

1 B-75 (Substitute 10/27/2025)

Presented by the Administration  
Upon Recommendation of the Planning Commission

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. 69 - 2025

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9 AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
10 CUYAHOGA FALLS DEVELOPMENT CODE, AS MORE  
11 FULLY DESCRIBED AND DEPICTED HEREIN, AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions  
15 made by the Planning Commission be submitted to Council, and  
16

17 WHEREAS, after thorough review of the Development Code it was determined that  
18 multiple updates were required in order to successfully implement the objectives of the  
19 General Land Use Plan; and  
20

21 WHEREAS, on September 3, 2025 the Planning Commission recommended the  
22 approval of multiple amendments to the Development Code as more fully described in  
23 Project File TXT-25-00017.  
24

25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
26 County of Summit, and State of Ohio:  
27

28 Section 1. That the text amendments are summarized in Exhibit A, attached hereto  
29 and made a part of this ordinance. A full copy of the proposed text amendments to the  
30 Development Code are on file with the Clerk of Council and are hereby approved and  
31 adopted.  
32

33 Section 2. That any other ordinances or resolutions or portions of ordinances and  
34 resolutions inconsistent herewith be and the same are hereby repealed, but any  
35 ordinances and resolutions not inconsistent herewith and which have not previously  
36 been repealed are hereby ratified and confirmed.  
37

38 Section 3. That it is found and determined that all formal actions of this Council  
39 concerning and relating to the adoption of this ordinance were adopted in an open  
40 meeting of this Council, and that all deliberations of this Council and of any of its  
41 committees that resulted in such formal action, were in meetings open to the public, in  
42 compliance with all legal requirements, to the extent applicable, including Chapter 107  
43 of the Codified Ordinances.  
44

45 Section 4. That this ordinance is hereby declared to be an emergency measure  
46 necessary for the preservation of the public peace, health, safety, convenience and  
47 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
48 receives the affirmative vote of two thirds of the members elected or appointed to  
49 Council, it shall take effect and be in force immediately upon its passage and approval  
50 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed  
51 by law.  
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## 1111.08 Administration and Enforcement

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- A. Administration. The Planning Division shall administer all provisions of these regulations. It shall be the Division's responsibility to:
1. Review applications for the construction or alteration of a building, structure, or site element, and issue zoning certificates provided that all applicable requirements and standards of this Code have been met;
  2. ~~a~~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~~ Division 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.
    - 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

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- 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. **Construction of any building, structure or site element without obtaining an approved zoning certificate shall be considered a violation of this Code.** 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. **If construction occurs prior to the issuance of a zoning certificate, the application fee shall be increased according to the Schedule of Fees in Appendix C.** 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.

## 1113.10 Minor Site Plan

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

...Subsections 1-2 remain

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~~ **two (2)** years 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~~ **or if construction is not completed within 42 months of approval** shall be deemed a violation of these regulations.

## 1113.11 Major Site Plan

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*Subsections A thru D remain the same*

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

*Subsections 1 thru 2 remain the same*

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.
  - e. **If no action has been taken by the Planning Commission within 90 days from submission of a complete application, or an extended time period as may be agreed upon, it shall be deemed a denial.**

*Subsections 4 thru 7 remain the same*

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) years **from the date of Council approval** the plan shall be considered lapsed, and any future development shall require the approval of a new plan. Any departure from an approved plan **or if construction is not completed within 42 months of Council approval** ~~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

- 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~~ [1132.19](#), [1132.20](#)) 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 than fifty percent (50%) of the cost of quantities specified in the plan.~~ **Such bond shall be a cash escrow in the amount of at least 50% of the costs of quantities specified in the approved landscaping plan or other instrument acceptable to the City Planning Director, such as a performance bond, in the amount equal to 110% of the cost of installation of the landscaping specified in the approved landscaping plan at the property.**

## Chapter 1115 Definitions

**Building Area:** The sum in square feet of the area of the horizontal projections of ~~all~~ a principal or accessory buildings on a lot excluding buttresses, chimneys, cornices, eaves or bays (projecting less than 3 feet from the building, 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.

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

- ~~● 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.~~

**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. An “in-law suite”, a semi private living space within a single-family residence that may include a bedroom, bathroom, living area and a small kitchen, does not constitute a separate dwelling unit provided: a) the suite is connected and has access to the common areas of the dwelling unit such as the living room, dining area and kitchen; and b) the principal means of access to outside is via the main exterior doorways of the single-family residence.

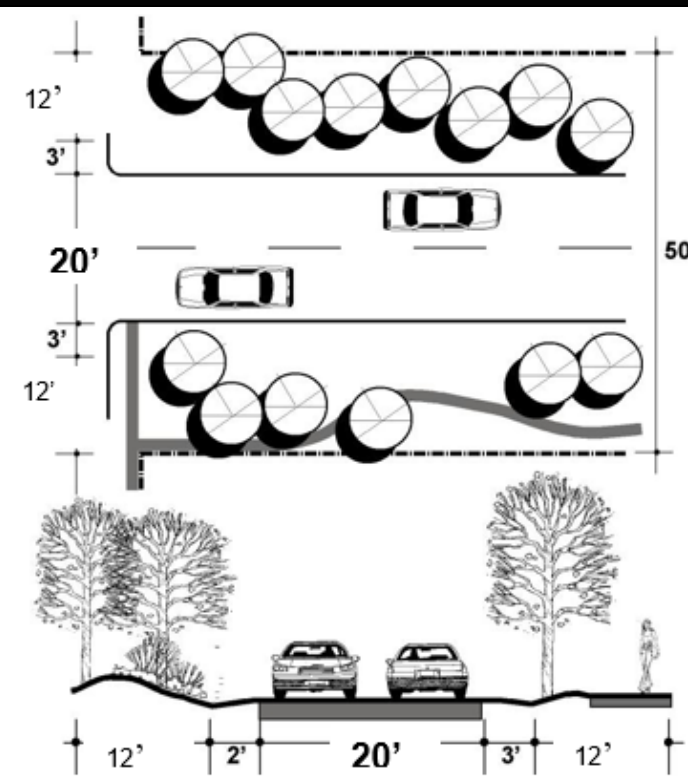
## **Chapter 1115**

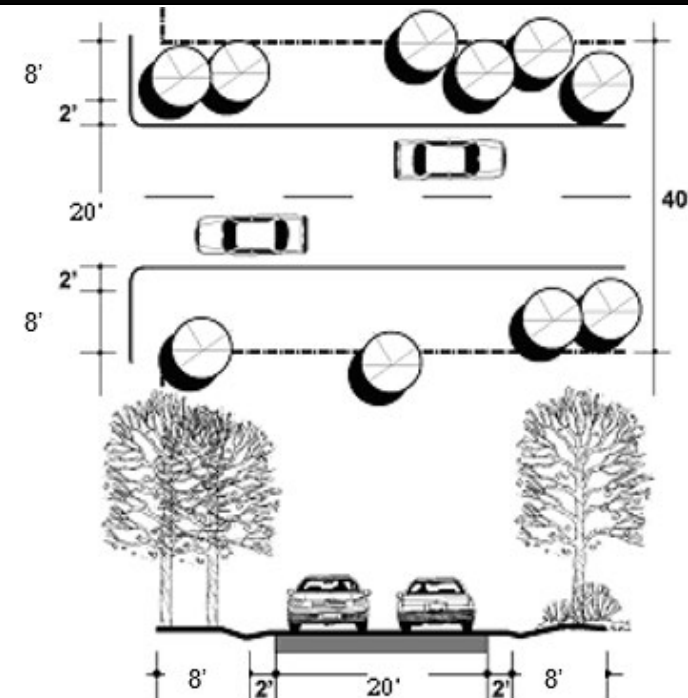
~~**Commercial Vehicle:** When referring to parking or storage on a residential lot, a vehicle licensed as a commercial vehicle in the State of Ohio, or any vehicle that promotes or advertises a business for which it is used on the exterior of the vehicle.~~

**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 **may include, but are not limited to,** commercial trucks, buses, **limousines,** 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.

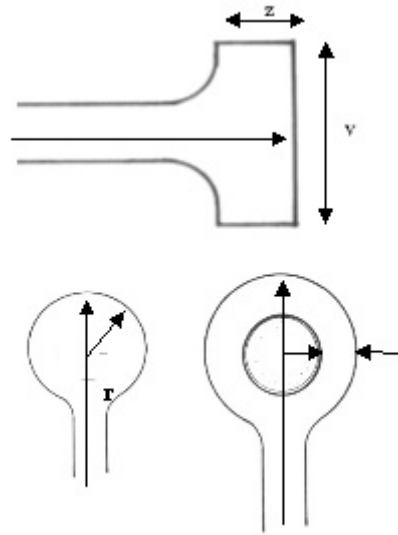


L-50/R: Local / Rural		
Total ROW	50'	
Travel Lanes	2 at 9'-10'	
Bike Lanes	Combined	
Parking Lanes	N/A	
Finished Street Total	20'	
Buffer Area	9' rural buffer 13' if no path provide	
Pedestrian Facility	Optional 8' path one-side	<p><u>Streetscape Edge Types:</u></p> <ul style="list-style-type: none"><li>▪ <i>Rural Edge</i> (all types)</li><li>▪ <i>Building Setback</i> (large lawn and landscape setback)</li></ul> <p><u>Application:</u> 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.</p> <p><b>* Permitted if additional parking spaces are provided (on-street or on commonly owned property). Minimum of 1 space for every 3 dwelling unit in the development.</b></p>
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.	

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)	<p><u>Streetscape Edge Types:</u></p> <ul style="list-style-type: none"><li>▪ <i>Rural Edge</i> (all types)</li><li>▪ <i>Building Setback</i> (large lawn and landscape setback)</li></ul> <p><u>Application:</u> 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.</p> <p><b>* Permitted if additional parking spaces are provided (on-street or on commonly owned property). Minimum of 1 space for every 3 dwelling unit in the development.</b></p>
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.	

## 1123.03 Block Sizes

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 4 or 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

No change for subsections A thru B

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 met.

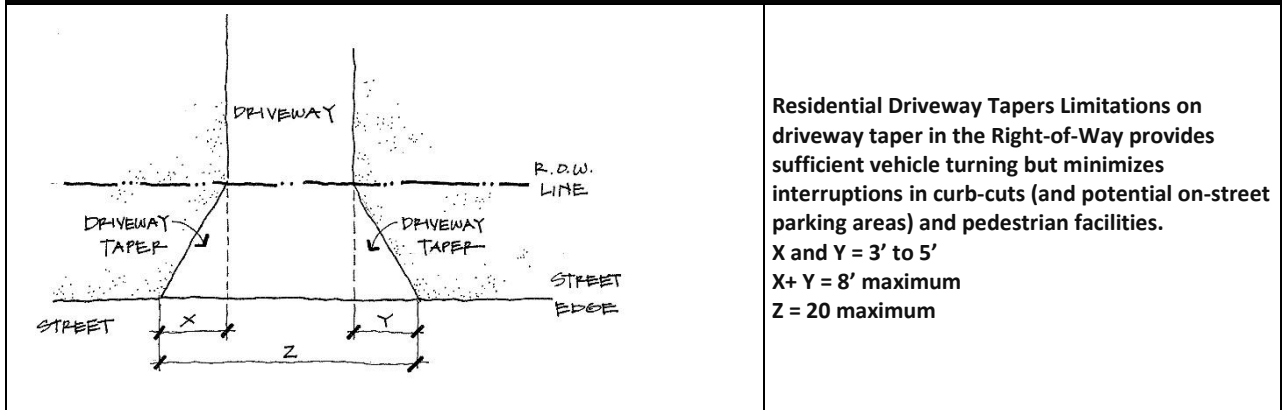
**Table 1123-18: Curb-Cut/Access Point Separation**

Street Classification	Average Separation Between Access	Minimum Distance to Intersecting Street
Arterial	<ul style="list-style-type: none"><li>150' for non-residential use</li><li>75' for residential use</li></ul>	<ul style="list-style-type: none"><li>75'</li></ul>
Collector	<ul style="list-style-type: none"><li>100' for non-residential use</li><li>75' for residential use</li></ul>	<ul style="list-style-type: none"><li>50'</li></ul>
Local	<ul style="list-style-type: none"><li>100' for non-residential use</li><li>40' for residential use</li></ul>	<ul style="list-style-type: none"><li>30'</li></ul>
Access	<ul style="list-style-type: none"><li>No requirement</li></ul>	<ul style="list-style-type: none"><li>30'</li></ul>

\* *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.

