

responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.

- (B) Unhealthy and dead plants that are required as part of these requirements shall be replaced within one-year, or by the next planting season, whichever comes first.
- (C) Violation of these maintenance practices shall be a violation of this Code.

## **1229.08 Site Plan Review Standards**

### **(1) Purpose**

The provisions contained in this section are established to ensure the safe and efficient movement of traffic, promote the development of a beautiful and well-ordered community, further the goals and objectives of the Long Range Land Use Plan, and best serve the interest of public health, safety, and general welfare.

### **(2) Applicability**

- (A) Unless otherwise noted, the standards of this section shall apply to all new construction, substantial renovation, or expansion of a building or site improvements related to all uses.
- (B) Single-family dwellings shall be exempt from the requirements of this section.
- (C) In addition to the standards of this section, all development subject to site plan review shall meet all other applicable standards of this Code.

### **(3) Minimum Performance Standards for Structures and Uses**

Every structure shall be designed, arranged and situated on the site and in relationship to adjacent uses, every use of land or structure shall be conducted, and every lot and every structure shall be maintained, in such a manner that:

- (A) The structure or land will not create a nuisance upon the premises;
- (B) The structure or land will avoid detrimental or blighting influences upon the neighborhood;
- (C) The structure or land will not, by means of noise, toxic gases, fumes, vapors, odors, radiation, light, heat, fire exposure, hazard, vibration or electrical interference, or by other means, unreasonably interfere with or impair the use or enjoyment of neighboring premises, including fluctuation in line voltage; and
- (D) The structure or land will not be hazardous to the community on account of such things as the danger of fire or explosion, even when conducted under adequate safeguards.

### **(4) Site Layout**

**(A) Relationship to Surroundings**

Buildings and other structures and uses shall be located and designed in a manner which reduces or eliminates negative impacts on existing or planned uses of abutting sites.

**(B) Yards and Setbacks**

Yards, setback areas and other unenclosed areas of a site shall be constructed and maintained as part of a comprehensive design that contributes to effective use of the site and to the function and quality appearance of the district in which it is located.

**(C) Undeveloped Areas**

- 1.) Undeveloped areas reserved for future development shall have locations and configurations which ensure the ability to develop the area in compliance with this Code in terms of vehicular and pedestrian circulation, access to utilities, potential for compatibility with the initial phases of development of the site and surroundings, and other characteristics.
- 2.) Undeveloped areas shall be graded and landscaped for typical maintenance or maintained in a natural state as approved by the PZC.
- 3.) The PZC may require the applicant to submit a sketch site plan for undeveloped area(s) to evidence the ability for development in compliance with this Code.

**(5) Utilities and Lighting**

All on-site electric and communication utilities shall be installed underground as well as all supply lines to the parcel.

**(6) Signs**

- (A) Signs shall be compatible in materials, color, scale, location and orientation with the site and buildings.
- (B) Freestanding signs shall be mounted on foundations clad in materials consistent with the main materials of the building.
- (C) Signs shall be located to protect sight lines for the safety of vehicles and pedestrians.

**(7) Waste Storage**

The following standards shall apply to waste storage for all uses except ~~two~~ ~~single~~ family dwellings.

- (A) Waste storage areas shall be designed to:

- 1.) Provide sufficient space and containers to safely and completely store, protect, and manage the types and volumes of wastes expected to be generated by the uses of the property;
  - 2.) Minimize noise, odor, and visual impacts on abutting properties;
  - 3.) Maximize efficient storage and removal of the wastes.
- (B) Screening of waste areas shall consist of walls, low-maintenance fences, earth mounds, landscaping or a combination of such elements, designed to be consistent with and complementary to the design of other elements of the site.
- (C) When a use is proposed which may generate unusual types or quantities of waste, the PZC may require the applicant to provide information sufficient to determine that the proposed waste storage facilities will comply with these guidelines and other applicable laws and regulations.

## **1229.09 Transitional Area Standards**

The following standards shall apply to areas designated as "transitional areas" in the City of Green Long Range Land Use Plan.

### **(1) Multi-Family Dwellings in Transitional Areas**

Multi-family dwellings may be permitted provided the uses meet the following additional requirements:

- (A) The maximum density of development shall be five units per acres;
- (B) Permitted multi-family dwellings are restricted to townhomes or rowhouses where units may share common walls but shall not be stacked with shared ceiling/floors; and
- (C) Each unit shall have a separate exterior entrance to serve as the main entrance to the dwelling unit.
- (D) Multi-family dwellings shall also meet the architectural standards of Section 1229.10: Architectural Standards.

### **(2) Architectural Standards for Transitional Areas**

#### **(A) Applicability**

The following standards shall apply to all new nonresidential development in a transitional area.

#### **(B) Standards**

- 1.) To the maximum extent feasible, parking areas shall be located to the side or rear of buildings.
- 2.) Loading spaces shall not face a public street and shall be screened from view of adjacent residential property.

