1146-27 Sign Design – Examples of Sign Classifications*. Because these two types have differing effects on their environs, it is the intent to encourage greater area in Surface Signs and less in Non-Surface Signs.

1. *Surface Signs.* A Surface Sign is a sign mounted, applied, or otherwise displayed on, and generally following the contours of, the surface of a structure or object or part or projection thereof the function of which is not primarily that of a sign. Surface signs are commonly displayed on walls, windows, awnings, doors, vending machines, and canopies.

    a. Being more in visual harmony with an existing non-sign structure or object, Surface Signs are visually less intrusive, all other things being equal, than Non-Surface Signs. They do not present as many obstacles to visibility and contribute less to a feeling of clutter.

    b. A sign covering more than 50 percent of any side of an exterior partition wall where permitted shall be considered a Non-Surface Sign.

2. *Non-Surface Signs.* A Non-Surface Sign is any sign that is not a Surface Sign, including pole signs, projecting signs, lawn signs, and trailer signs.

    a. A Non-Surface Sign typically constitutes its own surface not parallel to the ground or to the structure or projection on which it is displayed rather than being displayed on or very close to a surface that is not primarily a sign.

    b. Non-Surface Signs are visually more conspicuous, all other things being equal, than Surface Signs. They can present significant obstacles to visibility and add to a feeling of clutter.

Table1146-27: Sign Design -- Examples of Sign Classifications

EXAMPLES OF SIGN CLASSIFICATIONS	
SURFACE SIGNS	▪ Signs mounted on building walls ▪ Paper signs mounted on window glass ▪ Signs on awning or canopy surfaces ▪ Banner signs hung on walls ▪ Theatre marquee signs ▪ Wall-mounted billboards ▪ Signs on bus shelters ▪ Signs on vending machines
NON-SURFACE SIGNS	▪ Pole, pylon, or monument signs ▪ Projecting signs ▪ Signs on flags or pennants on poles ▪ Inflatable balloon signs ▪ Signs under shopping center canopies ▪ Banners between poles or buildings ▪ Trailer signs ▪ Banners mounted on street light posts ▪ Ground- or pole-mounted billboards ▪ Roof signs

B. Sign Duration. All signs are considered either:

1. Permanent Signs, or

2. Temporary Signs.

1146.05 SIGN STANDARDS

A. Sign Area.

1. *Permitted Sign Area.* On any lot or building site, the Permanent Sign Area may not exceed the Permanent Sign Allowance determined under Subsection 4.b. below. The Temporary Sign Area may not exceed the Temporary Sign Allowance determined under Subsection 4.c. below.

    a. *Permanent Sign Area.* The Permanent Sign Area shall be the total on the lot or building site of:

        (1) The sign areas of all permanent Surface Signs, and

        (2) The sign areas multiplied by 2 of all permanent Non-Surface Signs

    b. *Temporary Sign Area.* The Temporary Sign Area shall be the total on the lot or building site of:

        (1) The sign areas of all temporary Surface Signs and

        (2) The sign areas multiplied by 2 of all temporary Non-Surface Signs.

    c. *Maximum for Individual Sign Area.* Notwithstanding any other provision herein, under *1146.02.A.*the sign area of no permanent Non-Surface Sign shall exceed the following:

        (1) Standard Level: 100 square feet

        (2) Showcase Level: 50 square feet (MU-1, MU-2 and MU-6 Districts)

        (3) Nor shall smaller signs be arrayed together so as to create the effect of a sign exceeding either such figure.

2. *Use of Sign Area.* Permanent Sign Allowance and Temporary Sign Allowance may be divided among any number of signs and used on Surface Signs and/or Non-Surface Signs.

3. *New Signs.* No new sign displayed after the effective date of this Code shall have a Permanent Sign Area that exceeds the Permanent Sign Allowance or a Temporary Sign Area that exceeds the Temporary Sign Allowance.

4. *Calculation of Sign Allowances.*

    a. Sign Area Capacity: The Sign Area Capacity (SAC) for a property shall be as provided in Table 1146-28.

    b. Permanent Sign Allowance: The Permanent Sign Allowance for a lot or building site shall be the amounts specified in Table 1146-28 for the Principal Use thereof adjusted by applicable provisions of Subsection 5. below.

    c. Temporary Sign Allowance: The Temporary Sign Allowance for a property shall be 25 percent of the Permanent Sign Allowance without adjustment by Subsection 5. below, or 12 square feet, whichever is greater. The Temporary Sign Allowance shall be in addition to and not part of the Permanent Sign Allowance.

    d. Exempt Signs. Sign areas of signs exempted from this chapter shall not be subtracted from the Permanent or Temporary Sign Allowances.

5. *Increases in Sign Area.* The Permanent Sign Allowance for a lot or building site shall be increased by the amounts indicated in *Table 1146-29* if the applicable requirement is complied with.

6. *Window Signs.* Cumulative sign area for all permanent and temporary signs displayed on the exterior or interior surface of an exterior window shall not exceed 40 percent of the surface area of the window.

B. Sign Height.

1. *Vision Clearance*. Sign heights of signs shall conform to rules for Sign Vision Clearance Triangles in Subsection C.10.

2. *Area Reductions for Sign Height.*

a. Over-Height Reductions: The maximum sign area under sub-section A.1. for any permanent Non-Surface Sign mounted upon the ground or on a pole or base on the ground shall be reduced by 5 square feet for every 1 foot of sign height of such sign above 10 feet. Such reduction shall not apply to interchange area retail use signs as provided in *Table 1146-28.*

b. Recovery of Lost Sign Area: The sign area for an individual sign that has been reduced under Subsection a. above may be increased up to the maximums established in Subsection A.1.c. using the provisions of *Table 1146-29.* Such reduced area may be increased by the amount specified in the table if such sign individually complies with the applicable Requirement for Increase, for any or all of the following:

(1) Changeable copy area.

(2) Landscaping.

(3) Ornamental pole cover.

(4) Sign face framing.

(5) Design quality.

(6) Wood signs.

3. *Maximum Number of Tall Signs.* There shall not be displayed on any lot or building site more than one Non-Surface Sign panel with a sign height of over 10 feet, except that one additional such sign may be displayed for each 200 feet of lot frontage over 200 feet.

4. *Maximum Non-Surface Sign Height.* The maximum height of a Non-Surface Sign shall be 20 feet.

Table 1146-28: Sign Design -- Sign Area Capacities

SIGN AREA CAPACITIES *	
NUMBER OF SQ. FT. OF SIGN AREA FOR EACH LINEAR FOOT OF ALL LOT FRONTAGES OF THE LOT OR BUILDING SITE	NUMBER OF SQ. FT OF SIGN AREA FOR EACH LINEAR FOOT OF BUILDING FRONTAGE OF PRINCIPAL BUILDINGS
0.5 on principal frontage 0.25 on secondary Frontage **	0.5

* *Sign Area Capacity (SAC) is the sum of the areas calculated in both columns. See Table 1146-29 to derive the Permanent Sign Allowance from the SAC figure.*

*** A corner or double-frontage lot may have more than one lot frontage, but no lot may have more than one building frontage.*

Table 1146-29: Sign Design -- Permanent Sign Allowances

PERMANENT SIGN ALLOWANCES		
PRINCIPAL USE	**PERMANENT SIGN ALLOWANCE**	**MINIMUM VALUE**
1. Retail, Mixed-Use, or Personal Service Use: With Over 300 ft. of Frontage on a Single Street All other Drive-Through Interchange Retail	 130% of SAC 100% of SAC	 50 sq. ft. 50 sq. ft. 50 sq. ft.** 100 sq. ft.***
2. Office, Institutional or Industrial Use	60% of SAC	35 sq. ft.
3. Multi-family residential or Detached or Attached Single-family development of 20 or more lots or building sites.	40% of SAC	25 sq. ft.
4. Agricultural Use or Vacant land	15% of SAC	20 sq. ft.
5. Individual Single-family attached and detached Dwellings.	7.5% of SAC	8 sq. ft.