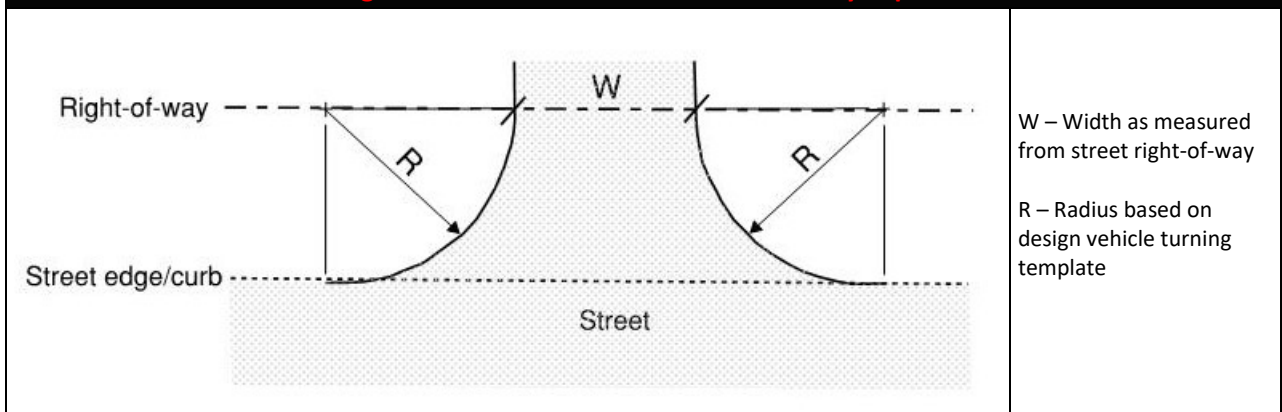
- b. *Residential Driveway Tapers*. Access to residential driveways shall be tapered between the front lot line and the finished street edge to increase the driveway opening and ease vehicle turning movements. (See Figure 1123-10)
  1. The taper may vary up to 3 feet and 5 feet on each side.
  2. The taper shall not exceed 8 feet counting both sides
  3. No curb cut or access point shall exceed 20 feet.

**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. **The maximum driveway width, as measured at the right-of-way, shall be based on the zoning district and the proposed use.**
1. **Mixed use districts – 24 feet (see also 1143.06)**
  2. **General Districts – 35 feet, except for manufacturing uses where a maximum of 50 feet may be permitted**
  3. ~~Commercial curb cut shall not exceed 35 feet.~~
  4. ~~Industrial curb cut shall not exceed 50 feet.~~

**Figure 1123-10a Non-Residential Driveway Tapers**



## 1133.02 Limited Uses

### 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		
	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~~ Driveways, as measured at the right-of-way, 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~~ 160 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.
    - 5. The width of a queuing area shall be a sufficient width to allow for a service lane and a bypass lane.
  - 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.

## 1124.02 Open Space

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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.~~

Re-number existing subsections 1124.03 through 1124.06 accordingly

## CHAPTER 1126 OPEN SPACE

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### Contents:

#### **1126.01 Design Goals**

#### **1126.02 Types of Open Space**

#### **1126.03 Open Space Requirements**

### **1126.01 Design Goals**

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- 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 and existing public trails or paths.
- 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.

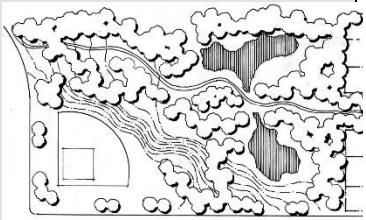
### **1126.02 Types of Open Space**

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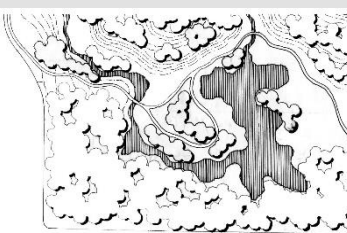
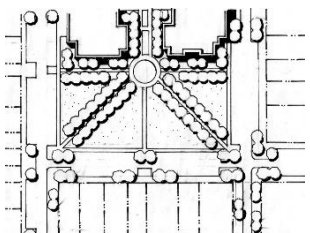
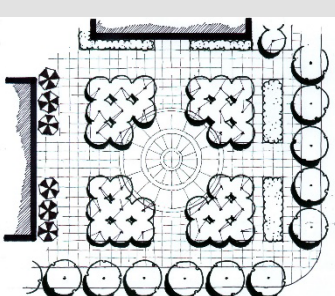
*Table 1126-24: Open Space Categories and Types* indicate the categories, types, and general size requirements for open spaces to be used for site designs in the various zoning districts. Generally there are three categories:

- 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.

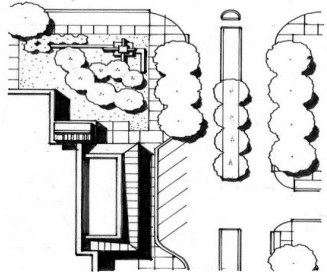
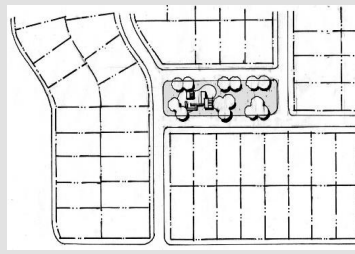
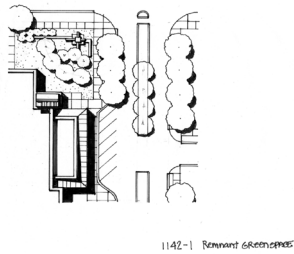
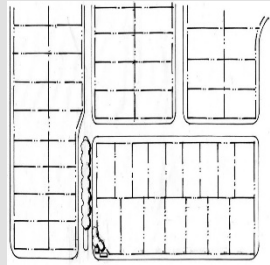
- B. Natural Open Space. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of mixed-use developments. It can also be used at any location where significant natural features exist and warrant preservation. Natural open space typically provides multiple benefits including 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				
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, Public Art installations 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.	

**Table 1126-24: Open Space Categories and Types**

Category	Type	Description	Recommended Size	Image
	<b>Green-way (with Trail)</b>	An undeveloped area of continuous linear natural features, often following a stream, floodplain, or road corridor. A Natural Greenway 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. Public Art can be used to enhance the natural environment.	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.	
	<b>Preserve</b>	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.	
<b>Formal</b>	<b>Green</b>	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. Either of these could be Public Art installations.	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	
	<b>Plaza / Square</b>	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. Public Art could be displayed in a prominent location.	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.	

**Table 1126-24: Open Space Categories and Types**

Category	Type	Description	Recommended Size	Image
	<b>Courtyard</b>	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 materials to withstand heavy pedestrian traffic, but contains intermittent formal landscape elements. Public Art could be displayed in a prominent location.	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.	
	<b>Playground</b>	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.	
	<b>Median</b>	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.	
	<b>Pocket Park</b>	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. Public Art could be used to improve gathering spaces.	Pocket Parks should be 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		
↓ Planning Area	Residential	Non-residential
NH Planning Area	800 s.f. per dwelling unit <del>25% of site</del>	25% of Floor Area
SPT and BMH Planning Area	600 s.f. per dwelling unit <del>15% of site</del>	20% of Floor Area
CR Planning Area	400 s.f. per dwelling unit <del>10% of site</del>	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		
↓ 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

Moved from 1124.02 (C)

- 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. Required open space shall be located according to *Table 1126-27 Open Space Locations*.
- 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.
  - 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.
    - Formal open space should be located at prominent focal points within a subdivision.
    - 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.

Table 1126-27: 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.

Moved from 1124.02 (D)

- F. 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.



## 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			
Procedures	Yield & Analysis Plan	Conceptual Development Plan	Final Development Master Plan
<b>Staff</b>			
<b>Review Process</b>	Applicant Meeting	Applicant Meeting	Internal
<b>Action</b>	Review/Recommendation	Review/Recommendation	Review/Recommendation
<b>Planning Commission</b>			
<b>Review Process</b>	Staff	Planning Commission Meeting	Planning Commission Meeting
<b>Notice Type</b>	Posted/Mailed to abutting Property Owners	Posted/Mailed to abutting Property Owners	Posted/Mailed to abutting Property Owners
<b>Action</b>	Review	Review	Review & Recommendation
<b>City Council</b>			
<b>Action</b>			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 **required** open space according to [CHAPTER ~~1145~~ 1126](#).
  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.

## 1124.05 Public and Community Facilities

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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, public art 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 subdivider 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, install Public Art, 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~~

## 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, public art 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, install Public Art, 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 be 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](#).~~

B. Dedication of Public Sites/In Lieu of Dedication. For any residential development of more than five (5) lots, the Developer shall be required to complete one (1) of the following three (3), as determined by the City, in its sole discretion. The City will take into account the following factors in determining which of the three (3) options will be used: whether there is guiding language in any applicable long range planning document or any similar official plan for parks, recreation and/or community facilities.

1. Dedication of Land for a Public Site. Dedication of land to the City in an amount equal to 10% of the gross area of the subdivision or development for any of the following uses: a park, playground, open space or public art.
2. In Lieu of Dedication of a Public Site. The developer shall pay a “per dwelling” fee according to the most recent schedule of fees. The amount shall be assessed for each lot or residential dwelling unit (including each apartment unit) proposed. Such funds shall be deposited in the City’s land preservation and acquisition fund. Such funds may be used by the City, in its sole discretion, to support land conservation, connectivity, parks, public art and similar uses and installations.
3. Common Area within the Development. The developer or an approved homeowners association substantial in ownership by restrictions, agreements or other documents, shall, by indicating in detail, the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, shall be held, owned and maintained for one of the following purposes: a playground, community center, etc. Easements restricting the use for such purpose shall be granted to the City.

### 1131.03 USE TYPE CATEGORIES

- 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.

New #15:

*Marijuana Dispensary. An establishment that is licensed by the State to sell medical or adult use marijuana.*

## 1133.02 LIMITED USES

### D. Retail Uses.

#### *New #4:*

*Marijuana Dispensary.* In Districts where Marijuana Dispensary is a Limited Use, Subject to Specific Conditions (“o”), the following specific standards apply:

- a. No such use shall be established or operated within 2,640 feet of a property occupied by a church, public library, public playground, public park, or school as defined in ORC Section 3796.30.
- b. No such use shall be established or operated within one mile of another marijuana dispensary.
- c. The hours of operation shall be according to the ORC Section 3796.30.