- 3.) Exterior building materials shall be consistent with those used in the neighboring residential areas. Generally these materials include brick, wood, and stone. Other materials may be used only if the applicant demonstrates that they are consistent with the neighborhood.
- 4.) Building heights and rooflines for nonresidential uses shall be consistent with those in neighboring residential areas.
- 5.) Each building façade shall be articulated with a recess, projection, or offset. These may include covered porches, covered box or bay windows, or similar features. The wall shall not extend more than three times its length without an additional offset. The offset shall extend for at least five feet.
- 6.) Each building façade visible from a public street or oriented to an adjoining residential district shall be a finished façade. All roof- or ground-mounted mechanical equipment shall be enclosed or screened from view.
- 7.) Lighting shall comply with the requirements of Section 1229.11: Outdoor Lighting, and light fixtures shall be of a material and style that is consistent with the neighboring residential areas.

## **1229.10 Architectural Standards**

### **(1) Purpose**

The purpose of these regulations are to further the goals and implement policies in the Long Range Land Use Plan by:

- (A) Encouraging visual design interest and a pedestrian site design for large-scale buildings;
- (B) Reducing the massive scale and uniform, monolithic appearances of large structures;
- (C) Promoting a safe and comfortable pedestrian oriented site with a mixture of uses and sizes of structures;
- (D) Demonstrating careful attention to local community design issues will also ensure a greater likelihood of reuse of the structure for subsequent tenants;
- (E) Furthering the design excellence and architectural creativity that typifies development in Green; and
- (F) Encouraging designs tailored to the community.

### **(2) Applicability**

Unless otherwise noted, the provisions of this section shall apply to all development within the City.

### **(3) General Review Guidelines**

**(A) Applicability**

The provisions of this subsection shall apply to all development subject to site plan review.

**(B) Architectural Style**

- 1.) Sites and structures shall be designed using architectural styles or variations of styles and elements which contribute to a high quality of design in the City and which are compatible and complementary with nearby high quality structures.
- 2.) Nothing in this Code shall be interpreted as a prohibition against the use of any style of design, provided that the style is executed in a manner conforming with all provisions of this Code, and unless such style is specifically prohibited in a special design district.

**(C) Height, Width, Scale, and Proportion**

- 1.) Structures shall be designed with a height, width, scale, and proportion which is consistent and compatible with existing structures on the same, abutting and nearby properties when such structures are determined by the PZC to be appropriate for their location and in conformance with this Code.
- 2.) No structure shall be constructed with a width that unduly limits accessibility to the rear of the structure or to other areas of the site that may be subject to future development.

**(D) Orientation**

- 1.) The orientation of structures and uses shall be designed to promote efficient use of the site and appropriate relationships with abutting sites and improvements in the district.
- 2.) Alternative orientations shall be permitted where necessary to minimize disruption of natural grades, to promote positive site drainage, or to preserve natural vegetation.
- 3.) Entries for customers, employees, and service activities shall be appropriately located and sized relative to parking, walkways, and loading areas on site and to the public street and circulation patterns of abutting sites.
- 4.) Design elements and materials shall be consistently applied to facades facing public streets. Lesser amounts of detailing, fewer windows, and other variations from the main facades may be approved for rear or side facades not visible from the public street.

**(E) Building Materials**

- 1.) Materials specified for exterior surfaces of structures (including buildings, walls, fences, and signs), and for landscape features such as pavements and retaining walls, shall be good quality, durable, low-maintenance, and appropriate for the exposure, local weather conditions, and application.
- 2.) Exterior wall materials shall consist of brick, stone, concrete, precast concrete, split-faced or other textured block, glass, and wood and metal trims and detailing. Materials which are not appropriate for the design, function, and maintenance of non-residential buildings shall be prohibited. The use of aluminum or plastic siding, metal siding, stucco, or similar materials, and wood as siding shall be limited to 20y percent of any side of a building. Use of non-decorative cinder block shall be limited, primarily on walls not visible from a public street, and only as approved by the PZC.
- 3.) Use of materials which have colors, tones, and textures which are compatible with or complementary to the predominant colors, tones and textures of existing buildings and other features on abutting and nearby properties shall be encouraged when such existing structures are determined by the PZC to be appropriate for their location and in conformance with this Code. Creative use of diverse materials or diverse colors of the same materials (such as bands of contrasting brick within a wall or column) shall be encouraged.

#### **(F) Roofs**

- 1.) Roofs shall be designed to provide adequate, low maintenance protection for structures in a manner compatible with and complementary to the roofs of existing structures on the same, abutting and nearby properties, where such existing structures are determined by the PZC to be appropriate for their location and in conformance with this Code.
- 2.) Pitched roofs with articulated roof lines (including the introduction of dormers and other roof features appropriate to the building design) and textured surface materials shall be encouraged.
- 3.) Construction of a low slope roof shall be discouraged where visible from any property having a natural grade higher than the roof.

#### **(G) Entrances and Windows**

- 1.) The locations of entrances and windows shall be functionally related to other site elements including walkways, parking areas,

and landscaped areas and to other built elements on the same and abutting sites.

- 2.) The main customer entrance shall be located on the main wall of the building and oriented toward the public street except where an alternative orientation is justified by site characteristics and is approved by the PZC.
- 3.) All doors shall open directly onto paved walkways. All vehicle doors shall open onto paved drives.
- 4.) Entries and windows shall be emphasized and articulated with decorative elements, such as trim, architectural detailing, building forms, canopies, and covered entries as appropriate for their uses and positions within the site and building design. The design of entries and windows shall be coordinated with other elements of the building facade.