SAC: Sign Area Capacity per Table 1146-28. Permanent Sign allowances may be increased under Table 1146-28. Use shall be entitled to a minimum value indicated in third column even if percentage in second column comes to less.
*** Increase granted for each permanent lane at a drive-through establishment on the lot or building site.*
**** Use is located within 400 feet of a freeway right-of-way and within 1,320 feet of an interchange*

Table 1146-30: Sign Design -- Increase in Permanent Sign Allowance

INCREASE IN PERMANENT SIGN ALLOWANCE		
	INCREASE IN PSA	**REQUIREMENT FOR INCREASE**
1. Changeable Copy Area	20%	A changeable copy area or electronic message center is permanently part of a permanent non-portable sign conforming to 1146.06.A.
2. Landscaping*	25%	The largest permanent non-portable Non-Surface Sign of over 16 sq. ft. in sign area on the lot or building site is landscaped [b].
3. Ornamental Pole Cover*	20% for masonry 15% for all other	The larges permanent non-portable Non-Surface Sign of over 16 sq. ft. in sign area on the lot or building site has masonry pole cover, metal aluminum, vinyl or other ornamental exterior surfaces enclosing all poles, brackets, or other supports.
4. Sign Face Framing	10%	The larges permanent non-portable Non-Surface Sign of over 16 sq. ft. in sign area on the lot or building site has decorative framing surrounding all sign faces.
5. Design Enhancements *	40%	See Table 1146-31.
6. Wood Signs	10%	Increase up to a maximum of 29% is granted for each permanent stone, brick, or carved or sandblasted sign of wood or wood-resembling high-density urethane with a sign area of 32 square feet or more that is displayed on the lot or building site.
7. Fewer Panels	20%	All permanent Non-Surface Signs on the lot or building site constitute no more than 1 sign panel, as defined herein.
8. Support Sharing	20%	Non-Surface Signs of multiple different sign users (other than tenants of a single shopping center or office or industrial park) share the same pole, base, bracket, or other support [c]
9. No Extra-Large Signs	10%	No Non-Surface Sign on the lot or building site has a sign are greater than 50 sq. ft. (applicable only where larger signs are permitted under 1146.05.A.1.c.
MAXIMUM INCREASE	**175%**	

* *Increase not available in Showcase areas, where item is mandatory. Maximum increase in such areas is 90%.*
[a] Distance from interchange is measured along the freeway right-of-way from the point of intersection of an off-ram with the right-of-way of the feeder highway.
[b] A landscaped area on the ground at the base of a Non-Surface Sign shall be no less than 3 times the sign area but shall no be required to be over 100 sq. ft. It shall include no fewer than 1 shrub per 15 sq. ft. of landscaped area and shall conform to applicable provisions of Chapter 1145.
[c] The percentage shall be based on the PSA of the lot or building site on which the sign is displayed. The increased sign area shall be shared equally among all participating sign users.

Table1146-31: Sign Design -- PSA Increases for Design Enhancements

PSA Increases for Design Enhancements	
PERMANENT SIGN ALLOWANCE FOR A LOT OR BUILDING SITE SHALL BE INCREASED BY THE PERCENTAGES INDICATED IF ALL PERMANENT SIGNS THEREUPON EXHIBIT THE DESIGN ENHANCEMENTS SPECIFIED.	
1. Shape (5%)	A single simple, common geometric form such as a rectangle, square, circle, or oval is used in lieu of a more elaborate shape or multiplicity of shapes.
2. Color (5%)	Colors used provide sufficient contrast between the message and the background to assure readability. No more than 4 colors (including black, white, and the background color) are used other than in a logo. Dark, subdued hues are used to de-emphasize any visible support structures like pylons or projecting sign hangers that are not ornamental.
3. Lettering Size (10%)	Lettering on signs intended to be read from the street is not excessively large in relation to the size of the sign, lettering on other signs in the environs, and the need for easy readability given traffic speeds and sign setback. On signs read by motorists, lettering too small to be safely readable given prevailing speeds and sign setback is avoided. For simplicity, use of no more than two sizes of lettering, excluding changeable and changing copy areas are used.
5. Font (5%)	No more than two type fonts (faces or styles) are used other than as part of a logo. Simpler fonts or highly legible versions of stylized fonts are used for readability. For longer messages, upper- and lower-case letters are more readable than all upper case. Tenant signs in multi-tenant proper-ties like shopping centers are linked with some common visual element such as background color, type font, or border.
6. Message (10%)	Recognizing that motorists have only seconds to absorb and react to a sign's message, the number of words and symbols is kept to a minimum on signs designed to be read by motorists. The sign does not appear "busy," cluttered, or crowded. Signs intended to be read primarily by pedestrians or motorists in stopped or slowly moving vehicles may have more extensive messages. The sign is oriented around a single dominant symbol, word, or unified combination thereof as a focus of interest to draw the eye, with other elements clearly subordinate. The dominant element is given visual prominence through size, color, font, line value (light, medium, bold), or other means. Important messages are not positioned so low on a sign that parked or moving vehicles can frequently block them.

C. Location and Placement.

1. *On Non-Owned Property.* Signs may be displayed on property not owned or leased by the sign user only with written permission of the property owner or manager.

2. *Within Street Right-of-Way.*

a. *General Prohibition:* Except as otherwise permitted in this Code, no permanent sign shall be displayed within or overhanging any street right-of-way.

b. *Exceptions in Pedestrian-oriented Districts:* In any block face in a Commercial District in which buildings comprising 70 percent or more of the street frontage have front yards of 5 feet or less, the exceptions below shall apply.

(1) *Temporary Signs:* Temporary signs or banners may project over sidewalks and devil strips but not over driving, turning, or parking lanes except with City Council approval.

(2) *Portable Signs:* Portable signs not more than 8 square feet in area and 4 feet in height may be displayed in the right-of-way only:

(a) On sidewalks or devil strips, and

(b) During hours the sign user is open, and

(c) Provided a width of no less than 3 feet on any adjacent sidewalk remains unobstructed.

(3) *Clearance:* Signs extending over a street shall have the clearance specified in Subsection 8 *Clearance Over Street.*

(4) *Movement or Safety Hazards:* The Planning Director may order removal of a sign located within or above a street right-of-way upon determining it to be a hazard to traffic or pedestrian movement or safety.

3. *Projection and Extension.* Sign projection shall conform to Table 1146-32.

Table 1146-32: Sign Design -- Maximum Sign Projection

	MAXIMUM SIGN PROJECTION*		
	HORIZONTAL OVER STREET RIGHT-OF-WAY	OTHER HORIZONTAL	OTHER PROJECTION
PERMANENT SURFACE SIGNS	2'	2	[a] [b]
PERMANENT NON-SURFACE SIGNS	4' [c]	--	[d]

* *Horizontal measured from Building Wall. Does not apply to free-standing signs*

[a] Horizontal Projection: Shall not project horizontally beyond wall or face of awning, canopy, or panel on or beneath which it is displayed.

[b] Vertical Projection: Shall not project vertically above or below wall or face of awning, canopy, or panel on which it is displayed.

[c] Or 2/3 of width of the sidewalk beneath the sign, whichever is less.

[d] Projection Below Canopy or Awning: Signs displayed solely below a canopy or awning shall not project more than 1.5 feet vertically below the canopy or awning surface.

4. *Setbacks.* All signs shall be set back, reduced in height, or increased in clearance to comply with the Sign Vision Clearance Triangle requirements of Subsection 10.

5. *Traffic Hazards.* No sign shall, by reason of location and/or size, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic signal or control device.

6. *Obstructions.* No sign shall obstruct a fire escape, door, or other entrance or exit way, nor a window required for ventilation by any City code.