*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:

X	= Allowed in Planning Area
✓	= Allowed Use subject to general zoning district standards ( <a href="#">CHAPTER 1132</a> ) and design standards ( <a href="#">Title 4</a> )
O	= Limited Use only allowed subject to additional specific use standards ( <a href="#">CHAPTER 1133</a> )
◆	= Conditional Use only allowed subject to Conditional Zoning Certificate criteria ( <a href="#">CHAPTER 1133</a> )

**Table 1131-1: Zoning Districts and Uses**

Key: X = Allowed in Planning Area  
O = Limited Use only allowed subject to Specific Use standards  
All undesignated uses are considered prohibited

✓ = Allowed Use subject to general zoning district and design standards  
◆ = Conditional Use only allowed subject to conditional zoning Certificate

Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods						Mixed-Use Districts						General Districts				Special Overlay Districts			
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
Planning Areas																					
Cuyahoga River (CRA)						X	X	X		X		X	X	X		X				X	X
State-Portage Trail (SPT)			X	X	X	X	X			X	X	X			X	X	X		X	X	X
Bailey -Munroe Falls (BMF)			X	X	X	X	X			X	X	X			X	X	X		X	X	X
Northampton (NH)		X	X	X	X		X		X		X					X		X	X	X	X
Merriman Valley Schumacher (MVS)		Refer to <a href="#">Title 5</a> for district and uses in the MVS Area																			
Residential Uses																					
Single-Family Detached	Rural Lot - 8+ acre lots minimum	✓	✓	✓														✓	O		
	Large Lot - 1 ½ to 8 acre minimum lots		✓	✓	✓														O	O	
	Low-Density Lot – ½ to 1½ acre minimum lots				✓	✓	✓												O	O	
	Sub-Urban Lot - ¼ to ½ acre minimum Lots					✓	✓	✓											O	O	*
	Standard Lot - 6,000 to 10,890 square foot minimum lots						✓	✓	✓										O	O	
	Small Lot - 3,800 to 6,000 square foot minimum lots							✓	✓										O	O	
Single-Family Attached	Large Lot - 4,000+ square foot minimum lots							✓											O		



**Table 1131-1: Zoning Districts and Uses**

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◆ = Conditional Use only allowed subject to conditional zoning Certificate

Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	Low-Density Lot - 3,000 to 4,000 square foot minimum lots						✓	✓												O	
	Standard Lot - 2,400 to 3,000 square foot minimum lots						✓	✓			O	O	O							O	
	Small Lot - 1,800 to 2,400 square foot minimum lots							✓			O	O	O	O						O	
Multi-family	Low Density Lot - 8 to 12 dwelling units/acre						✓				O	O	O							O	
	Moderate Density Lot - 12 to 16 dwelling units/acre						✓	✓			O	O	O	O						O	
	Medium-density Lot – 16 to 24 dwelling units/acre							✓					O	O						O	
	Urban-density Lot - 24+ dwelling units/acre							O						O							
Mixed	Live/work units							O	O	O	O	O	O	O							
	Mixed-use Units								O	O	O	O	O	O							
	Accessory Units	O					O	O										O	O	O	
Civic Uses <sup>(1)</sup>																					
	Primary School		✓	✓	✓	✓	✓	✓	✓	✓											
	Secondary School		✓	✓		O	O				✓	✓	✓	✓	✓	✓					
	Higher Education Facility										✓	✓	✓	✓	✓	✓					
	Library or Museum								✓	✓	✓	✓	✓	✓	✓						
	Neighborhood / Public Assembly	O	O	O	O	O	O	O	✓	✓	✓	✓	✓	✓							*
	Community / Public Assembly										✓	✓	✓	✓	✓	✓					
	Cemetery	O	O	O	O	O	O	O			✓	✓	✓	✓	✓						
	Hospital										✓	✓	✓	✓	✓						
	Public Open Space	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Common Open Space	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**Table 1131-1: Zoning Districts and Uses**

**Key:**

X = Allowed in Planning Area  
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All undesignated uses are considered prohibited

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Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	Government Office or Facility	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Office Uses																					
	Neighborhood Office								✓	✓	✓	✓	✓	✓	✓	✓					
	General Office										✓	✓	✓	✓	✓	✓					
	Office Campus or Complex										✓	✓	✓	✓	✓	✓					*
	Contractor or Service Provider Office														O	O					
	Home Occupation	O	O	O	O	O	O	O	O	O	O	O	O	O					O	O	
Retail Uses																					
	Convenience Store								✓	✓	✓	✓	✓	✓	✓	✓					
	Grocery Store								✓	✓	✓	✓	✓	✓	✓	✓					
	Supermarket										✓	✓	✓		✓						
	Neighborhood Merchandise								✓	✓	✓	✓	✓	✓	✓						
	General Merchandise										✓	✓	✓	✓	✓						
	Warehouse Merchandise											✓			✓						
	Garden Center										✓	✓		✓	✓	✓					
	Restaurant, Dine-In								✓	✓	✓	✓	✓	✓	✓						*
	Commercial Equipment and Supply														✓	✓	✓				
	Theater										✓	✓	✓	✓	✓						
	Service Station with Convenience Store								O	O	O	O	O	O	O	O					
	Drive-Thru Establishments								O	O	O	O	O	O	O	O					
	Outdoor Sales - Limited								O	O	O	O	O	O	O						
	Outdoor Sales Lot														O	O	O				
	Marijuana Dispensary														O						
Service Uses																					
	Neighborhood Personal Service								✓	✓	✓	✓	✓	✓	✓	✓					*

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Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	Neighborhood Personal Service								✓	✓	✓	✓	✓	✓	✓	✓					
	General Service											✓	✓	✓	✓	✓					
	Nursing Home, Assisted Living, Independent Living Facility						O	O	✓	✓	✓	✓	✓	✓	✓					O	
	Medical Clinic										✓	✓	✓	✓	✓						
	Child/Adult Care								✓	✓	✓	✓	✓	✓	✓	✓					
	Laundry / Dry Cleaner								✓	✓	✓	✓	✓	✓	✓	✓					
	Vehicle Repair Facility														O	O					
	Personal Storage										O	O			O	O	✓				*
	Bed & Breakfast	O						O	✓	✓	✓	✓	✓	✓				✓			
	Motel														✓			O			
	Hotel										✓	✓	✓	✓	✓			O			
	Mortuary / Funeral Home								✓	✓	✓	✓	✓	✓	✓	✓					
	Animal Services, Small	O							✓	✓	✓	✓	✓	✓	✓	✓		O			
	Publication and Broadcast Services										✓		✓	✓	✓	✓					
	Indoor Recreation Facility										✓	✓	✓	✓	✓	✓					
Manufacturing Uses																					
	Limited Industrial												O	O		O	✓				
	Clean Industrial															O	✓				*
	General Industrial															O	✓				
	Heavy Industrial																✓				
Agriculture, Natural Resource, and Preservation Uses																					
	Natural Outdoor Recreation	✓																✓			
	Conservation Area	✓	✓	✓	✓	✓												✓			*
	Orchards Nursery	✓	O															✓			
	Animal Services, Large	✓	O															✓			

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Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	General Farming	O																O			
	Agro Business/Tourism	O																O			
	Natural Resource Harvesting and Management	✓																✓			
	Agriculture Equipment and Supply															✓	✓	O			
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															◆	◆	◆			
	Pawnshop (See 1133.03)															◆					
	Advance, Payday or Title Loans (See 1133.03)															◆					
	Vehicle Wash/Detailing											◆	◆		◆	◆	◆				
	Liquor Store										◆	◆	◆	◆	◆						

**Table 1131-1: Zoning Districts and Uses**

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Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	Outdoor Sales Lot										◆	◆	◆								
	Vehicle Repair Facility									◆	◆	◆	◆	◆							
	Tow Lot or Impound Lot															◆	◆				
	Recycle Centers															◆	◆				
	Wireless Communications Facilities (See Chap. 1135)	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
	Sexually Oriented Business (See Chap. 1136)															◆					
	Wind Facilities (See Chap. 1137)	◆															◆	◆	◆		
<p><i>*All uses of the underlying zoning district allowed unless otherwise restricted in the overlay district ordinance. All residential uses are allowed in Green Overlay.</i></p> <p><i>**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 of such facilities may not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.</i></p> <p><i>***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.</i></p> <p><i>(1) Civic uses shall be subject to the regulations in Chapter 1143.</i></p>																					

## 1133.02 Limited Uses

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### 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.
  - g. **If a daycare or pre-school facilities are provided as an accessory use, it shall occupy no more than 10% of the facility.**
2. *Cemetery.* In districts where Cemetery 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.
3. *Secondary Schools.* In districts where Secondary Schools are a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:
  - a. A minimum of 20 acres is required for such use.
  - b. Site shall be located on an arterial street.
  - c. Minimize curb cuts to the extent possible.
  - d. ~~Lighting~~ **shall be subject to the standards in [Section 1144.06](#). [Chapter 1143](#).**
  - e. **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.**

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.
  - c. **Shall be subject to the regulations in Chapter 1143 Mixed Use Center Design.**
  - d. **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.**

**Table 1132-2 A: Lot & Dimension Standards – Single Family Detached Dwellings**

<b>Lot Type Districts Permitted</b>	<b>Rural</b> <i>NP-1, RR, R-1, R-2</i>	<b>Large</b> <i>R-1, R-2, R-3 R-4</i>	<b>Low-Density</b> <i>R-2, R-3, R-4 R-5</i>	<b>Suburban</b> <i>R-3, R-4, R-5</i>	<b>Standard</b> <i>R-4, R-5</i>	<b>Small</b> <i>R-5</i>
<b>Lot Dimensions - Minimum</b>						
<b>Area</b>	8 acres	1.5 acres	.5 acres	.25 acres	6,000 sq. ft.	3,800 sq. ft.
<b>Width</b>	300'	150'	100'	70'; 40' on curved frontage	50'; 60' on corner lots	38'; 45' on corner lots
<b>Frontage</b>	300'	125'; 90' on curved frontage	100'; 60' on curved frontage	70'; 45' on curved frontage	50'; 45' on curved frontage; 60' corner lots	38'; 35' on curved frontage; 45' corner lots
<b>Depth</b>	300'	200'	150'	150'	100'	100'
<b>Maximum Principal Building Area</b>	6,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	3,000 sq. ft.	2,400 sq. ft.	1,800 sq. ft.
<b>Maximum Accessory Building Area <sup>(a)</sup></b>	1,200 sq. ft. per acre; 20,000 sq. ft. max.	1,000 sq. ft. per acre; limit 2 buildings	1,200 sq. ft.; 1,350 sq. ft. (1 ac. or more) limit 2 bldgs	1,000 sq. ft.; limit of 2 buildings	750 sq. ft. or 10% of lot; limit of 2 bldgs	500 sq. ft.; limit of 2 buildings
<b>Maximum Lot Coverage</b>	5% of lot	Lesser of 10% of lot or 7,000 sq. ft.	Lesser of 20% of lot or 5,000 sq. ft.	Lesser of 35% of lot or 4,300 sq. ft.	Lesser of 50% of lot or 3,800 sq. ft.	Lesser of 60% of lot or 3,000 sq. ft.
<b>Minimum Setbacks - Principal Building</b>						
<b>Front<sup>(b)</sup></b>	80'	80'	45'	30'	30'	20'
<b>Side</b>	30' per side; 100' both sides; 40' corner lot	20' per side; 60' both sides; 40' corner lot	10' per side; 30' both sides; 25' corner lot	5' per side; 15' both sides; 20' corner lot	5' per side; 15' corner lot	5' <sup>(c)</sup> ; 15' corner lot
<b>Rear</b>	150'	80'	40'	40'	25'	25'
<b>Minimum Setbacks – Accessory Building</b>						
<b>Front</b>	Behind front building line <sup>(d)</sup>	6' <del>Behind rear front</del> behind rear building line <sup>(d)</sup>	6' <del>behind from</del> behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line
<b>Side</b>	50'; 40' corner lot	15'; 40' corner lot	10'; 25' corner lot	3'; 20' corner lot	3'; 20' corner lot	3'; 20' corner lot
<b>Rear</b>	50'	15'	10'	5'	5'	5'
<b>Max. Height – Principal Building</b>	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
<b>Max. Height – Accessory Building</b>	35'	15'	15'	15'	15'	15'

a) Attached garage floor areas shall be subtracted from the allowable square foot coverage for an accessory building on a lot.

b) On any street where the City has formally adopted a setback map, the setback established on that map shall control.

c) Setbacks lesser than 5' are allowed, provided a minimum 10' separation between buildings and maintenance easements are recorded.

d) All accessory buildings shall be located at least 6' from the principal building.