**(H) Architectural Details**

- 1.) Architectural details and features shall be appropriate for the design or style of the building. The use of unrelated elements, excessive details or poorly scaled or poorly positioned elements shall be prohibited.
- 2.) Unadorned or undifferentiated walls shall be prohibited, except where designed as a decorative feature integral to the overall design of the site and building.

**(I) Building-Mounted Utilities/Mechanical**

- 1.) The locations, dimensions, and colors of proposed roof-mounted equipment, ducts, and other roof-mounted elements not related to the roof structure, shall be designed to minimize their visibility from the ground on or off-site or from abutting properties. Screening shall be installed where necessary to accomplish this objective.
- 2.) Utility service connections shall be installed underground. Locations where utilities and metering are exposed on exterior walls shall be located out of public view or substantially screened with fences or walls designed to match or complement the design of the building.

**(J) Accessory Structures**

With the exception of two-family dwellings, all accessory structures shall be designed in a manner compatible with the design of the main structure.

**(4) Residential Design Standards**

### **(A) Applicability**

- 1.) The anti-monotony standards of subsection (B) below shall apply to new two-family dwelling developments where more than ten residential structures are to be developed.
- 2.) The multi-family design standards of subsection (C) below shall apply to all multi-family dwellings containing five or more units.

### **(B) Anti-Monotony Standards**

- 1.) Single-family or two-family dwellings in proximity to each other on the street shall not look alike. For the purposes of this requirement, dwellings in proximity shall mean the lot on either side of the subject property and the lots direct across the street from those three lots.
- 2.) Residential dwellings shall differ from one another in two of the following:
  - a.) Wall or siding materials;
  - b.) Architectural style;
  - c.) Major addition features such as porches or turrets;
  - d.) Roof type or shape;
  - e.) Building footprint; or
  - f.) Window and door orientation.
- 3.) No requirement of these standards shall be interpreted to require a particular architectural style for any building.

### **(C) Multi-family Design Standards**

- 1.) Each multi-family building shall be articulated by at least two of the following features within each 36-foot length of the façade:
  - a.) Recesses, projections, or offsets of at least two feet in the wall plane;
  - b.) Distinct individual entrances with functional porches or patios;
  - c.) Chimneys that project from the wall plane;
  - d.) Balconies; or
  - e.) Covered box or bay windows.
- 2.) No individual building footprint shall be larger than 10,000 sq. ft.
- 3.) Buildings shall have one of the roof types described below. The minimum pitch of any sloped roof shall be 6:12. Buildings shall have at least three roof planes that are directly related to building façade articulations.
  - a.) Sloped roofs.

- b.) Combined flat and sloped roofs, provided that the sloped portion(s)] forms a substantial part of the building and is related to the integral structure, entries and activity areas.
  - c.) Flat roofs with building massing stepped or terraced back to form usable roof terrace area(s)].
- 4.) Each building shall be landscaped in accordance with the provisions of Section 1229.07: Landscaping and Screening.

**(5) Architectural Standards for Large Nonresidential Buildings**

**(A) Applicability:**

The regulations of this section shall apply to the following development in the nonresidential districts and planned development districts:

- 1.) New construction equal to or exceeding 50,000 gross square feet.
- 2.) Additions of 15,000 square feet to an existing building with 50,000 square feet or more of gross floor area. Additionally, these requirements shall apply to the structure portion of the addition and to any portion of the site that is developed as a direct result of increased parking requirements.
- 3.) Any addition to a structure or development that has previously been approved under this section.

**(B) Design Standards**

- 1.) Pre-fabricated metal building facades are prohibited including, but not limited to, corrugated metal, unfinished smooth face concrete block , tilt-up concrete panels, prefabricated steel panels, and vinyl siding. Such materials may be used for trim or in areas where it can be demonstrated that the use of other materials is not effective only if authorized by the PZC.
- 2.) All other general development regulations, including but not limited to, parking and loading, landscaping, signs, and the site development standards of the subject zoning district shall apply.
- 3.) Facades or wall planes greater than 100 feet in linear length shall be articulated with recesses or projections, which total at least 25 percent of that facade. Each recess or projection shall be a minimum of two percent of the length of that façade. No uninterrupted length of any façade shall exceed 75 horizontal feet. Walls may be articulated with doors, windows, or other treatments as authorized by the PZC.
- 4.) Ground floor facades that face public streets or public ways shall have arcades, display windows, entry areas, awnings and other such design features along no less than 60% percent of that facade.

This requirement includes the facade of the building that functions as the rear, yet faces a street.

- 5.) If the development of the site requires the relocation of existing overhead utilities, all existing utility and electrical lines located along a public right-of-way and/or along the site's frontage shall be placed underground. The PZC may waive this requirement if the power company determines that placing the utilities underground will pose a threat to safety or the reliability of the overall circuit.
- 6.) Flat roof designs shall be constructed with parapets to screen HVAC and other roof mounted mechanical equipment from public view. Such parapets shall not exceed 30% of the height of the supporting wall.
- 7.) Each building façade visible from a public street or oriented to an adjoining residential district shall be a finished façade. All roof- or ground-mounted mechanical equipment shall be enclosed or screened from view.
- 8.) Strip commercial centers or developments with multiple large structures shall have a unified architectural design, a unified lighting scheme, a unified landscape design, and a unified sign plan.
- 9.) Canopies used for gas stations, car washes, drive-through establishments and other uses shall be constructed of the same materials as the structures in the overall development.