7. *Architectural Harmony.* Permanent Surface Signs shall not cover or overlap cornices, eaves, columns, window or doorframes, wall corners, and decorative elements of building architecture.

8. *Clearance Over Streets.* Signs shall have minimum clearance of 8 feet over pedestrian areas and devil strips and 15 feet over all other parts of streets and alleys.

9. *Overhead Lines.* No sign shall interfere with overhead utility lines or cause any hazard.

10. *Sign Vision Clearance Triangle.*

a. *Definition:* The Vision Clearance Triangle is the triangular area formed by:

(1) The right-of-way lines of streets and/or railroads and/or boundaries of alleys and/or drives or driveways between:
   (a) Their at-grade intersection, and
   (b) Two points at the distances specified in the table below from such intersection along such line, and

(2) A straight line connecting these two points.

Table 1146-33: Sign Design -- Visual Clearance Triangle

INTERSECTION BETWEEN	DISTANCE
Street & street	20’
Street & railroad	20’
Street & alley	10’
Street & driveway Single- and two-family driveways All other driveways	 5’ 10’
Driveway & internal access drive	10’

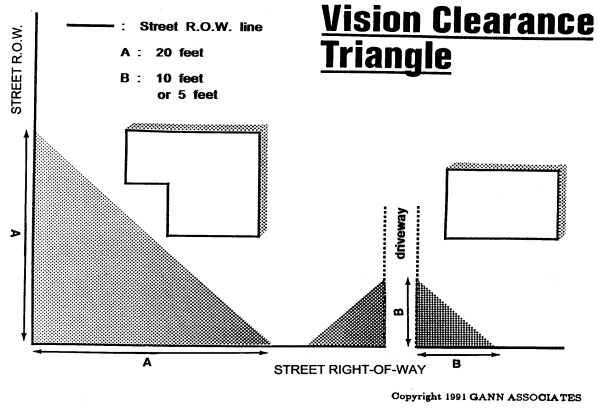
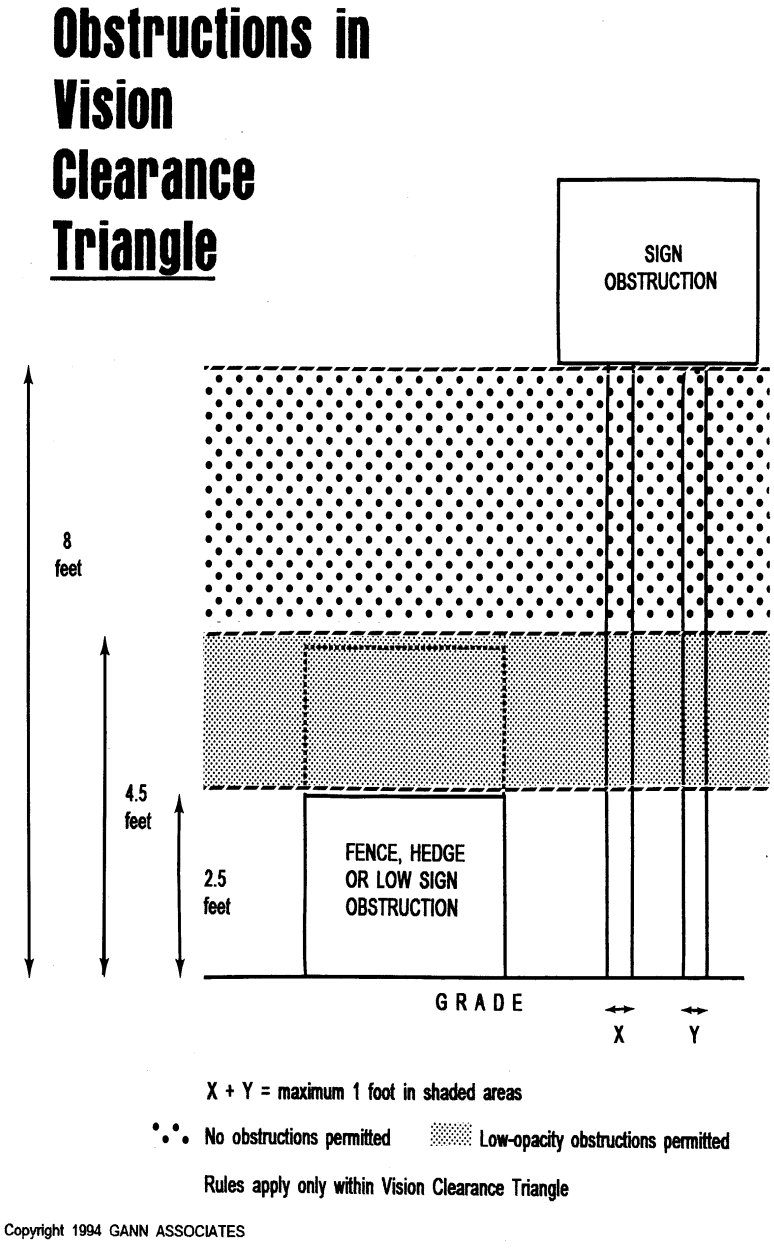


Figure 1146-10: Signs—Vision Clearance Triangle Diagram

Figure 1146-11: Signs – Obstructions in Vision Clearance Triangle



b. *Regulations.* Within this Triangle, there shall not be permitted:

(1) No fence, hedge, wall, screening, low free-standing sign, or other solid obstruction that:

(a) Has a fence height, as defined herein, of over 4 feet, or

(b) Has an opacity as defined in Chapter *1115*, of over 25 percent above a fence height level of 2.5 feet, and

(2) No overhanging or elevated object, such as a tree branch or pole sign or projecting sign, with a clearance of less than 8 feet above the level of the surface of the street, drive, or railroad where the center lines intersect.

(a) Height and clearance shall be as measured from the street curb or, where no curb exists, from the pavement edge closest to the obstruction.

(b) These restrictions take precedence over any other requirements of this Code with which they may conflict.

c. *Exceptions:* The following obstructions shall be exempt from these provisions:

(1) Trunks of trees existing on the effective date of this provision.

(2) Street lighting, utility poles, and other Routine Public Uses, as defined herein.

(3) Poles, pylons, and support structures, such as for signs, and similar structures not exceeding a cumulative 1-foot in width or diameter for each structure.

(4) All obstructions in the MU-6 (Downtown) District.

D. Illumination.

1. *Area Lighting.* As used herein illumination shall not refer to any illumination provided by light sources intended to light an area in which a sign is located--such as streetlights or facade lighting--rather than specifically to illuminate the sign.

2. *Bare Bulb Illumination.* Bare bulb illumination is allowed only with:

a. Neon or similar tubing

b. Shielded external lighting

c. Electronic message centers subject to Chapter 1146.05.D.9

3. *External Light Fixtures.* External lighting fixtures shall be concealed wherever possible in the judgment of the Planning Director except for temporary installations or for stylized decorative fixtures that constitute part of a design treatment.

4. *Constant and Even Illumination.* Sign illumination shall be constant in intensity and color, except as otherwise permitted herein, such as for electronic message centers. Illumination shall be of uniform intensity over the sign face and there shall be no flashing, pulsing, portray explosions, fireworks, blinking or chasing lights and displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.

5. *Non-Glaring.* The external lighting for an illuminated sign shall be shaded, shielded, or directed so as not to cause glare in other properties or in streets.

6. *Traffic Hazards.* No direct or reflected light from a light source for an illuminated sign shall in the judgment of the Planning Director create a traffic hazard.

7. *Illumination Prohibited.* Temporary Signs and signs displayed by single- and two-family dwellings shall not be illuminated. All other illuminated signs in residential districts (i.e. schools, churches, other public buildings) shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

8. *Decorative Illumination.* As provided in Chapter *1146.03.A.19*, decorative lighting is exempt from the provisions of this chapter.