**Table 1132-2 B: Lot & Dimension Standards – Single Family Attached Dwellings**

Lot Type		Large Lot 1.5 ac.	Low-Density Lot 0.5 ac.	Standard Lot 6,000 sq. ft.	Small Lot 3,800 sq. ft.
Maximum Density		4,000 sq. ft./unit	3,000 sq. ft./unit	2,400 sq. ft./unit	1,800 sq. ft./unit
Minimum Lot Dimensions	Width	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
	Frontage	same as lot width	same as lot width	same as lot width	same as lot width
	Depth	100'	100'	80'	80'
Maximum Lot Coverage & Building Area	Principal Building Footprint	2,400 sq. ft.	1,800 sq. ft.	1,500 sq. ft.	1,200 sq. ft.
	Accessory Building <sup>(a)</sup>	550 sq. ft.	500 sq. ft.	450 sq. ft.	350 sq. ft.
	Total Surface	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
Minimum Setbacks (Principal Building)	Front <sup>(b)</sup>	30'	20'	15'	10'
	Side	10' for end units; 15' on corner lots	10' for end units; 15' on corner lots	10' for end units; 15' on corner lots	10' for end units; 15' on corner lots
	Rear	30'	20'	20'	20'
Minimum Setbacks (All Detached Accessory Structures)	Front	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line
	Side <sup>(c)</sup>	3'; 15' on corner lots	3'; 15' on corner lots	3'; 10' on corner lots	3'; 10' on corner lots
	Rear	5' unless shared structure	5' unless shared structure	5' unless shared structure	5' unless shared structure
Maximum Building Height	Principal	35' or 2.5 stories	45' or 3.5 stories	45' or 3.5 stories	52' or 4 stories
	Accessory	15'	15'	15'	15'

a) Attached garage floor areas shall be subtracted from the allowable square foot coverage for an accessory building on a lot.

b) On any street where the City has formally adopted a setback map, the setback established on that map shall control.

c) On corner lots, any overhead (garage) door shall be a minimum of 20 feet from the right-of-way.

**Table 1132-2 C: Lot & Dimension Standards – Multi-Family Dwellings**

Density Type		Low-Density 8-12 units/acre	Moderate Density 12-16 units/acre	Medium Density 16-24 units/acre	Urban Density 24+ units/acre
Minimum Lot Dimensions	Area	1 acre	0.5 acres	0.25 acres	0.25 acres
	Width	150'	100'	70'	70'
	Frontage	same as lot width	same as lot width	same as lot width	same as lot width
	Depth	150'	150'	100'	100'
Maximum Lot Coverage & Building Area	Principal Building Footprint	35% of lot	45% of lot	60% of lot	60% of lot
	Accessory Building <sup>(a)</sup>	10% of lot	10% of lot	10% of lot	10% of lot
	Lot Coverage	50% of lot	65% of lot	80% of lot	80% of lot
Minimum Setbacks (Principal Building)	Front <sup>(b)</sup>	30'	20'	10'	10'
	Side	10' unless adjacent to lower density residential lots, then 20'	10' unless adjacent to lower density residential lots, then 20'	10' per side; 30' both sides; 25' corner lot	5' per side; 15' both sides; 20' corner lot
	Rear	30'	30'	30'	30'
Minimum Setbacks (All Detached Accessory Structures)	Front	6' behind rear building line	6' behind rear building line	6' behind rear building line	6' behind rear building line
	Side <sup>(c)</sup>	10'	10'	10'	10'
	Rear	5' unless shared structure	5' unless shared structure	5' unless shared structure	5' unless shared structure
Maximum Building Height	Principal	45' or 3.5 stories	52' or 4 stories	65' or 5 stories	80' or 6 stories
	Accessory	25'	25'	25'	25'

a) Attached garage floor areas shall be subtracted from the allowable square foot coverage for an accessory building on a lot.

b) On any street where the City has formally adopted a setback map, the setback established on that map shall control.

c) On corner lots, any overhead (garage) door shall be a minimum of 20 feet from the right-of-way.

### 1133.03 Conditional Uses

- 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 shall also be subject to the limited use standards for specific uses found in section 1133.02. 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. Special Conditions for Pawn Shops and Advance, Payday or Title Loan Uses. The following specific standards shall apply to such uses:
1. 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

2. The number of such facilities may not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

~~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	
	Maximum Vehicle Bays
<del>MU 1, MU 2, and Any lot within 300' of a residential zoning district</del>	N/A
<del>MU 3, MU 4, MU 5, MU 6</del>	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.~~

## CHAPTER 1135 WIRELESS COMMUNICATION FACILITIES

### Contents:

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### 1135.01 Intent and Applicability

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- 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. Applicability. The provisions of this chapter shall not apply to small cell facilities or wireless support structures that are located in the City of Cuyahoga Falls' rights-of-way, as such terms are defined in Title Nine of the City of Cuyahoga Falls' Code of Ordinances. Further, nothing herein shall affect the applicability of Ohio Revised Code Chapter 4939 to small cell facilities and wireless support structures in City of Cuyahoga Falls' rights-of-way.
- C. 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.
- D. 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.

**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.

**Applicant.** Wireless service provider submitting an application for a conditional zoning certificate for such wireless telecommunications facilities as are subject to this chapter.

**Application.** All necessary and appropriate documentation that an applicant submits in order to receive a conditional zoning certificate for such wireless telecommunications facilities as are subject to this chapter.

**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.

**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.

**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 "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

**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.

**FAA.** The Federal Aviation Administration, or its duly designated and authorized successor agency.

**FCC.** The Federal Communications Commission, or its duly designated and authorized successor agency.

**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.

**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.

**NIER.** Non-Ionizing Electromagnetic Radiation

**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.

**Personal Wireless Facility.** See definition for 'wireless telecommunications facilities'.

**Personal Wireless Services, PWS, Personal Telecommunications Service or PCS.** All shall have the same meaning as defined and used in the 1996 Telecommunications Act.

**Telecommunication Site.** See definition for wireless telecommunications facilities.

**State.** State of Ohio.

**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.

**Telecommunications.** The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

**Telecommunications Structure.** A structure used in the provision of services described in the definition of 'wireless telecommunications facilities'.

**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.

**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. **Small cell facilities located in the city's rights-of-way and wireless support structures located in the city's rights-of-way are specifically excluded from this definition and are regulated by Title Nine of the City of Cuyahoga Falls Code of Ordinances and Ohio Revised Code chapter 4939.**

**Zone of Visibility Map.** Graphic representation of locations from which the tower is visible.

E. 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 **subject to this chapter** 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.
- F. 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, **unless otherwise prohibited by law**, 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. **Unless otherwise required by law, a**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 **be** required by the City.
14. At a telecommunications site **that is subject to this chapter**, 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. **Unless otherwise required by law, t**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 ~~a the~~ proposed new tower **being proposed under this chapter**, 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 **shall** ~~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 **subject to this chapter** in which ~~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**

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### **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. **Unless otherwise required by law, a** An applicant may not by-pass sites of higher priority by stating **that** 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. ~~An~~The applicant **subject to this chapter** 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 **existing** ~~existing~~ 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 **subject to this chapter**, 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 **in** 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**

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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**

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- 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**

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- A. Performance Security. The applicant and the property owner of any proposed wireless telecommunications facilities property site **subject to this chapter** 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~~ effect 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.

## 1142.01 Applicability

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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 **as follows**: ~~to any site with a front building line less than 80 feet from the front lot line.~~
  - 1. **Principal structures in any residential district.**
  - 2. **Accessory structures greater than 80 square feet in floor area located in R-2, R-3, R-4, R-5 and R-6 districts.**
  - 3. **Accessory structures greater than 80 square feet in floor area located in NP-1, R-R, and R-1 districts that are located less than 80 feet from the right-of-way.**
- C. All ~~standards~~ **site design and building regulations** 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

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### 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 than 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:~~

- ~~i. 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 of 20 feet.~~
- ~~ii. 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.~~
- ~~iii. 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~~

- ~~i. Balconies and bay windows may project up to three (3) feet with a maximum width of ten (10) feet.~~
- ~~ii. 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 than 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, **located on lots 6,000 sq. ft. or greater in area**, 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.*
    - i. *Walls.* Walls shall be wood, **wood composite** or vinyl siding similar to the prevailing exterior of the principal structure.
    - ii. *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.
    - iii. *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.

D. **Attachments, Extensions and Projections.**

1. **General.**

- a. **Attachments, extensions and projections are subject to the requirements in Table 1142-01.** For corner lots, attachments, extensions and projections shall not extend more than 5' unless the side yard is a minimum of 20 feet.
- b. **For single family attached dwellings, attachments, extensions and projections shall be setback from the side property line at least 3'. For end units, attachments, extensions and projections shall adhere to the setback for the principal structure.**
- c. **Stairs (horizontal distance of up to 32") are permitted to encroach into any required setback.**
- d. **For single family dwellings, 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](#).
- e. **For multi-family dwellings, 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.**
- f. Chimneys on street facing walls shall be brick, stone, cast stone.
- g. 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.~~



Table 1142-01 – Standards for Attachments, Extensions and Projections

	Material Allowed	Maximum Dimension		Maximum Encroachment into Required Front or Rear Setback
		Depth	Width	
<b>Balconies &amp; Bay Windows</b>		3'	10'	3'
<b>Deck</b>	Wood or composite material			10'
<b>Porch</b>	Wood, wood composite or pre-cast concrete	<del>Min. 6'</del>		10'
<b>Stoop, if Front</b>	Wood, brick, stone, stucco, or same as the foundation material	5' from foundation	10' (dwellings 40' wide or less). For dwellings greater than 40' in width, 25% of front building wall length.	5'
<b>Vestibules</b>		6'	12' (if combined with a front porch of equal width or more)	0'
<b>Railings</b>	Wood, vinyl or composite materials, cast metal or aluminum			
<b>Cornices, eaves, awnings and chimneys</b>				2' 6" (detached acc. Bldg.)

## 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 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 <a href="#">Title 3, CHAPTER 1132</a> )
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 <a href="#">Title 2, Section 1123.04.C.1</a> )			

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 side 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. A maximum of one curb cut is permitted for residential lots.

Exception:

- a. Lots with 120 feet of frontage or more, and 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.
6. A driveway shall not be permitted on a vacant lot.

## 1142.05 Lighting Design

- A. General Standards. In **any residential district**, 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.
  3. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- B. Multi-Family Standards. In addition to the standards above in subsection 114.05 A, multi-family developments shall comply with the standards below.
- 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				
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			
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.			

## 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				
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*. **Shielding shall be 100% opaque with materials manufactured and designed for the lighting fixture.**

Table 1143-12: 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. **Fixtures and bulbs shall be clear or white.** Gas station canopies shall not exceed .03 foot-candles onto adjacent property. **Shielding shall be 100% opaque with materials manufactured and designed for the lighting fixture.**

## 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*. **Shielding shall be 100% opaque with materials manufactured and designed for the lighting fixture.**
- 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. **Fixtures and bulbs shall be clear or white.** Gas station canopies shall not exceed .03 foot-candles onto adjacent property. **Shielding shall be 100% opaque with materials manufactured and designed for the lighting fixture.**

**Table 1144-16: 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**

Shield Type →  ↓ Wattage or Mounting Height	Full Cutoff <sup>a</sup>	Cutoff <sup>b</sup>	Semi-cutoff <sup>c</sup>
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.			

## 1145.03

### 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
  - j. **Bamboo grasses (i.e. *Fargesia* spp., *Phyllostachys* spp., *Bambusa* spp.)**

## 1145.04

### 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. **All trees and vegetation shall remain and be protected unless designated otherwise by the City's designated arborist or forester. Table 1145-20.1 shall be used in evaluating the potential risk to the trees. Trees and vegetation shall be protected from injury and damage to branches, trunks, roots or soil compaction from all construction operations by erecting suitable barriers.**
  - a. **Tree Protection Fencing.** All trees designated for preservation shall be protected with substantial fence, frame or box not less than four feet high. Tree protection fencing shall be located to protect 75 percent of the critical root zone (CRZ) or the edge of the drip line, whichever has a wider diameter surrounding the trunk. The CRZ equals one foot of radius for each 1 inch of diameter breast height (DBH). DBH is measured 4.5 feet above the ground. Protection fencing shall be installed before commencing site work or preparation work and maintained throughout the full construction period.