10.) Parking and Circulation

- a.) No more than 60% of the overall proposed parking shall be located between the front facade and the abutting street.
- b.) There shall be one internal continuous sidewalk of at least five feet in width that provides a direct connection from the public street to the entrance.
- c.) All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, bricks or scored concrete.
- d.) Sidewalks, at least eight feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances and to other internal sidewalks

- e.) Overnight parking of RV's, mobile homes and other vehicles providing transient residency is prohibited.
- f.) Loading spaces or loading docks shall not be permitted to face a public street.
- g.) Loading spaces or loading docks facing or adjoining a residential district shall be screened from view of such residential district.

11.) Pedestrian Entrances:

Each establishment shall have a clearly defined and highly visible customer entrance or portal as follows:

- a.) Single tenants occupying more than 50,000 square feet shall provide for a plaza area of at least 20 feet in depth immediately in front of their entrance(s). It is encouraged that this area be large enough to plant shade trees;
- b.) Single tenants occupying more than 20,000 square feet shall provide for a plaza area of at least ten feet in depth immediately in front of their entrance(s); and/or
- c.) Single tenants of less than 20,000 square feet shall provide a plaza area of at least eight feet in depth immediately in front of their entrance(s).
- d.) With the exception of interior malls, multiple and separate stores located in the same structure shall have at least one exterior customer entrance.
- e.) Plaza areas shall incorporate no less than three of the following:
  - i.) Canopies or porticos;
  - ii.) Overhangs;
  - iii.) Recesses/projections;
  - iv.) Arcades;
  - v.) Raised corniced parapets over the door;
  - vi.) Peaked roof forms;
  - vii.) Arches;
  - viii.) Outdoor patios;
  - ix.) Display windows;
  - x.) Architectural details such as tile work and moldings which are integrated into the building structure and design,
  - xi.) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

**(C) Modifications**

- 1.) The Zoning Division may allow minor modifications in the design standards listed in this Section if the spirit and intent of this

Section continues to be adhered to in the overall development design.

- 2.) Major modifications shall be submitted to the PZC through the site plan review process. The Zoning Division may opt to forward the modifications on to the PZC for review where it is unclear if a modification is a minor change from the approved site plan.

## **1229.11 Outdoor Lighting**

### **(1) Purpose and Scope**

- (A) The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.
- (B) Site lighting shall be designed to provide illumination for specific uses on the site and shall not generate excessive glare or spillover onto abutting properties. Lighting shall be used to promote safe circulation by vehicles and pedestrians, security of persons and property, and accenting of landscaping and building features. Use of lighting for advertising or attention-getting purposes shall be prohibited, except where permitted in signs.

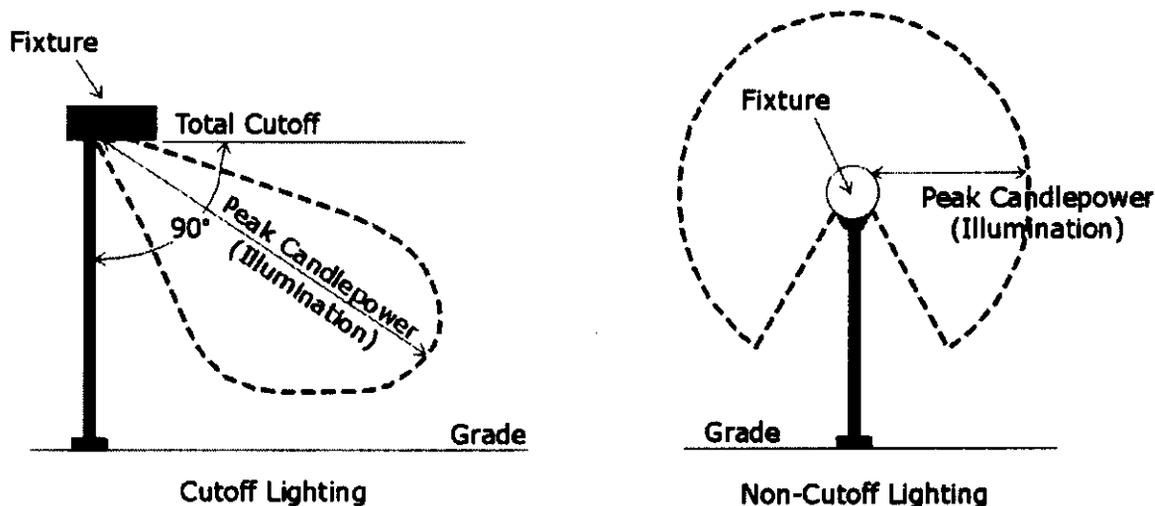
### **(2) Applicability**

- (A) The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot.
- (B) Photometric lighting plans shall be submitted for approval with all site plans for development in all zoning districts except the R-R and R-1 Districts.

### **(3) Height**

- (A) All outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-cutoff lights and 20 feet above grade for cutoff lights.
- (B) Variation of heights greater than as specified above shall be subject to approval by the PZC based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other sections of this section.

## **Figure K – Outdoor Lighting Types**



**(4) Location**

The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.

**(5) Shielding**

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent residential lots are not impacted by illumination.