9. *Brightness.* The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness

   a. Electronic graphic display signs or message centers must have automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

   b. All signs shall have installed ambient light monitors and shall at times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.

   c. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

10. *Audio or pyrotechnics*. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic graphic display sign.

E. Materials and Construction.

1. *Building and Electrical Codes Apply.* All permanent signs shall conform to City Building and Electrical Codes. Required Building or Electrical Permits shall be obtained at the same time as

the Sign Permit. Electric signs shall be listed with Under-writers Laboratories or shall conform to specifications that are equivalent in the judgment of the Planning Director.

2. *Framework.* To the extent possible in the judgment of the Planning Director, all permanent signs shall be designed so that all framework for the support of the sign, other than poles or other supports for a ground-mounted Sign, is contained within or behind the face of the sign, or within the building, so as not to be publicly visible. This restriction shall not apply to framework that is of stylized character intended as part of the design treatment of the sign.

3. *Attachments.* All letters, figures, characters, and embellishments on a sign shall be safely and securely attached to the sign structure.

4. *Weather Treatment.* Wood used in fabrication of permanent signs that will be exposed to the weather when the sign is displayed shall be rated for exterior exposure. Other materials used for permanent outdoor signs shall be water-resistant.

F. Maintenance and Repair.

1. *Upkeep Required and Retroactive.* The appearance and safety of all signs and attention-getting devices, including those installed before the effective date of this Code, shall be maintained by the owner thereof at all times.

   a. Cleaning and Repainting. Painted and unpainted signs, embellishments, and support structures shall be cleaned as necessary to prevent an unsightly or blighted appearance. Painted signs and support structures shall be repainted as necessary to prevent excessive peeling paint, faded colors, corrosion, rotting, or other deterioration in appearance or safety.

   b. Supports. All supports, anchors, guys, and braces for a sign shall be maintained in safe and secure condition.

   c. Illumination. Sources of illumination shall be kept in safe working order at all times.

   d. Debris. The area on the ground on the same lot or building site within 10 feet in all directions from any part of a ground- or pole-mounted sign shall be kept clear of all debris and refuse.

   e. Landscaping. Any vegetative landscaping at the base of a sign shall be maintained in a living and healthy condition free of weeds, bare spots, and debris, as required in Chapter 1145.

   f. Non-Durable Materials. Signs made of paper, cardboard, or other non-durable materials shall be repaired or replaced as necessary in the judgment of the Planning Director to prevent a deteriorated appearance.

   g. Other.

      (1) Missing characters in the sign message shall be replaced.

      (2) Broken or damaged sign faces, framing, or support structures shall be repaired, replaced, or removed.

(3) Mounting and electrical holes for signs that have been removed that are not used for a replacement sign shall be filled or concealed. Discolorations that create "shadows" of signs or characters that have been removed shall be removed from facades.

(4) Requirements in the case of sign removal shall be as provided in Title 1, Administration.

2. *Maintenance Inspections.* The Planning Director will inspect any sign for conformance to the maintenance requirements of Subsection F.1. above and take authorized enforcement actions.

G. Content.

1. *Street Numbers.* A minimum of one sign on each lot or building site shall display the street number of the property in numerals of sufficient size to be clearly visible from vehicles in the abutting street.

2. *Other Content.* No provision or definition in this Code shall be interpreted as requiring, prohibiting, or otherwise regulating, or making any regulatory distinction based on, sign content, as defined herein, except where clearly indicated otherwise, for purposes of public safety or administrative efficiency.

a. Any sign authorized by this Code may display any lawful message.

b. For purposes other than land use control, sign content may be lawfully regulated under other parts of the Codified Ordinances.

H. Other Standards.

1. *Resemblance to Traffic Devices.* No sign shall by reason of shape, color, use of lighting, or other factor be similar in both size and appearance to any traffic signal or traffic sign or railroad sign or signal in a way that may in the judgment of the Planning Director interfere with traffic movement or safety.

2. *Vegetation Impairing Sign Visibility.* For the purpose of enhancing sign visibility, a tree, shrub, or other vegetation may not be trimmed, removed, damaged, or destroyed if:

a. Its removal is prohibited or its preservation in its current state is required under Chapter 1145 or any other requirement or condition under any City permit, or

b. The owner or management of the property on which the vegetation is located has not given express written permission for the work.

3. *Informal Signs.* The total of all casually hand-lettered or hand-drawn signs on a lot or building site that were not, or do not appear to have been, designed by a sign or graphics professional shall not exceed 8 square feet of sign area.

1146.06 RULES FOR SPECIAL SIGNS

A. Changeable Sign Areas.

1. *Sign Area Bonus for Inclusion in Permanent Sign.* To meet the need businesses and organizations have for timely and variable sign messages and also to prevent the clutter that can

be created by portable signs, the Permanent Sign Allowance of a property shall be increased as provided in *Table 1146-29* if a changeable copy area or electronic message center, both as defined herein, of no less than 16 square feet is incorporated into a permanent non-portable Non-Surface Sign on the lot or building site.

2. *Single Electronic Message Center*. Electronic message centers shall be allowed only on a single Permanent Sign per lot or building site.

3. *Integration into Sign.* Changeable copy areas and electronic message centers on permanent signs shall be part of the same sign panel as a non-changeable sign and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the rest of the sign.

4. *Maximum Area.* A changeable copy area or electronic message center, both as defined herein, shall be no more than 60 percent of the actual sign area of any permanent sign panel of which it is a part.

5. *On Temporary or Portable Signs*. No temporary or portable sign shall display a changeable copy area or electronic message center.

B. Temporary Signs.

1. *Temporary Signs Allowed.*

a. Where Permitted. Temporary Signs are permitted as provided in 1146.05.A.4.c and are permitted in street rights-of-way as provided in 1146.05.C.2.b (1).

b. Temporary Substitutes for Permanent Signs. In addition to the Temporary Signs otherwise allowed hereunder, a Temporary Sign may be displayed in lieu of a Permanent Sign pending delivery of the Permanent Sign. The Temporary Sign shall conform to all requirements applicable to the Permanent Sign for which it is substituting except where the Planning Director determines such conformance to be impractical. The Planning Director may require submission of a copy of the sales or repair order for the Permanent Sign as evidence that a Temporary Sign qualifies under this provision.

c. Portable Signs. Portable Signs displayed as Temporary Signs shall be subject to sub-section C. below.

(1) Time Limits

(a) Expired Temporary Signs. Temporary Signs shall be removed upon becoming Expired Temporary Signs, as defined herein.

d. Other Temporary Signs. All non-expired Temporary Signs shall be displayed for not longer than 30 consecutive days and for no more than 90 days in any calendar year.

(1) After a Temporary Sign has been displayed for 30 consecutive days, no Temporary Sign shall be displayed on the same lot or building site for a period of 30 days.

(2) Signs requiring longer display, such as some real estate signs, may be al-lowed as Permanent Signs.

(3) A Temporary Sign may be replaced by another Temporary Sign conforming to the requirements of this Code so long as the combined display periods of the original sign and its re-placement(s) do not exceed the display periods allowed herein.

e. *Stickers for Temporary Signs.* The Planning Director may from time to time issue Temporary Sign stickers to all Temporary Signs that identify each sign as having been displayed on the date of issuance. Signs issued stickers shall display them in a conspicuous location at all times. The Planning Director shall order the removal of any stickered Temporary Sign he or she determines is still displayed after the time limit provided herein.

f. *Financial Guarantee for Removal.* The Planning Director shall require a deposit or financial guarantee in a reasonable amount as required by City Council to assure removal of any Temporary Sign requiring a Sign Permit.

g. *Temporary ODOT-Regulated Signs*. Temporary Signs that are ODOT-regulated signs, as defined herein, are required by the State of Ohio to meet all requirements of the regulations of the Ohio Department of Transportation applicable to permanent signs.