**Table 1145.20.1 Adaptability to Environmental Change**

Degree of Adaptability		
High	Moderate	Low
American elm	Aspen	Bolleana white poplar
Common hackberry	Black walnut	Black locust
Cottonwood (spp)	Boxelder	Colorado blue spruce
Ginkgo	Bur oak	English oak
Green ash	Linden	Lombardy poplar
Honeylocust	Norway maple	Northern red oak
London planetree	Pine (spp)	Norway spruce
Siberian elm	White oak	
Silver maple		
White ash		
Willow (spp)		



## 1145.05 Street Trees

**Table 1145-22: Landscape Design -- 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 European	Betula Papyrifera Populifolia, Alba	Olive, Russian	Eleagnus angustifolia
Catalpa	Catalpa Speciosa	Osage Orange	Maclura pomifera
Elm, Siberian	Ulmus Americana	Poplar	Populus
Elm, Siberian	Ulmus pumilia	<del>Sweetgum</del>	<del>Liquidambar styraciflua</del>
Ginkgo (female)	Ginkgo 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
Cleveland Select	Pyrus calleryana	Pear, Callery	Aristocrat or Chanticleer

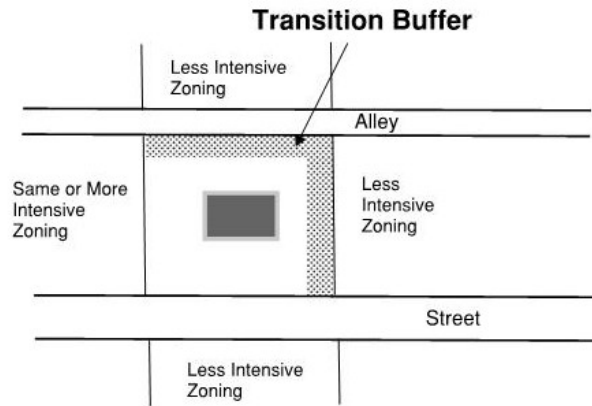
**Table 1145-23: Landscape Design -- Recommended Street Trees**

Under Utility Wires in Tree Lawns 3 - 5 Feet Wide	Not Under Utility Wires in Tree Lawns 6 - 8 Feet Wide
<ul style="list-style-type: none"> <li>▪ Cherry, Amanogawa Oriental ( <i>Prunus serrulata</i> 'Amanogawa')</li> <li>▪ Cherry, Canada Red Select (<i>Prunus virginiana</i> 'Canada Red Select')</li> <li>▪ Dogwood, Kousa (<i>Cornus kousa</i>)</li> <li>▪ Lilac, Ivory Silk Japanese Tree (<i>Syringata reticulata</i> 'Ivory Silk')</li> <li>▪ Magolia, Galaxy (<i>Magnolia x quinquepeta</i>'Galaxy')</li> <li>▪ Maple, Paperbark (<i>Acer griseum</i>)</li> <li>▪ Serviceberry, Robin Hill (<i>Amelanchier x grandiflora</i> 'Robin Hill')</li> <li>▪ Serviceberry, Shadblow (<i>Amelanchier arborea</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Birch, River (<i>Betula nigra</i>)</li> <li>▪ <del>Cleveland Select (<i>Pyrus calleryana</i>)</del></li> <li>▪ Honeylocust, Thornless (<i>Gleditsia triacanthos inermis</i>)</li> <li>▪ Hornbeam (<i>Ostrya virginiana</i>)</li> <li>▪ Hornbeam, European (<i>Carpinus betulus</i>)</li> <li>▪ Linden, Corinthian Littleleaf (<i>Tilia cordata</i> 'Corzam')</li> <li>▪ Linden, Glenleven Hybrid (<i>Tilia x flavescens</i> 'Glenleven')</li> <li>▪ Maple, Hedge (<i>Acer campestre</i>)</li> <li>▪ Oak, English Pyramidal (<i>Quercus robur</i> 'Fastigiata')</li> <li>▪ Oak, Skyrocket English (<i>Quercus robur</i> 'Skyrocket')</li> <li>▪ <del>Pear, Callery (<i>Aristocrat</i> or <i>Chanticleer</i>)</del></li> <li>▪ Sourgum/Blackgum (<i>Nyssa sylvatica</i>)</li> </ul>
Under Utility Wires in Tree Lawns No Less than 8 Feet Wide	Not under Utility Wires in Tree Lawns No Less Than 8 Feet Wide
<ul style="list-style-type: none"> <li>▪ Cherry, Kwazan (<i>Prunus serrulata</i> 'Kwazan')</li> <li>▪ Chokecherry, Shubert (<i>Prunus virginiana</i>'Shubert')</li> <li>▪ Crabapple, Donald Wyman (<i>Malus</i> 'Donald Wyman')</li> <li>▪ Crabapple, Floribunda (<i>Malus</i> 'Floribunda')</li> <li>▪ Crabapple, Indian Magic (<i>Malus</i> 'Indian Magic')</li> <li>▪ Crabapple, Prairiefire (<i>Malus</i> 'Prairiefire')</li> <li>▪ Crabapple, Spring Snow (<i>Malus</i> 'Spring Snow')</li> <li>▪ Crabapple, Sugar Tyme (<i>Malus</i> 'Sugar Tyme')</li> <li>▪ Dogwood, Pagoda (<i>Cornus alternifolia</i>)</li> <li>▪ Hornbeam, American (<i>Carpinus Caroliniana</i>)</li> <li>▪ Locust, "Globehead" Globe (<i>Robinia pseudacacia</i>)</li> <li>▪ Maple, Amur (<i>Acer ginnala</i>)</li> <li>▪ Maple, Hedge (<i>Acer campestre</i>)</li> <li>▪ Maple, Tartarian (<i>Acer Tartarian</i>)</li> <li>▪ Serviceberry, Cumulus (<i>Amelanchier laevis</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Beech, American (<i>Fagus grandifolia</i>)</li> <li>▪ Honeylocust (<i>Gleditsia triacanthos inermis</i>)</li> <li>▪ Linden (<i>Tilia cordata</i> 'Greenspire')</li> <li>▪ Linden, Redmond (<i>Tilia Americana</i> 'Redmond')</li> <li>▪ Linden, Silver (<i>Tilia tomentosa</i>)</li> <li>▪ Maple, Emerald (<i>Acer platanoides</i>)</li> <li>▪ Queen Norway ('Emerald Queen')</li> <li>▪ Maple, Red (<i>Acer rubrum</i>)</li> <li>▪ Maple, Sugar (<i>Acer saccharum</i>)</li> <li>▪ Oak, Bur (<i>Quercus macrocarpa</i>)</li> <li>▪ Oak, Red (<i>Quercus rubra</i>)</li> <li>▪ Oak, Scarlet (<i>Quercus coccinea</i>)</li> <li>▪ Oak, Swamp White (<i>Quercus bicolor</i>)</li> <li>▪ Oak, White (<i>Quercus alba</i>)</li> <li>▪ Planetree, Bloodgood (<i>Platanus x acerifolia</i>)</li> <li>▪ London ('Bloodgood')</li> <li>▪ <del>Sweet Gum (<i>Liquidambar styraciflua</i>)</del></li> <li>▪ Tuliptree (<i>Liriodendron tulipifera</i>)</li> </ul>

## 1145.07 Landscape Design

- A. **Transition Buffer.** 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 (see Fig. 1145-8). Installation of the transition buffer is required as specified in Table 1145-24. It shall be the responsibility of all new uses irrespective of zoning district.

**Figure 1145-8**



### 1. Applicability of Transition Buffer

- i. 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.
- ii. No Transition Buffer is required for parcels devoted entirely to vacant or agricultural land.
- iii. **Any change or alteration to an existing nonconforming property shall require the installation of the transition buffer according to Table 1145-24. Where required buffers do not exist between two existing uses, both are nonconforming. CHAPTER 1115 shall govern buffer provision in such case.**
- iv. The finished or decorative face of a fence or wall included in the Buffer shall face the district or use in the second column.
- v. **For uses adjacent to residential dwellings, additional screening measures, including but not limited to mounding, fences, and walls, etc. may be required in order to mitigate potential impacts.**

**Table 1145-24: Landscape Design -- Uses Requiring Transition Buffers**

Use or Zoning District		Buffer Screening Intensity
Buffer Required Between	And	See also Table 1145-26 <b>25</b>
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
C-1, E-1	Any R District <b>or residential use</b>	<del>Medium</del> <b>Heavy</b>
Commercial uses in MU Districts	Any R District <b>or residential use</b>	<del>Medium</del> <b>Heavy</b>
Residential uses in MU Districts	Any R District <b>or residential use</b>	Light
M-1	Any R District <b>or residential use</b>	Heavy
Off-street Parking Area	Any R District <b>or residential use</b>	Heavy
	All other Districts	Light
Drive-through Lane	Any R District <b>or residential use</b>	Heavy
Oil/gas wells or brine disposal sites	Adjacent Land	Heavy
<b>Electrified fencing in non-residential districts</b>	<b>All other Districts</b>	<b>Heavy</b>

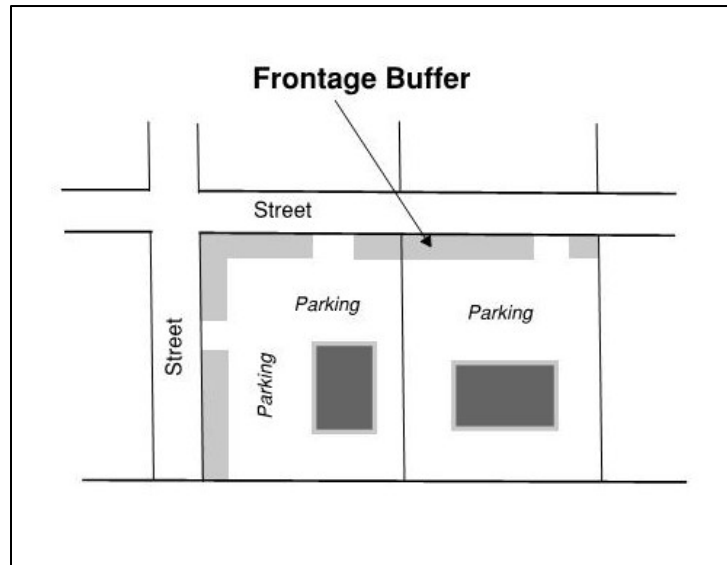
B. Landscape Design – Buffer/Screening Intensity. The required landscape screening shall be installed according to Table 1145-25 below.

Table 1145-265: Landscape Design – <b>Buffer/Screening Intensity</b>			
	Light	Medium	Heavy
<b>Landscaped Area</b> <sup>[a]</sup>			
Minimum <del>Average</del> Width [b]	5'	<del>7'</del> 10'	<del>10'</del> 15'
Minimum Area [c]	25 sq. ft.	50 sq. ft.	100 sq. ft.
Minimum Height [e] [f]	--	4'	6'
Minimum year-round OPACITY [g] [h]	--	50%	100%
<b>Trees</b> <sup>[i] [j]</sup>			
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"
<b>Shrubs</b> <sup>[i] [m]</sup>			
Minimum number per 100 Linear feet [k]	10	15	20
Minimum Height [e] [f]	2'	2'	3'
<b>Landscaped Screen</b> <sup>[d]</sup>			Required
<p>a. <i>Ground cover for landscaped areas shall conform to 1145.03.C.</i></p> <p>b. <del>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.</del></p> <p>c. <i>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.</i></p> <p>d. <i>May take any form permitted by 1145.03.B.</i></p> <p>e. <i>At time of installation</i></p> <p>f. <del>Fence height as defined herein.</del></p> <p>f. <i>Also subject to 1146.05.C.10-1145.08</i></p> <p>g. <i>Opacity of landscaped screen shall be achieved by the end of second growing season after installation.</i></p> <p>h. <i>All trees and shrubs shall be located between the Screen, if any, and the nearest lot line.</i></p> <p>i. <i>Trees shall conform to 1145.03.G.</i></p> <p>j. <i>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.</i></p> <p>k. <i>At 1 foot above grade at base</i></p> <p>l. <i>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.</i></p>			

C. Other Landscape Buffer/Screening Requirements.

1. **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.