**(6) Color and Glare**

- (A) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- (B) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required photometric plan.

**(7) Nonconforming Outdoor Lighting**

The nonconforming use may continue until the luminaire is replaced.

**1229.12 Outdoor Sales, Display, and Storage**

**(1) Purpose**

The purpose of these regulations is to ensure the proper use of land for outdoor displays, sales, and storage so as to minimize impacts on surrounding property owners and uses.

**(2) Applicability**

The provisions of this section shall apply to all uses except single-family, two-family dwellings, multi-family dwellings, and roadside markets that are accessory to an agricultural use.

**(3) Exemptions**

The following uses, where the outdoor displays and sales are the principal use of the lots, shall be exempt from these regulations:

- (A) Automotive sales or rental;
- (B) Greenhouses;
- (C) Tool rental or sales facilities; and
- (D) Similar uses as determined by the BZA.

**(4) General Standards**

- (A) All outdoor sales, display, and storage areas shall be illustrated on the site plan and shall require approval by the PZC during site plan review process. Existing locations shall meet the criteria as set forth by the following:
- (B) Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or screened area.
- (C) Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Summit County Building Department, whichever is greater.
- (D) Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood material, or other material as approved by the PZC shall be utilized. Chain link fencing and other wire mesh fencing shall only be permitted where the fencing is not visible from any public right-of-way.
- (E) All outdoor sales, display, and storage areas shall maintained free of garbage and other debris.

**(5) Standards for Outdoor Sales and Displays**

Outdoor sales and displays may be permitted where such sales and display areas comply with the following regulations:

- (A) Outdoor sales and displays are prohibited on vacant lots unless approved in advance by the PZC and only retail commercial uses are permitted in the applicable zoning district. Upon approval a temporary use permit is to be obtained.

- (B) Outdoor sales and displays may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard;
- (C) Outdoor displays and sales of bulk or large products that exceed 20 pounds, including, but not limited to mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase shall be required to meet the requirements for outdoor storage (Subsection 1229.12 (6)).
- (D) Outdoor cafes and food service areas may be permitted when they comply with the following regulations:
  - 1.) Outdoor cafes or food service areas located along a sidewalk or between the building and parking area.
  - 2.) Outdoor café and food services areas wider than four feet shall be surrounded by railings that separate the eating area from sidewalk or vehicular traffic.
  - 3.) Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
  - 4.) Enclosing outdoor cafes or food service areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning permit.

**(6) Standards for Outdoor Storage Areas**

Outdoor storage areas may be permitted where such storage areas comply with the following regulations:

- (A) Outdoor storage shall be prohibited on vacant lots.
- (B) Only those goods and materials associated with the existing on-site use may be stored or sold in outdoor storage areas;
- (C) Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard.
- (D) Storage of any goods or materials shall not exceed six feet in height.
- (E) All outdoor storage areas shall be screened from view of the public right-of-way by a six-foot fence in conformance with subsection 1229.12 (4) above. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.

**1229.13 Riparian Setbacks**

**(1) Purpose**

- (A) The City has determined that the system of streams within the City contributes to the health, safety and general welfare of the residents of the

community. The purpose of this section is to protect and preserve the water quality within streams of the City and to protect residents of the City from property loss and damage because of flooding and other impacts of the stream. The City will implement this section by controlling uses and developments within a riparian setback that would impair the ability of the riparian area to:

- 1.) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters and regulating base flow.
- 2.) Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- 3.) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams or in runoff before they enter streams.
- 4.) Provide areas for natural meandering and lateral movement of stream channels.
- 5.) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
- 6.) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- 7.) Benefit the City economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the City, the quality of life of the residents of the City, and corresponding property values.

- (B) This section has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses in riparian setbacks.

**(2) Establishment and Applicability of a Riparian Setback**

- (A) Riparian setbacks are established as provided in this section.
- (B) Streams addressed by this section are those which meet the definition of "stream" and are indicated on at least one of the following maps:
- 1.) USGS topographical map.
  - 2.) ~~City of Green~~ Riparian Setback Map.
  - 3.) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

- (C) **Alternative Plans:** Proposed developments that have Riparian setbacks located within the property's boundaries may develop an alternative plan for the enhancement of the Riparian Corridor. This plan shall be developed by a licensed landscape architect designed with the intent to improve the Riparian Corridor using vegetation more conducive than natural succession, (i.e., invasive species) that allows the free flow of water, that allow man and nature to enjoy the corridor. Plans for Riparian Corridor improvements shall be approved by the Planning & Zoning Commission as part of the site or subdivision plan. Absent said plan, the following shall apply:
- (D) Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:
- 1.) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
  - 2.) A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
  - 3.) A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
  - 4.) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
  - 5.) A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- (E) The following are exempt from the terms and protection of this section: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm water to another system, tile drainage systems, and stream culverts.
- (F) The following shall apply to the riparian setback:
- 1.) Where the 100-year floodplain is wider than the riparian setback on either or both sides of the stream, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and subject to review and approval per City Ordinance 2002-02.
  - 2.) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the riparian setback formulae for width determination:

Stream Slope	Width of Setback
15% to 20%	Add 25 feet
21% to 25%	Add 50 feet
>25%	Add 100 feet