C. Portable Signs.

1. *Purpose.* Portable signs offer flexibility that benefits sign users. But because they are easily moved, intentionally or by accident or natural forces, they are more likely to become hazards to traffic or visibility after initial placement. Accordingly, these signs merit special restriction.

2. *Where Permitted.* Portable signs are permitted only as provided in *1146.05.C.2.b.(1)*.

3. *Portable Sign Permit (Retroactive).* No Portable Sign shall be displayed as either a Permanent Sign or a Temporary Sign without a currently valid Sign Permit. The requirement for a Permit shall apply equally to all new portable signs and to all existing portable signs displayed on the effective date of this Code.

D. Landmark Signs.

1. Landmark Signs, as defined herein, shall under *1146.03.A.5*. be exempt from the regulations of this chapter except *1146.05.F*., Maintenance and Repair. Such signs shall not be considered nonconforming even though not in compliance with the provisions herein.

2. Except that the Planning Director may require within 30 days of his or her order the repair or removal of any Landmark Sign that he or she determines to constitute an immediate threat to public health or safety.

3. The sign area of a Landmark Sign shall not be counted against the Permanent Sign Allowance for a property.

E. Awning and Canopy Signs. In addition to the provisions of this chapter, signs displayed on the surface of awnings and canopies are subject to general restrictions on projection and yard encroachment in other City regulations.

F. Service Station Signs. Signs at gasoline service stations shall also conform to Section *775.02* of the Codified Ordinances.

G. Revitalization Signage Areas.

1. *Purpose.* A very limited number of small areas of high concentrations of signage can add color and visual interest to the urban environment, serve to identify a hub of commercial activity, and meet the needs of a community of businesses and others to communicate with residents of and visitors to Cuyahoga Falls. If strictly limited in number and size and appropriately controlled, such areas can be compatible with the objectives of this Code.

2. *Designation of RSAs.*

    a. The Planning Commission may recommend and Council may designate a Revitalization Signage Area (RSA) within a Council-designated redevelopment area and within any C1-Commercial District, MU-3Suburban Center, MU-4 Sub-Urban Corridor, MU-5 Urban Center or MU-6 Downtown District. The Zoning District Map shall show all boundaries thereof.

    b. A Revitalization Signage Area may be designated at the initiative of the Planning Commission or at the request of property owner(s).

    c. Designation of a Revitalization Signage Area is hereby established as a privilege to be earned and not a right or entitlement to be granted solely by virtue of the filing of a petition therefor.

3. *Restrictions on RSAs.*

    a. Number. At any time there shall be no more than three RSAs in the City.

    b. Size. No RSA is greater than 150 contiguous acres.

    c. Spacing. No Revitalization Signage Area shall be closer than 1 mile drive distance to any other.

4. *Waiver of Normal Restrictions.* The following restrictions may at the discretion of City Council be waived for some or all signs displayed in an RSA:

    a. Permanent Sign Allowance

    b. Maximum sign area of an individual sign under *1146.05.A.1.c*.

    c. Sign height restrictions under *1146.05.B* except for Sign Vision Clearance Triangle requirements.

    d. Displays prohibited by *1146.03.C*.

    e. Illumination restrictions of *1146.05.D.2*., Bare Bulb Illumination, and D.4., Constant and Even Illumination.

5. *Signage Allowed in RSAs.* No sign shall be displayed in a Revitalization Signage Area that:

    a. Does not conform to the provisions of the RSA plan, or

    b. Is not a sign given approval for a Conditional Zoning Certificate based on consistency with the purpose of these regulations and with the RSA plan under applicable procedures of Section *1113.08* of Title 1, Administration.

6. *RSA Plan.* Waivers authorized herein shall be limited to those authorized in a plan for the RSA approved by City Council after recommendation by the Planning Commission that proposes specific waivers for particular proposed signs. Such plan may consist of drawings showing proposed locations, dimensions, colors, and appearance of proposed signs and/or verbal and/or numerical standards or restrictions to govern signs in the RSA. The plan may be prepared and filed for approval by owner(s) of property within the proposed RSA or by the Planning Commission.

7. *RSA Location Approval Criteria.* Before approving a location for an RSA, City Council shall determine that the location conforms to all of the criteria herein.

    a. Serves Multiple Businesses. An RSA will serve 5 or more businesses.

    b. Highlights Retail Hub. An RSA will draw attention to an important part of a major retail or entertainment concentration.

    c. Traffic Safety. A concentration of less restricted signage at this location is not likely to significantly impair traffic safety.

    d. No Residential Nuisance. Such a concentration will not create undue nuisance effects in adjacent residential areas.

    e. Reduced Signage Outside. The concentration will reduce the need for signage at locations outside the Revitalization Signage Area.

    f. Part of Revitalization Activity. The RSA is part of a larger revitalization activity and is not an isolated sign display.

8. *Plan Approval Criteria.* Before approving a plan for a Revitalization Signage Area, the Planning Commission and City Council shall determine that the plan exhibits a high level of visual quality and conforms to all of the criteria herein.

    a. Enhances Environment. The signage proposed in the plan enhances the visual environment of the area in a way consistent with the color and visual stimulation characteristics of an important commercial area.

    b. Signage Is Coordinated. Proposed signage is coordinated so that signs complement other signs and buildings and open spaces rather than being random or conflicting.

    c. Visual Excitement Achieved. The concentration of less restricted signage creates a pleasing effect of liveliness and excitement rather than a jarring effect of discord and clutter.

    d. Sets Business Area Apart. The proposed signage creates a unique or very special commercial atmosphere that sets the business district apart rather than just being an agglomeration of signs.

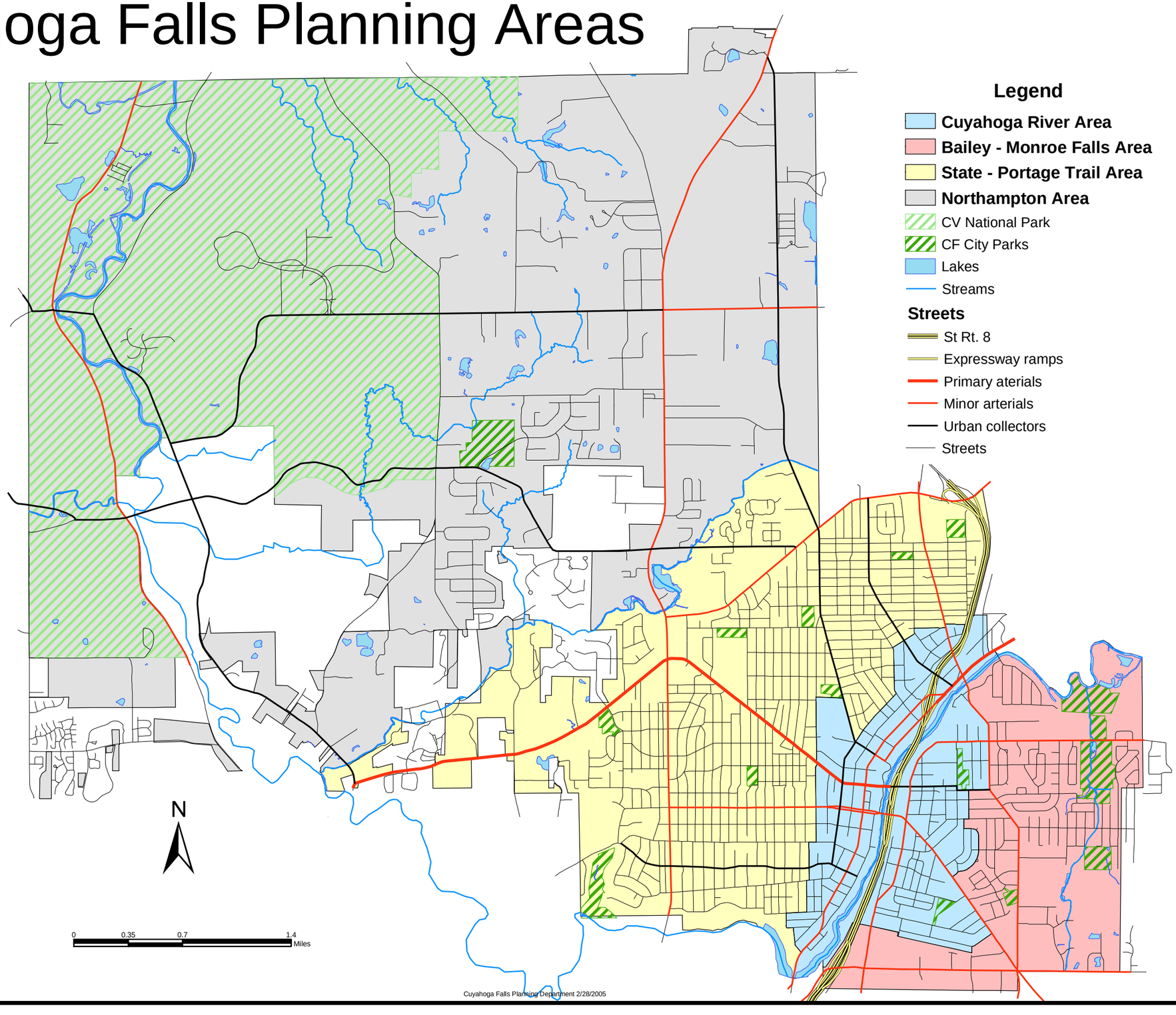
    e. Promotes a Community of Businesses. Signage will deliver messages from 5 or more businesses.