Figure 1145-8a



2. **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.

**Table 1145-2526: Frontage & Foundation Landscaping Screening Intensity Requirements**

Use	Frontage Buffer	Foundation Landscaping
All Residential Uses		Light
Retail and Office Uses		Medium
Utility Stations [except in M-1 Districts]	Medium	
All Vehicular Areas	Medium	
Open off-street parking	Medium	
Open off-street loading spaces	Medium	
Open sales lots and service and filling stations	Light	

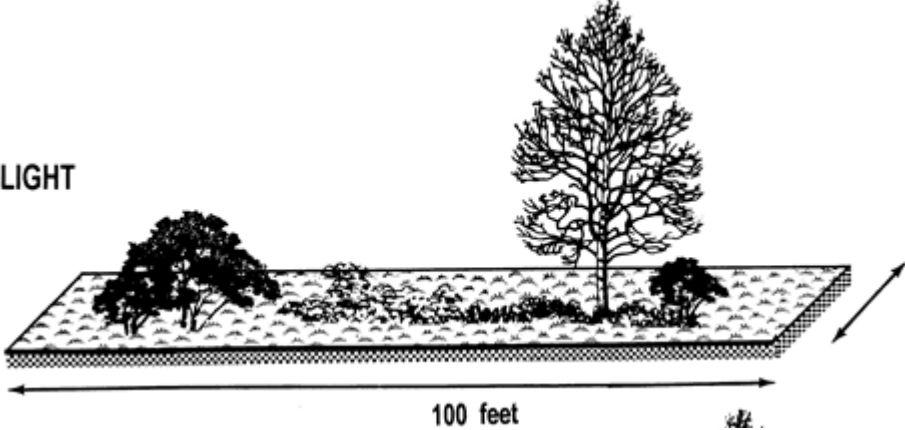
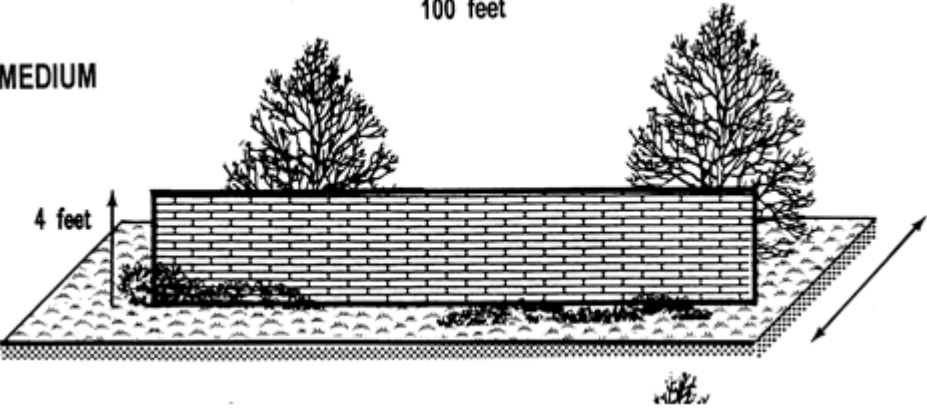
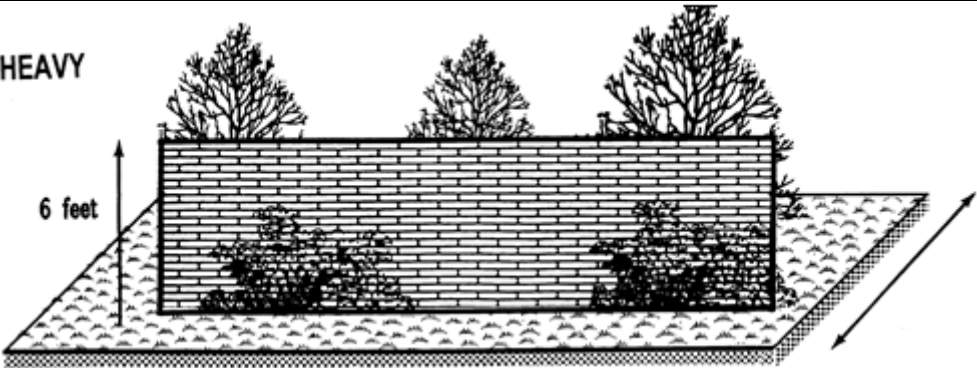
3. **Screen** - is a vertical barrier to visibility such as a fence, wall, or other form as permitted by 1145.03.B.). A Screen shall at all times conceal the use specified from view with minimum 75 percent opacity from any point less than 6 feet above the ground floor level on adjacent lots or building 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.
  - i. **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.
  - ii. **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.

4. **Dumpster Enclosures.** Screens around refuse disposal areas shall be of masonry construction.
5. **Street Trees.** Street trees shall be required for all principal uses adjacent to a street right-of-way.
6. **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.
7. **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.
8. **Home Occupation Outdoor Activity** - Any conduct of a home occupation allowed under City regulations that takes place outside of a principal or accessory building.
9. **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.
10. **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.
11. **Parking Lot Landscape 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.

A. Screening Height.

1. All fencing or walls where required herein are limited to six feet in height.
2. All trees and shrubs shall be located between the Screen, if any, and the nearest lot line.

Figure 1145-9 Landscape Design – Screening Intensities

<p><b>LIGHT</b></p>  <p>100 feet</p>	<p><b>LIGHT</b></p> <ul style="list-style-type: none"> <li>• 1 tree/<b>100 ft.</b></li> <li>• 10 shrubs</li> <li>• 5 feet deep</li> </ul>
<p><b>MEDIUM</b></p>  <p>4 feet</p> <p>100 feet</p>	<p><b>MEDIUM</b></p> <ul style="list-style-type: none"> <li>• 2 trees/<b>100 ft.</b></li> <li>• 15 shrubs</li> <li>• 50 % opaque screen</li> <li>• <del>7</del> <b>10</b> feet deep</li> </ul>
<p><b>HEAVY</b></p>  <p>6 feet</p>	<p><b>HEAVY</b></p> <ul style="list-style-type: none"> <li>• 3.5 trees/<b>100 ft.</b></li> <li>• 20 shrubs</li> <li>• 100% opaque</li> <li>• <del>10</del> <b>15</b> feet deep</li> </ul> <p>1986</p> <p>Copyright Gann Associates</p>

## 1145.09 Fencing

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- 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 than 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. In mixed-use districts, Public Art can be incorporated into fencing materials.~~
- D. ~~Screening.~~ All other screening in residential neighborhood districts shall occur according to the standards of **CHAPTER 1145, LANDSCAPE DESIGN.**

(Ord. No. 42-2020, 07/13/2020)



## 1145.09 Fencing

- A. Residential Districts. The following shall apply to the following districts: NP-1, R-R, R-1, R-2, R-3, R-4, R-5 & R-6.
1. Front and Street-Side Fencing. All fencing in front of the front building line, or on the street-side on corner lots shall:
    - a. Be limited to no higher than 4 feet; and
    - b. ~~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.~~ **Shall be an open fence with at least forty (40%) aggregate opening over the surface of the fence with all openings equally distributed.**
  2. Side and Rear Fencing. All side and rear fencing located behind the front building line shall:
    - a. Be limited to no higher than 6 feet;
    - b. On corner lots, street-side fencing within 10 feet of the public right-of-way shall meet the standards in subsection A **(1)**
    - c. ~~All other side or rear fencing may have a solid screen up to 6 feet.~~
  3. Other Fencing Design Standards.
    - a. **Fence location standards.**
      - i. **The face of the fence may be located up to but not over an adjacent property line.**
      - ii. **If there is an existing fence, driveway or other accessory structure located along an adjacent property line, then the face of the fence shall be located at least 3 feet from such fence or other structure.**
      - iii. **Notwithstanding other regulations in this subsection, fences shall setback at least 1 foot from any public right-of-way.**
    - b. ~~All fencing located along adjacent lot lines shall be constructed so that either:~~
      - iv. ~~The face of the fence is on the property line; or~~
      - v. ~~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~~ **installing or** replacing fencing, the existing old fence must be removed. **Parallel fences in close proximity shall not be permitted on a lot.**
    - d. The property owner or agent is responsible for determining the location of all property lines.
    - e. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
    - f. Fences shall be constructed out of any of the following materials:
      - i. Wood or vinyl simulating wood;
      - ii. Wrought iron or aluminum simulating wrought iron;
      - iii. Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
      - iv. ~~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.~~
    - g. Electrified fencing for domesticated animals in the NP-1, R-R and R-1 districts only.
    - h. ~~Other materials commonly used in the judgment of the Planning Director for fencing or walls or other materials he or she approves. In mixed-use districts, Public Art can be incorporated into fencing materials.~~

B. Mixed Use Districts. The following shall apply to the following districts: MU-1, MU-2, MU-3, MU-4, MU-5 & MU-6.

1. Front and Street-Side Fencing. All fencing in front of the front building line, or on the street-side on corner lots shall:
  - a. Be limited to no higher than 4 feet; and
  - b. ~~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.~~ Shall be an open fence with at least forty (40%) aggregate opening over the surface of the fence with all openings equally distributed.
2. Side and Rear Fencing. All side and rear fencing located behind the front building line shall:
  - a. Be limited to no higher than 6 feet;
  - b. On corner lots, street-side fencing within 10 feet of the public right-of-way shall meet the standards in subsection A.
  - c. ~~All other side or rear fencing may have a solid screen up to 6 feet.~~
  - d. Where Limited and Conditional Uses are allowed, side or rear fencing up to 8 feet is permitted with approval of the Planning Director.
  - e. In MU Districts where wood or vinyl fencing is used, such fence shall have masonry supports, spaced no more than 16 feet.
    - i. ~~The supports shall be spaced no more than 16 feet.~~
    - ii. ~~The required screen shall have 100% opacity.~~
3. Other Fencing Design Standards.
  - a. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
  - b. The property owner or agent is responsible for determining the location of all property lines.
  - c. Fences shall be constructed out of any of the following materials:
    - i. Wood or vinyl simulating wood;
    - ii. Wrought iron or aluminum simulating wrought iron;
    - iii. Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
    - iv. ~~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.~~
    - v. Other materials commonly used in the judgment of the Planning Director for fencing or walls or other materials he or she approves. In mixed-use districts, Public Art can be incorporated into fencing materials.
  - d. If there is an existing fence, driveway or other accessory structure located along an adjacent property line, then the face of the fence shall be located at least 3 feet from such fence or other structure.
  - e. Notwithstanding other regulations in this subsection, fences shall setback at least 1 foot from any public right-of-way.