- 3.) Average stream bank slope is to be calculated using methodology outlined in "The Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)" by USDA, NRCS.
- 4.) Where wetlands protected under Federal or State law are identified within the riparian setback, the riparian setback shall consist of the full extent of the wetlands plus the following additional setback widths:
  - a.) A 50-foot setback extending beyond the outer boundary of a Category 3 wetlands.
  - b.) A 30-foot setback extending beyond the outer boundary of a Category 2 wetlands.
  - c.) No additional setback will be required adjacent to Category 1 wetlands
- 5.) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of these regulations.
- 6.) The applicant shall be responsible for delineating the riparian setback, including any expansions or modifications as required by divisions 1229.15 (2)(B) through (D) of this section, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit County SWCD. As the result of this review, the Summit County SWCD may require further studies from the applicant.
- 7.) Prior to any land disturbance activity, the riparian setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be

maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

- 8.) No approvals or permits shall be issued by the City prior to delineation of the riparian setback in conformance with these regulations.
- 9.) Upon completion of an approved subdivision, the riparian setback shall be permanently recorded on the plat records for the City.

**(3) Compliance and Violations**

- (A) No preliminary plan for a subdivision, zoning permit, or certificate of use and occupancy shall be issued by the City without full compliance with the terms of these regulations where applicable.
- (B) Any person or organization who violates Subsection 1229.15 (5)(B) shall be guilty of a minor misdemeanor and, upon conviction, shall be subject to punishment as provided in Section 698.02 of the Codified Ordinances of the City, and shall be required to restore the riparian setback through a plan approved by Summit County SWCD.
- (C) The provisions of this section may be enforced through civil or criminal proceedings brought by the City or County Prosecutor on behalf of the City.

**(4) Conflicts with Other Regulations**

Where this section imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this section shall control.

**(5) Uses in a Riparian Setback**

**(A) Permitted Uses**

- 1.) The following uses are permitted by right within the riparian setbacks without prior approval:

a.) Open Space Uses

Open space uses that are passive in character shall be permitted in the riparian setback, including but not limited to those listed in divisions (A)(2) through (A)(5) of this section. No use permitted under these regulations shall be construed as allowing trespass on privately-held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian setback shall be preserved in its natural state.

b.) Recreational Activity

Passive recreational uses, as permitted by Federal, State, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures, including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

c.) Removal of Damaged or Diseased Trees

Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than six inches in diameter shall be anchored to the shore or removed from the 100-year floodplain.

d.) Revegetation and/or Reforestation

The revegetation and/or reforestation of the riparian setback shall be allowed without approval of the Summit County SWCD. Species of shrubs and vines recommended for stabilizing flood-prone areas along streams within the City are listed in Appendix A.

2.) The following uses are permitted by right within the riparian setbacks with prior approval of the design.

a.) Stream Bank Stabilization/Erosion Control Measures

Best management practices (BMPs) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, State and Federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Storm Water Pollution Prevention Plan (SWPPP or SWP3) by the Summit County SWCD.

b.) Crossings

In reviewing plans for stream crossings, the City may confer with the Summit County SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the agencies having jurisdiction over sanitary sewer or water, or other technical experts as necessary.

i.) Limited crossings of designated streams through the riparian setback by vehicles, storm sewers, sewer and/or water lines and public utility lines will be per the approval of local, County, and

- State governing agencies and as a part of the regular subdivision review process.
- ii.) One driveway crossing per stream per tax parcel will be allowed for individual landowners.
  - iii.) Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the City's design standards and as approved by the City Planning and Zoning Commission. If more than two crossings per 1,000 linear feet of stream center are required for these areas, the applicant must apply for a variance.
  - iv.) All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the riparian setback and shall mitigate any necessary disturbances.
- c.) Placement of storm water retention or detention facilities may be considered within the riparian setback if:
- i.) Storm water quality treatment that is consistent with current State standards is incorporated into the basin.
  - ii.) The storm water quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.
- d.) Dredging may be permitted, provided the City or property owner obtains all necessary permits that may be required, and notification and presentation of the plan are provided to the City Engineer for review and approval.

**(B) Prohibited Uses**

The following uses shall be allowed only upon approval by the PZC:

1.) **Structures/Buildings**

**Structures/Buildings are not recommended in a Riparian Setback area.**

2.) **Mineral Extraction**

There shall be no drilling for petroleum or mineral products, mining activity, except as permitted under these regulations.

3.) **Roads or Driveways**

**Roads and Driveways are not recommended to run parallel within a Riparian setback area. Perpendicular crossings are permitted upon approval.**

4.) **Modification Vegetation**

Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance

of landscaping or lawns existing at the time of passage of these regulations. Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the riparian setback, provided the landowner allows for natural succession.

5.) Parking Areas

**Parking areas are not recommended within a Riparian setback unless approved by the PZC.**

6.) New Surface and/or Subsurface Sewage Disposal or Treatment Area

Riparian setbacks shall not be used for the disposal or treatment of sewage except for:

- a.) Undeveloped parcels that have received site evaluation approval and/or permit approval prior to the enactment of this chapter.
- b.) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the riparian setback can be upgraded with approval of the Summit County Health Department and/or the Ohio Environmental Protection Agency.
- c.) Sanitary sewer systems, either public or private, that may need to be sited along riparian corridors to provide for flows and are commensurate with an approved sanitary system approved by the Ohio Environmental Protection Agency.