9. *Approval Procedures.* Designation of an RSA and approval of a plan therefore shall each be acted upon in accordance with procedures for zoning amendments in *Section 1113.07* of Title 1, Administration. Public hearings and public notice shall conform to the requirements of that

chapter. Designation and plan approval may at the option of the petitioner be filed, heard, and acted upon together.

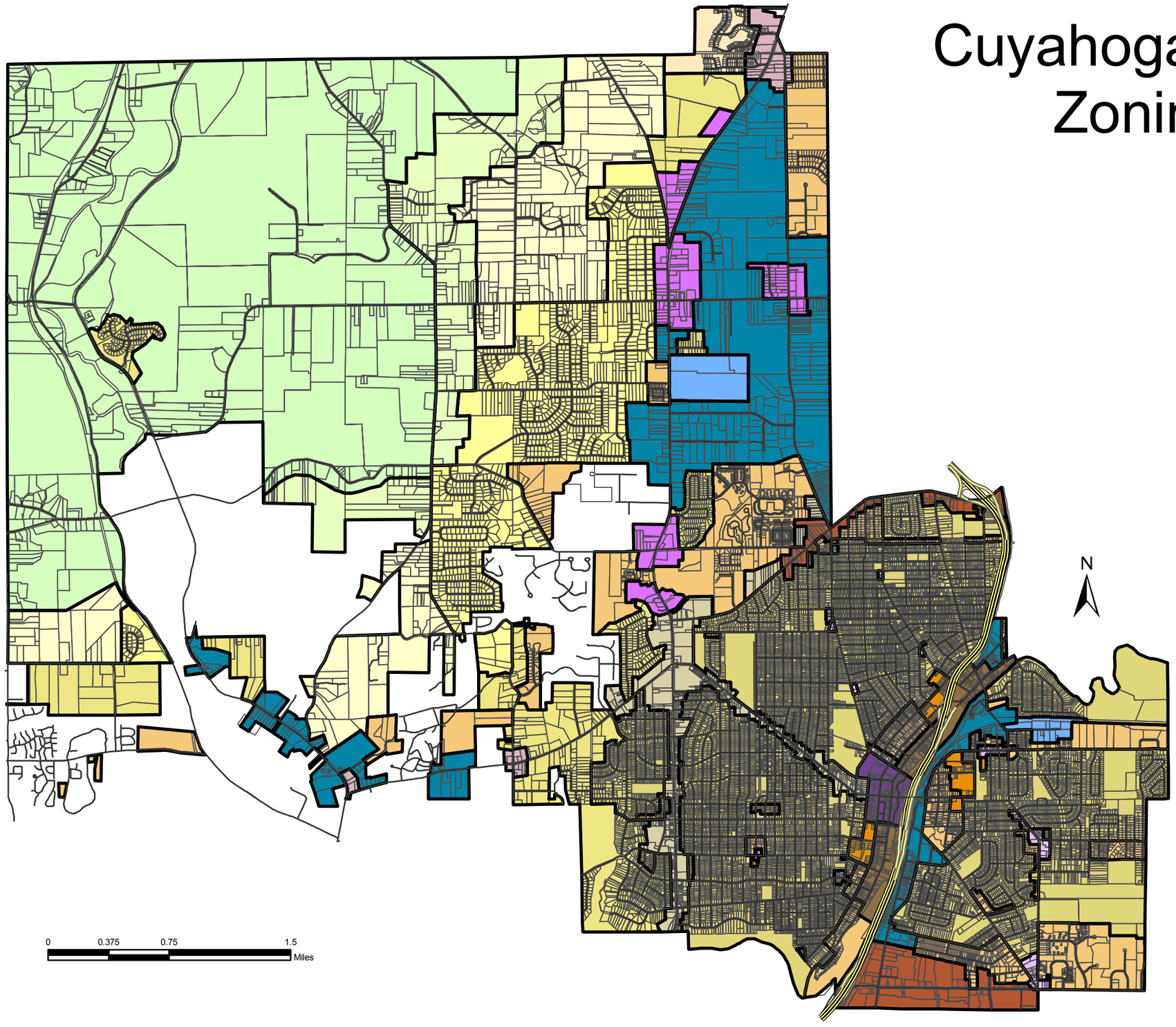
10.