C. General Design Districts. The following shall apply to the following districts: C-1, E-1 & M-1.

1. Front and Street-Side Fencing. All fencing in front of the front building line, or on the street-side on corner lots shall:
  - a. Be limited to no higher than 4 feet; and
  - b. ~~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.~~ **Shall be an open fence with at least forty (40%) aggregate opening over the surface of the fence with all openings equally distributed.**
2. Side and Rear Fencing. All side and rear fencing located behind the front building line shall:
  - a. Be limited to no higher than 6 feet;
  - b. On corner lots, street-side fencing within 10 feet of the public right-of-way shall meet the standards in subsection A.
  - c. ~~All other side or rear fencing may have a solid screen up to 6 feet.~~
  - d. Where Limited and Conditional Uses are allowed, side or rear fencing up to 8 feet is permitted with approval of the Planning Director.
  - e. ~~In MU Districts where wood or vinyl fencing is used, such fence shall have masonry supports, spaced no more than 16 feet.~~
    - iii. ~~The supports shall be spaced no more than 16 feet.~~
    - iv. ~~The required screen shall have 100% opacity.~~
4. Other Fencing Design Standards.
  - a. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
  - b. The property owner or agent is responsible for determining the location of all property lines.
  - c. Fences shall be constructed out of any of the following materials:
    - i. Wood or vinyl simulating wood;
    - ii. Wrought iron or aluminum simulating wrought iron;
    - iii. Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
    - iv. ~~Chain link or vinyl clad chain link, in the rear or side yard only with a maximum height of 4 feet in~~ **C-1 all districts and 8 feet in except for E-1 and M-1 districts., where rear or side yard maximum height is 8 feet.**
    - v. ~~Other materials commonly used in the judgment of the Planning Director for fencing or walls or other materials he or she approves. In mixed-use districts, Public Art can be incorporated into fencing materials.~~
  - d. **If there is an existing fence, driveway or other accessory structure located along an adjacent property line, then the face of the fence shall be located at least 3 feet from such fence or other structure.**
  - e. **Notwithstanding other regulations in this subsection, fences shall setback at least 1 foot from any public right-of-way.**

D. Screening. All other screening in residential neighborhood districts shall occur according to the standards of ~~CHAPTER 1145, LANDSCAPE DESIGN~~ **subsection 1145.07 and 1145.08.**

## CHAPTER 1146 SIGN DESIGN

### 1146.05 Sign Standards

#### A. Sign Area

Table 1146-29: Sign Design -- Permanent Sign Allowances		
Principal Use	Permanent Sign Allowance	Minimum Value
1. <b>Retail, Mixed-Use, or Personal Service Use: With Over 300 ft. of Frontage on a Single Street</b>	130% of SAC	50 sq. ft.
<b>All other Drive-Through Interchange Retail</b>	100% of SAC	50 sq. ft. 50 sq. ft.** 100 sq. ft.***
2. <b>Office, Institutional or Industrial Use</b>	60% of SAC	35 sq. ft.
3. <b>Multi-family residential or Detached or Attached Single-family development of 20 or more lots or building sites.</b>	40% of SAC	25 sq. ft.
4. <b>Agricultural Use or Vacant Land</b>	15% of SAC	20 sq. ft.
5. <b>Individual Single-family attached and detached Dwellings.</b>	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		

#### 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 **further regulated in subsection 1146.06 A**. 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.

## APPENDIX C FEE SCHEDULE

Action/Permit	Fee
<b>Site Plan Review, Boards &amp; Commissions</b>	
Rezoning - All Districts	\$500.00
Overlay District - Plan	\$2000.00
Site Plan - Major (over 8,000 sq. ft. commercial, industrial or over 8 units residential)	\$500.00
Site Plan - Minor (Commercial, Industrial 8,000 sq. ft. or less)	\$250.00
Site Plan - Minor (Residential, 8 dwelling units or less)	\$100.00
Revitalization Sign Area	\$300.00
Conditional Use	\$300.00
Subdivision - Major, Preliminary	\$1,000.00
Subdivision - Major, Final	\$1,250 (plus \$25 per unit)
Subdivision - Minor (i.e. lot splits, lot consolidations, lot line adjustments)	\$250.00
Street Vacation	\$250.00
Street Dedication	\$100.00
Certificate of Appropriateness (Design & Historic Review Board)	\$85.00
Board of Zoning Appeals (Variance, Administrative Appeal)	\$250.00
<b>Fee-in-Lieu-of Dedication</b>	<b>\$1,200/dwelling unit</b>
<b>Zoning Certificates <sup>(a)</sup></b>	
Fence	\$25.00
Accessory Structure (less than 200 sq. ft.)	\$25.00
Single Family Dwellings, Attachments, Projections, Additions & Accessory structures 200 sq. ft. and over	\$50.00
Interior Renovations	\$25.00
Sign - Permanent	\$50.00
Sign - Temporary	\$25.00
Zoning Verification Letter	\$50.00

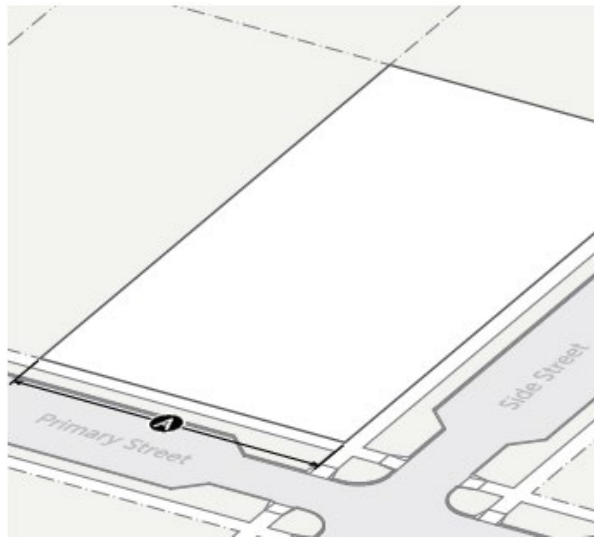
(a) If construction is completed prior to the issuance of an approved zoning certificate in violation of subsection 1111.09(A), the fee shall be doubled

## APPENDIX C FEE SCHEDULE

Action/Permit	Fee
<b>Site Plan Review, Boards &amp; Commissions</b>	
Rezoning - All Districts	\$500.00
Overlay District - Plan	\$2000.00
Site Plan - Major (over 8,000 sq. ft. commercial, industrial or over 8 units residential)	\$500.00
Site Plan - Minor (Commercial, Industrial 8,000 sq. ft. or less)	\$250.00
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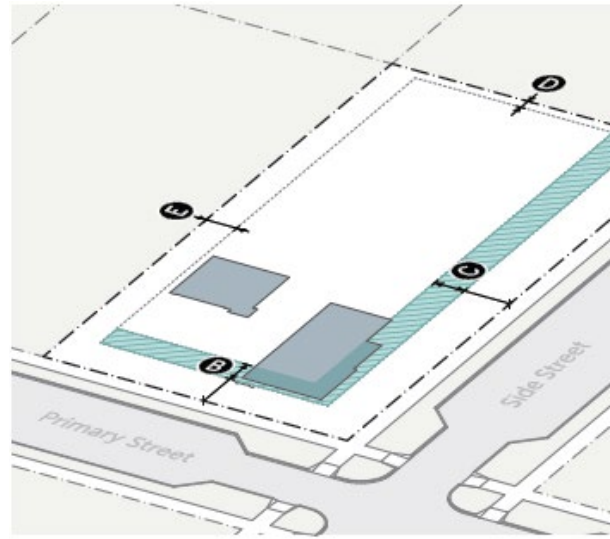
(a) If construction is completed prior to the issuance of an approved zoning certificate in violation of subsection 1111.09(A), the fee shall be doubled

## D. SITE STANDARDS



1. Site Width	Sec. 2.5.2
A Width (min)	
Front access	40'
Side/rear access	18'
2. Dwelling Units	Sec. 2.5.3
Dwelling units per lot <sup>(a)</sup> (max)	2
3. Coverage	Sec. 2.5.4
Outdoor amenity space (min)	n/a
Building coverage (max)	n/a
4. Streetscape	Sec. 2.5.5
Sidewalk width (min)	6'
Planting area	
Width (min)	6'
Type	Tree lawn
Tree spacing (max)	40' avg. on center
5. Blocks	Sec. 2.5.6
Block perimeter (max)	1800'
Block length (max)	600'

(a) See Section 2.5.1 for lot definition



6. Setbacks	Sec. 2.5.7
B Primary street (min/max)	15'/25'
C Side street (min/max)	15'/25'
D Rear (min)	4'
E Side (min)	10'
Between attached units (min)	0'
7. Transitions	Sec. 2.5.8
Transition setback (min)	n/a
Screening type required	n/a
8. Building Frontage	Sec. 2.5.9
Primary street (min)	n/a
Side street (min)	n/a
9. Parking Location	Sec. 2.5.10
Front yard	Not allowed
Side street yard	Allowed
Rear yard	Allowed
Side yard	Allowed

## 1131.03 Use Types Categories

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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.

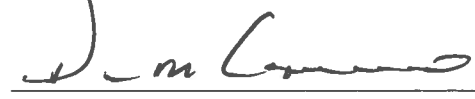
- A. **Residential Uses.** The Residential Use Category includes all types of dwelling units. A “dwelling unit” is any building, portion of a building used as or intended for use permanently as the residence of an individual or family. Residential uses include the following types:
1. **Single-Family 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~~ 1.5 acres and ~~8~~ 7.99 acres.
    - c. Low-density Lots. Lots between ~~1/2~~ 0.5 acre and ~~1-1/2~~ 1.49 acres.
    - d. Suburban Lots. Lots between ~~1/4~~ 0.25 acre and ~~1/2~~ 0.49 acre.
    - e. Standard Lots. Lots between 6000 square feet and 10,890 89 square feet.
    - f. Small Lots. Lots between ~~4,500~~ 3,800 square feet and ~~6000~~ 5,999 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~~ Large 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~~ Low-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.



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Passed: 10-27-2025

  
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President of Council

  
\_\_\_\_\_  
Clerk of Council

Approved: 10-27-2025  
10/27/25


  
\_\_\_\_\_  
Mayor

Exhibit A (Substitute - 10/27/25)

DEVELOPMENT CODE REVIEW – 2025				As amended Planning Committee - 10/21/25
#	Section	Title	Current Issue(s)	Proposed Change
1	1111.08	Administration and Enforcement	"zoning certificate" is not contained in Code	Added "zoning certificate" term.
2	1111.09	Penalties	No penalty for not obtaining a zoning certificate after construction completed	Revised schedule of fees
3	Chapter 1113.10 & 1113.11	Minor & Major Site Plan Procedures	Expiration "Effect of Approval" for Major and Minor Site Plan conflicting/confusing language; Major site plan uses "deemed approved"	2 years must begin construction; 42 months to complete; Revised to deemed denied;
4	1113.12	1113.12	Landscape bond language not consistent w/ agreement form used	Made consistent with existing practice to allow cash deposit or performance bond.
5	1115	Definitions	Lot Coverage and building area definitions are partially redundant and causes confusion	Clarified definitions
6	1115	Definitions	Existing definition of dwelling unit, strictly reading, does not allow an "in-law suite"	Revised definition of a "dwelling unit" to allow but with limitations
7	1115	Commercial Vehicles	There are two separate definitions; the definition that applies to residential storage is broad	Delete "commercial vehicle" definition
8	1122	Street Cross Sections & T-shaped street ends	Concerned about lack of on-street parking; T-shaped street ends causes access issues for service vehicles	Require a modification to the street sections to provide for additional parking (on-street or other); limit use of T-shaped street end to 4 or fewer dwelling.
9	1123.04 & 1133.02 D	1123.04 C 1 c	Curb cut and driveway width are used interchangeably and confusion about where measured; Drive-thru queuing area not adequate	Specified that measurement of driveway taken at the ROW; added note that curb radius based on turning moment; For drive-thrus, expanded minimum queuing area and added requirement for bypass lane.
10	1124.02, 1126 & 1132.19	Open Space	Redundant sections regarding open space and required open space for residential developments is minimal	Incorporated subsections from 1124.02 into Chapter 1126; increased minimum open space required
11	1124.05	Public & Community Facilities (In-lieu-of-Dedication)	Existing language is not consistent with current practice; doesn't anticipate application to a minor site plan or mf development without subdivision process.	Revised to reflect current practice and more clearly give the City authority on use of funds.