**(C) Nonconforming Structures or Uses**

- 1.) Structures and uses within the riparian setback, existing at the time of passage of these regulations, may be continued but shall be expanded only upon approval by the PZC.
- 2.) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage/destruction or the adoption of these regulations, whichever is later, at the property owners' own risk.
- 3.) A residential structure or use within the riparian setback existing at the time of passage of these regulations may be expanded subject to the following provisions:
  - a.) The expansion conforms to existing zoning regulations.
  - b.) The expansion must not impact the stream channel or the 100-year floodplain.

- c.) The expansion must not exceed an area of 15% of the total footprint of existing structure or use that lies within the riparian setback. Expansions exceeding 15% of the total footprint within the riparian setback must be obtained through the variance process.
- 4.) Nonresidential structure or use expansions will be permitted only through the review process.

**(6) Boundary Interpretation and Appeals Procedure**

- (A) When an applicant disputes the boundary of the riparian setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Planning Department that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.
- (B) The Planning Department shall evaluate all materials submitted and shall make a written recommendation to the PZC within a reasonable period of time, not to exceed 60 days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the City requires further information to complete this evaluation, the applicant may be required to provide additional information.
- (C) The PZC shall decide such boundary disputes. The party contesting the location of the riparian setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

**(7) Variance of Riparian Setback Requirements**

- (A) Applications for a hearing before the PZC for variances to the provisions of this section shall be submitted to the Planning Department.
- (B) The PZC may consult with representatives from the Summit County SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the agencies having jurisdiction over sanitary sewer or water; or other technical experts as necessary to provide the necessary data for the PZC to consider variance requests.
- (C) Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all nonresidential structures or uses are subject to the following:
  - 1.) The expansion conforms to the existing zoning regulations.
  - 2.) The expansion must not impact the stream channel or the 100-year floodplain.
  - 3.) The expansion of a nonresidential structure or use must not affect upstream or downstream hydrologic conditions which could cause

damage from flooding or stream bank erosion to landowners in those areas. A hydrologic study must be completed by nonresidential applicants only as a process of the variance application.

- 4.) The expansion of a nonresidential structure or use will not exceed 25% of the footprint area. The 25 percent expansion limit is per the portion of the structure or use that lies within the riparian setback.
- (D) Requests for variances for subdivisions will be considered for the following:
- 1.) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.
  - 2.) A reduction of the setback width, not to exceed ten percent of the prescribed riparian setback width.
- (E) No variances shall be granted for expansion of the following structures or uses:
- 1.) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to asphalt plants, dry cleaners, gasoline service stations and road maintenance facilities.
  - 2.) Facilities which use, store, distribute or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to storm water runoff around the facility. Such facilities include, but are not limited to landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations and road salt storage barns.
- (F) In reviewing whether to grant variances, the PZC shall consider the following:
- 1.) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in divisions (A) through (E) above.
  - 2.) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.
  - 3.) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

**(8) Inspection**

- (A) The riparian setback shall be inspected by the ~~Summit County SWCD~~ City of Green:
- 1.) When a preliminary subdivision plat or other land development plan is submitted to the City.
  - 2.) When a building or zoning permit is requested.
  - 3.) Prior to any request for a land disturbance permit to inspect the delineation of the riparian setback as required under these regulations.
- (B) The riparian setback shall also be inspected annually or as time permits by the City of Green or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the City of Green that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.
- (C) Violations of these regulations will be handled as noted in Chapter 1230 Violations and Penalties.

**SECTION TEN:**

City Council adopts the following provisions and designates them as Chapter 1230 of Green's Codified Ordinances:

**1230.01 Violations**

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Code, or amendment or supplement to it adopted by City Council. Each day's continuation of a violation of this section may be deemed a separate offense.

**1230.02 Penalties**

- (1) Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Code, or failing to obey any lawful order of the Zoning Division issued in pursuance thereof, shall be deemed guilty of a misdemeanor of the third degree and, upon conviction thereof, shall be jailed for not more than sixty (60) days and/or fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offence.

- (2) Whoever willfully violates any rule or regulation adopted by the City Council by resolution or ordinance pursuant to Section 3.3 of the City of Green Charter, or fails to comply with any order issued pursuant thereto, shall forfeit and pay not less than \$10.00, nor more than \$1,000. Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas of Summit County, relative to which the violation occurred, by the legal representative of the City, in the name of the City and for the use thereof.
- (3) Any person, being the owner or agent of the owner of any land, who willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision as specifically defined in Ohio R.C. Chapter 711, before such plat has been recorded in the office of the County Fiscal Officer, shall forfeit and pay the sum of not less than \$10.00, nor more than \$500.00, for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this subsection.

### **1230.03 Remedies**

- (1) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this Code, or any amendment or supplement thereto, City Council, the City's Law Director, the Zoning Division, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (2) City Council may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.

#### **SECTION ELEVEN:**

City Council adopts the following provisions and designates them as Chapter 1231 of Green's Codified Ordinances:

### **1231.01 Rules of Construction and Interpretation**

#### **(1) Intent**

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to this Code's stated purpose and intent.

**(2) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

**(3) Computation of Time**

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

**(4) References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

**(5) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the City of Green, unless otherwise expressly stated.

**(6) Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

**(7) Technical Words**

Technical words and phrases not otherwise defined in this Code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(8) Mandatory and Discretionary Terms**

The word shall is always mandatory, and the words may or should are always permissive.