Cuyahoga Falls Planning Areas



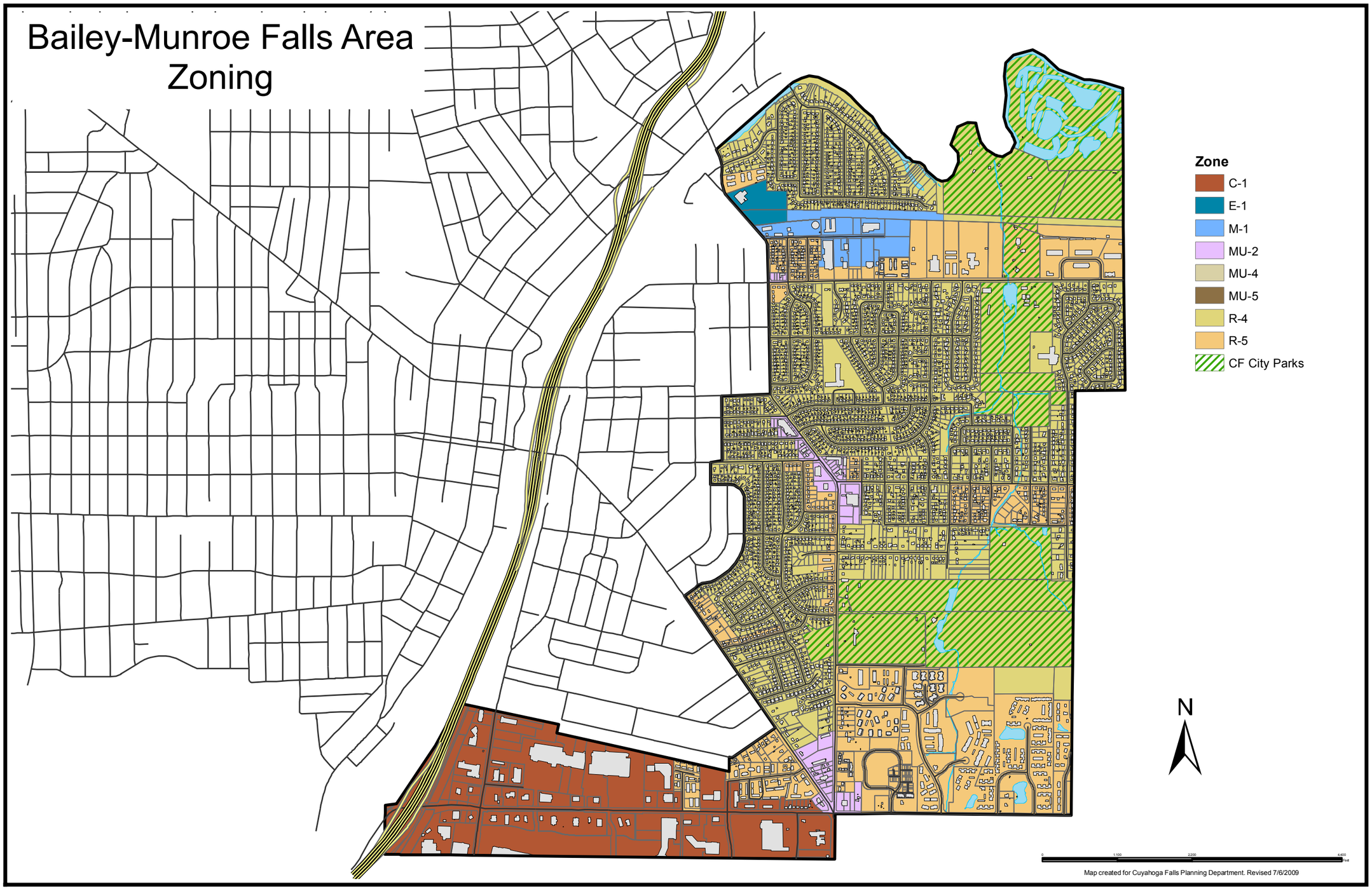
Cuyahoga Falls Planning Department 2/28/2005

Cuyahoga Falls Zoning



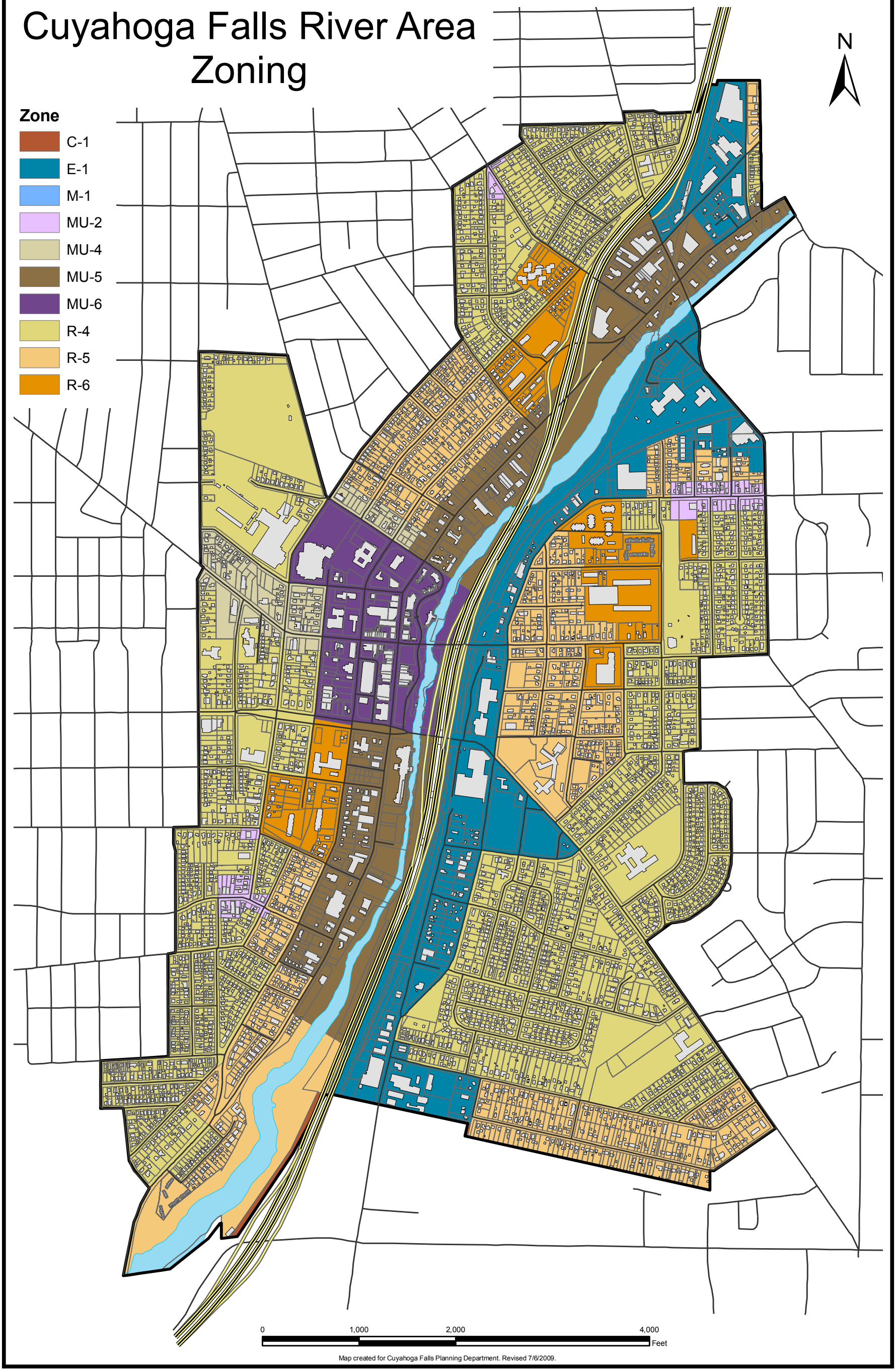
Map created for Cuyahoga Falls Planning Department. Revised 7/6/2009