Exhibit A (Substitute - 10/27/25)

DEVELOPMENT CODE REVIEW – 2025				As amended Planning Committee - 10/21/25
#	Section	Title	Current Issue(s)	Proposed Change
12	1131 & 1133.02	Use Table, Use Type Categories & Limited Use Standards	Marijuana Dispensaries are currently allowed as a retail use in commercial districts with no specific limitations	Allow as a limited in C-1 Districts with 2,640' buffer from a church, public library, public playground, public park, or school; and one (1) mile of another marijuana dispensary.
13	1131.05 & 1133.03	Use Table, Use Type Categories & Conditional Use Standards	Pawn Shops & Payday Loans – the conditions are in a footnote	Conditions moved from footnote of Use Table to 1133.03
14	1131.05 (B)(5) & 1133.02 (B)(1)	Use Table, Use Type Categories & Limited Use Standards	Child/Adult Care Facility is not permitted as an accessory use; i.e. daycare in a church	Revise definition of neighborhood/public assembly to include daycare as an accessory use; Add to limited use criteria for neighborhood/public assembly uses. No more than 10% of principal use
15	1131 & 1133.02	Limited Uses	No standards for institutional, i.e. schools, churches; assisted living/nursing uses in residential districts.	Revised conditions to require use of Chapter 1143 for these uses when located residential districts; Updated Use Table for primary schools
16	1132	Residential Lot and Design Standards Table 1132-2	Table is confusing and difficult to use (staff & residents) –too much info for one table; row titles are not common to all; Many footnotes some warranted to be in text of code	Divided into 3 tables; Single-Family; Attached Single Family; and Multi-Family; reduced footnotes
17	1133.03	Conditional Uses	No reference to conditional uses are also subject to the limited use standards in 1133.02; A duplicate "Vehicle Repair Facility" section is located in the Conditional Use Subsection. This is wrong place and it is redundant - it is correctly located in 1133.02 E 2;	Language added to reference limited use standards in 1133.02  Vehicle repair section deleted from 1133.03
18	1135	Wireless Communication	Amendments to make consistent w/ the small cell ordinance	Updated per Law Dept.
19	1142.01	Applicability	Needs clarification	Amendments clarify this chapter's application for principal and accessory structures and specifies district
20	1142.02 (A)(3)&(4)	Storage Buildings	Unclear of the need for this; causes confusion with 1142.01(D) 80 sq. ft.	Delete #3 "storage buildings"
21	1142.02 (C)1	Garages	The minimum 400 sq. ft. 2-car garage requirement often causes hardships for replacement of detached garages on smaller lots	Revised to exclude "small lots" (those less than 6,000 sq. ft.)

Exhibit A (Substitute - 10/27/25)

DEVELOPMENT CODE REVIEW – 2025				As amended Planning Committee - 10/21/25
#	Section	Title	Current Issue(s)	Proposed Change
22	1142.02 (A)	Attachments	Regulations for stoop, deck, porch encroachments difficult to follow for staff/residents	Reorganized to combine attachments, extensions and projections; created table for allowed encroachments
23	1142.03	1142.03 (5) Residential driveways	It is not clear that only one curb cut per lot is permitted unless certain conditions are met	Language clarified to make clear when the exception applies
24	1142.05	Lighting Design	Lighting standards only specifically apply to multi-family developments excluding single family districts	Added lighting standards for single-family districts Added additional façade lighting restrictions
25	1145.03	Weeds	Bamboo grasses not included	Updated
26	1145.04 (C)	Tree Protection	Inadequate standards for tree protection during construction	Updated
27	1145.05	Street Trees	Update Tables 1145-22 & 1145-23 recommended and prohibited tree list per	Updated
28	1145.07	Landscape Design and Screening/Buffers	Review to determine if requirements are strict enough, particularly for conditional uses; Tables are difficult to follow with large footnote list	Re-format tables; move language from footnote to main text; add language to require additional screening measures to mitigate potential impacts to adjacent neighborhoods; Increased buffer widths for medium and heavy buffers
29	1145.07	Landscape Design and Screening/Buffers	Electrified Fencing - State law prohibits banning in non-residential districts but allows for some regulation.	Require a transition buffer for electrified fences
30	1145.09	Fencing	Fence standards for residential districts are not distinct from commercial districts; Restrictions for fences in mixed districts needs to be clarified, i.e. prohibit chain link in mixed districts “open” % standard is confusing; no setback from ROW	Separated into residential; general; mixed use subsections; clarified open (picket) fences to be 40% aggregate opening; added 1’ setback from ROW and added driveway to existing 3’ separation requirement
31	1146.06 & Table 1146-29	Signs	Illumination language needs clarified Permanent signs allowed on vacant land	Clarified exception for electronic message centers; Removed “vacant land” from permanent sign table

Exhibit A (Substitute - 10/27/25)

DEVELOPMENT CODE REVIEW – 2025				As amended Planning Committee - 10/21/25
#	Section	Title	Current Issue(s)	Proposed Change
32	2.2.1	Site Standards in CN Districts	Site Standards table did not consider attached dwellings in CN districts	Table revised
33	Appendix C	Fee Schedule	No fee for failing to submit permit and in-lieu-of payment not specified	Comprehensive review completed in 2022. Updated penalty & in-lieu-of

## CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. 83 - 2025

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
CUYAHOGA FALLS GENERAL DEVELOPMENT CODE  
ADOPTING BOTH A DEFINITION AND REGULATIONS  
RESTRICTING THE LOCATIONS OF VAPE SHOPS, AS  
MORE FULLY DESCRIBED AND DEPICTED HEREIN, AND  
DECLARING AN EMERGENCY.

WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions  
made by the Planning Commission be submitted to Council, and

WHEREAS, the proliferation and unregulated operation of vape shops and the  
products they sell, including highly addictive substances, have been demonstrably  
shown by scientific evidence and public health reports to increase youth initiation and  
use, significant public health burdens and healthcare costs and negative impacts on  
community aesthetics and perceived safety issues; and

WHEREAS, it is the finding of the City of Cuyahoga Falls that the regulation of vape  
shops is necessary to mitigate adverse impacts, safeguard the health of its youth,  
reduce the public health burden and preserve the character and safety of its  
neighborhoods; and

WHEREAS, on September 3, 2025 the Planning Commission recommended the  
adoption of a definition and locational restrictions for vape shops, which were included  
in the proposed amendments to the Development Code as more fully described in  
Project File TXT-25-00017; and

WHEREAS, pursuant to General Development Code Sub-Section 1113.06(E)(3)(b)(3),  
Council desires to adopt locational restrictions and amend the definition of vape shops  
to differ from the definition adopted by the Planning Commission.

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

Section 1. That Council hereby approves text amendments to the Cuyahoga Falls  
General Development Code and adopts both a definition and regulations restricting the  
locations of vape shops, as set forth in Exhibit A, attached hereto and made a part of  
this ordinance.


Section 2. That any other ordinances or resolutions or portions of ordinances and  
resolutions inconsistent herewith be and the same are hereby repealed, but any  
ordinances and resolutions not inconsistent herewith and which have not previously  
been repealed are hereby ratified and confirmed.

Section 3. That it is found and determined that all formal actions of this Council  
concerning and relating to the adoption of this ordinance were adopted in an open  
meeting of this Council, and that all deliberations of this Council and of any of its  
committees that resulted in such formal action, were in meetings open to the public, in  
compliance with all legal requirements, to the extent applicable, including Chapter 107  
of the Codified Ordinances.

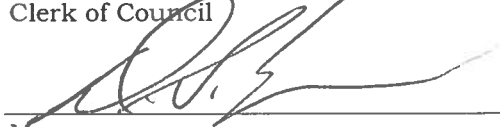
59        Section 4. That this ordinance is hereby declared to be an emergency measure  
60 necessary for the preservation of the public peace, health, safety, convenience and  
61 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
62 receives the affirmative vote of two thirds of the members elected or appointed to  
63 Council, it shall take effect and be in force immediately upon its passage and approval  
64 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed  
65 by law.

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73 Passed: 11-24-2025

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

74  
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80  
81 Approved: 11-24-2025

  
\_\_\_\_\_  
Mayor

82  
83 11/10/25

84 **Exhibit A**

85

86

87 **1131.03 USE TYPE CATEGORIES**

- 88 D. Retail Use Category. The Retail Use category consists of buildings that provide display and
- 89 on-site exchange of merchandise for general consumers. Consumption or use of the product
- 90 or merchandise typically is intended for off-premises, although small elements of the retail
- 91 use may provide for on-premise consumption or use.
- 92

93 **New #16:**

94 *"Vape Shop". Any business whose principal product line for retail sale is alternative nicotine*

95 *products or vape juice, or both. For the purposes of this section, alternative nicotine products*

96 *refer to any products or devices that employ an electronic heating element, power source,*

97 *electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor*

98 *that delivers nicotine to the person inhaling from the device, including electronic cigarettes,*

99 *electronic cigars, electronic hookahs, electronic bongs, and electronic pipes, whether*

100 *manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar; or*

101 *electronic pipe, and/or accessories therein, including but not limited to, tanks, coils, pod*

102 *cartridges, drip tips, vape battery kits, replacement coils, vape adapters, atomizers, and*

103 *rebuildable tools. For the purposes of this section, vape juice refers to any liquid that contains*

104 *compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food*

105 *grade flavoring, water, and can be used for vaping by means of an alternative nicotine product.*

106 *For purposes of this code section, principal shall mean that alternative nicotine products, vape*

107 *juice, or both constitute at least 20% of the floor sale area and/or businesses' aggregate retail*

108 *sales determined by assessing the annual total monetary value of all products and/or services*

109 *sold.*

110

111 **1133.02 LIMITED USES**

112 D. Retail Uses.

113 ***New #5:***

114 *Vape Shop. In Districts where Vape Shop is a Limited Use, Subject to Specific Conditions*

115 *("o"), the following specific standards apply:*

- 116 a. The property where such is located shall be a minimum of 2,640 ft. from any school
- 117 property or any property occupied by an existing use of the same specific type.
- 118 b. No such use shall be operated or open for business between the hours of 12:00
- 119 midnight and 8:00 a.m.
- 120
- 121



**Table 1131-1: Zoning Districts and Uses**

**Key:**  
**X = Allowed in Planning Area**  
**O = Limited Use only allowed subject to Specific Use standards**  
**All undesigned uses are considered prohibited**  
**✓ = Allowed Use subject to general zoning district and design standards**  
**◆ = Conditional Use only allowed subject to conditional zoning Certificate**

Zoning Districts → ↓ Use Types and Use Categories	Residential Neighborhoods							Mixed-Use Districts						General Districts				Special Overlay Districts		
	R-R 1	R-R 2	R-R 3	R-R 4	R-R 5	R-R 6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H	
Planning Areas																				
Cuyahoga River (CRA)					X	X	X		X		X	X	X		X			X	X	
State-Portage Trail (SPT)		X	X	X	X	X			X	X	X			X	X	X		X	X	
Bailey -Munroe Falls (BMF)		X	X	X	X	X			X	X	X			X	X	X		X	X	
Northampton (NH)	X	X	X	X		X		X		X				X			X	X	X	
Merriman Valley Schumacher (MVS)	Refer to <a href="#">Title 5</a> for district and uses in the MVS Area																			
Retail Uses																				
Convenience Store								✓	✓	✓	✓	✓	✓	✓	✓					
Grocery Store								✓	✓	✓	✓	✓	✓	✓						
Supermarket										✓	✓	✓		✓						
Neighborhood Merchandise								✓	✓	✓	✓	✓	✓	✓						
General Merchandise										✓	✓	✓	✓	✓						
Warehouse Merchandise											✓			✓						
Garden Center										✓	✓		✓	✓	✓					
Restaurant, Dine-In								✓	✓	✓	✓	✓	✓	✓						
Commercial Equipment and Supply														✓	✓	✓				
Theater										✓	✓	✓	✓	✓						
Service Station with Convenience Store								O	O	O	O	O	O	O	O					
Drive-Thru Establishments								O	O	O	O	O	O	O	O					
Outdoor Sales - Limited								O	O	O	O	O	O	O						
Outdoor Sales Lot														O	O	O				

**Table 1131-1: Zoning Districts and Uses**

**Key:**  
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Zoning Districts → ↓ Use Types and Use Categories		Residential Neighborhoods						Mixed-Use Districts						General Districts				Special Overlay Districts			
		R-R	R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H
	Marijuana Dispensary														O						
	Vape Shop														O						