Bailey-Munroe Falls Area Zoning



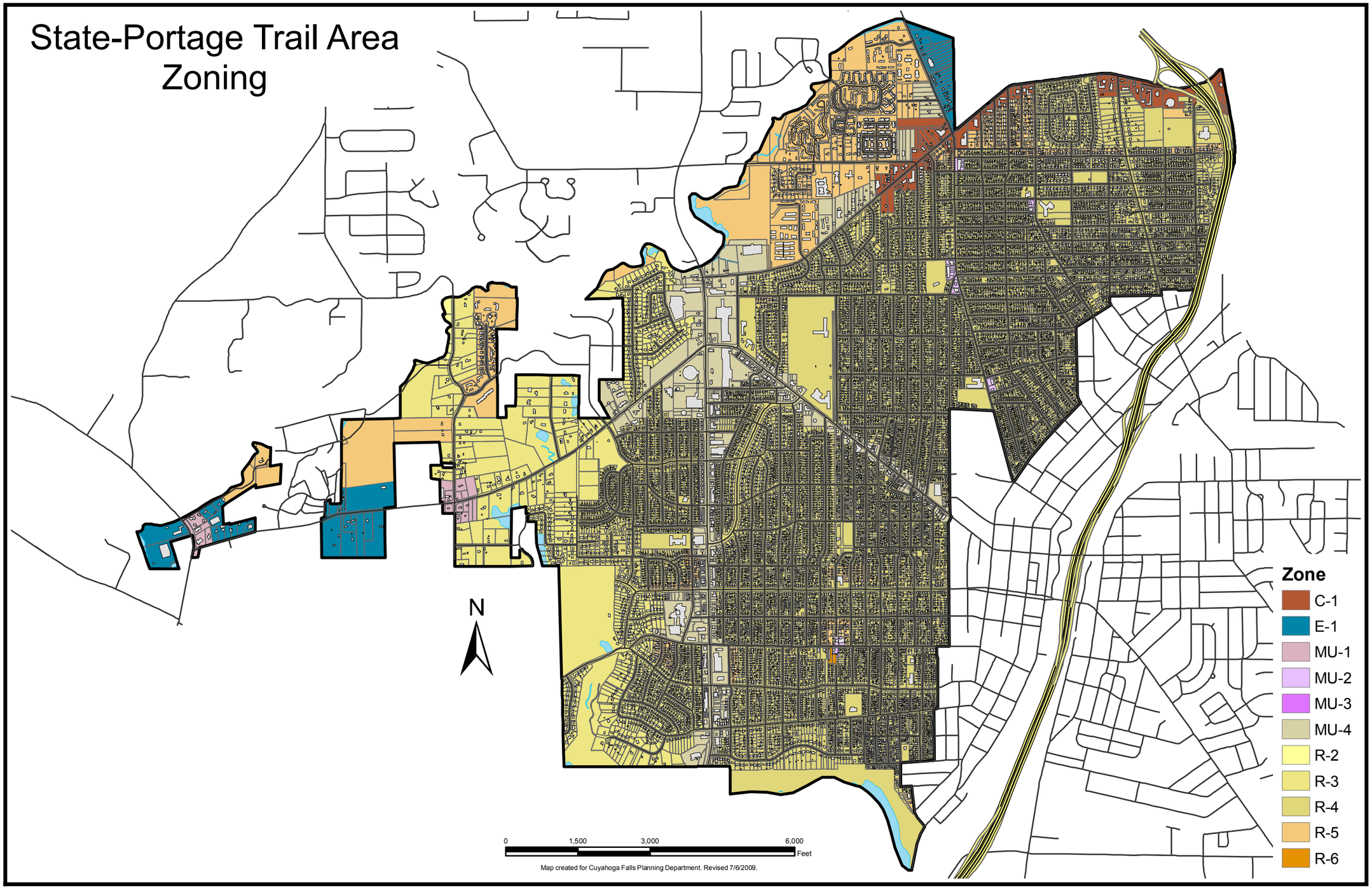
Map created for Cuyahoga Falls Planning Department. Revised 7/6/2009

Cuyahoga Falls River Area Zoning



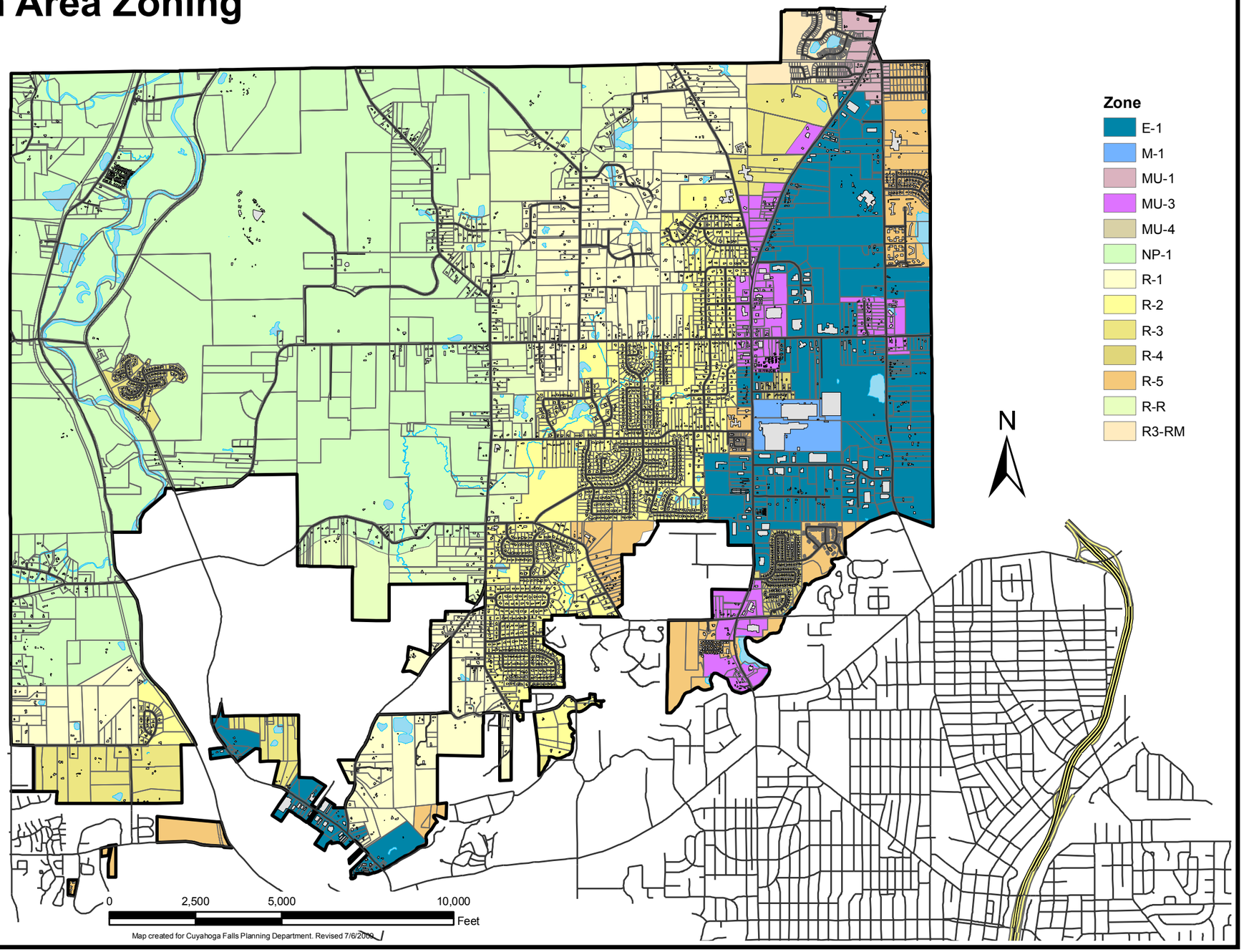
Map created for Cuyahoga Falls Planning Department. Revised 7/6/2009.

State-Portage Trail Area Zoning



Map created for Cuyahoga Falls Planning Department. Revised 7/6/2009.

Northampton Area Zoning



APPENDIX C - FEE SCHEDULE

Planning Commission	Fee	
Rezoning - All Districts	$500.00	
Overlay District - Plan	$2,000.00	
Site Plan - Major	$500.00	
Site Plan - Minor, Commercial, Industrial	$250.00	
Site Plan -Minor, Multi-Family, Attached	$25.00	*(per unit)*
Revitalization Sign Area Plan	$300.00	
Conditional Use	$300.00	
Subdivision - Preliminary	$1,000.00	
Subdivision - Final	$1,250.00	*(plus $25.00 per lot)*
Subdivision - Minor	$175.00	*(per lot)*
Lot Adjustment/Consolidation	$50.00	*(per lot)*
Street Vacation	$250.00	
Street Dedication	$100.00	
Certificate of Appropriateness	$85.00	

Board of Zoning Appeals	Fee
Variance- Residential	$75.00
Variance - All other	$125.00
Administrative Appeal	$100.00
Re-opening of Appeal	$25.00

Zoning Certificates	Fee
Fence	$25.00
Accessory Structure (less than 200 SF)	$25.00
Attachments/Projections/Additions	$50.00
Interior Renovations	$25.00
Sign - New	$50.00
Sign - Face Change	$25.00
Sign - Temporary	None
Zoning Verification Letter	$25.00

8/1/2012

CUYAHOGA FALLS
GENERAL DEVELOPMENT CODE
(ORDINANCE 62-2009)
Revised 2016

City of Cuyahoga Falls
Development Department
Planning Division
2310 Second Street
Cuyahoga Falls, Ohio 44221
330-971-8135