**(9) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

*Chapter 1231: Definitions and Rules of Construction*  
*Section 1231.01: Rules of Construction and Interpretation*

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- (A) “And” indicates that all connected items, conditions, provisions, or events shall apply; and
- (B) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**(10)** Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**(11)** Gender

The masculine shall include the feminine, and vice versa.

**(12)** Meaning

For the purpose of this Code, words and phrases shall have the meanings set forth in this Article.

**(13)** Other Terms Not Defined

Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of American English.

## 1231.02 Definitions

- (1) **Abutting or Adjacent** shall mean the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.
- (2) **Accessory Building, Structure, or Use** shall mean a building or use that is **detached from principal structure**, is incidental to and found **on the same lot** as a principal building or use; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.
- (3) **Accessory Dwelling Unit** shall mean a separate residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit or nonresidential use, either within the same building as the single-family dwelling unit or in a detached building. The accessory dwelling unit shall be developed in accordance with the local building code and only in those zoning districts where the use is listed.
- (4) **Adult Arcade** shall mean any place to which the public is permitted or invited wherein coin-operated or token-operated, or electronically, electrically or mechanically controlled, still or motion picture machine projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (5) **Adult Bookstore or Adult Video Store** shall mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
  - (B) Instruments, devices or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.
- (6) **Adult Cabaret** shall mean a nightclub, bar, restaurant or similar commercial establishment which regularly features:
  - (A) Persons who appear in a state of nudity;
  - (B) Live performances which are characterized by the exposure of specified anatomical area or by specified sexual activities; or
  - (C) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (7) **Adult Family Home** shall mean a residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3

- to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.
- (8) Adult Group Home** shall mean a residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.
- (9) Adult Motion Picture Theater** shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown and are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (10) Adult Theater** shall mean a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.
- (11) Agricultural – Animal Husbandry and Keeping of Livestock** shall mean the use of land for dairying, animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- (12) Agricultural – Raising of Crops** shall mean the use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.
- (13) Appeal** shall mean a request for review of an administrative interpretation or decision made in relation to this Code.
- (14) Applicant** shall mean, unless otherwise specified, an owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for a permit or development review pursuant to Chapter 1224 (Development Review Procedures).
- (15) Application** shall mean the process by which the owner, or their agent, of a parcel of land within the City submits a request for a permit or any type of development review or approval identified in Chapter 1224 (Development Review Procedures) of this Code. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.
- (16) Architect** shall mean an individual or firm registered in the State of Ohio to practice in the field of architecture.

- (17) **Assisted Living Facility** shall mean A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.
- (18) **Automotive Body Repair** shall mean a facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.
- (19) **Automotive Car Washes** shall mean the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.
- (20) **Automotive Fuel Sales** shall mean that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles.
- (21) **Automotive Rental** shall mean a facility where new or used cars, motorcycles, and other light load vehicles are leased or rented.
- (22) **Automotive Sales** shall mean a facility where new or used cars, motorcycles, and other light load vehicles in operation condition primarily are sold, leased on a long-term basis.
- (23) **Automotive Repair And Service** shall mean a building, structure, or land used for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, muffler, , oil change and lubrication, tire service and sales, installation of accessory, or engine repair.
- (24) **Banquet Hall** shall mean a facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.
- (25) **Bars and Taverns** shall mean an establishment provided or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- (26) **Basement** shall mean that portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.
- (27) **Bed And Breakfast Establishment** shall mean any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.
- (28) **Berm**, in the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses.

- (29) **Best Management Practices (BMPs)** shall mean conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Storm Water Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.
- (30) **Buffer or Bufferyard** shall mean an area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Section 1229.07: Landscaping and Screening.
- (31) **Building** shall mean a temporary or permanent structure having a roof supported by walls and which can be used for shelter, business, housing, or enclosure of persons, animals, motor vehicles, boats, recreational vehicles, and other goods.
- (32) **Building Height** shall mean the vertical distance of a building as measured pursuant to Section 1227.01: Measurements, Computations, and Exceptions.
- (33) **Canopy Tree** shall mean a deciduous tree with an expected height of at least 35 feet at maturity.
- (34) **Cemetery** shall mean a place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
- (35) **Centralized Sewage System** shall mean an approved wastewater disposal system, which provides a collection network and disposal system and a central wastewater treatment facility for a single development, community or region.
- (36) **City Council** shall mean means the seven-member Council of the City of Green.
- (37) **City Engineer** shall mean the City of Green Engineer or a designee appointed to serve in the role of the engineer.
- (38) **Clearing** means the act of clear cutting and/or removing of trees and vegetation, which result in the exposure of raw land.
- (39) **Co-location** shall mean the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (40) **Commercial Message** shall mean shall mean any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (41) **Community Center and Clubhouses** shall mean a building to be used as a place of meeting, recreation, or social activity and not operated for profit and in

which alcoholic beverages or meals may be dispensed or consumed as an accessory use when in compliance with all other applicable ordinances and laws.

- (42) **Condominium** shall mean a multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners association and/or Ohio law.
- (43) **County Board of Health** shall mean the Summit Board of Health of the Summit County General Health District.
- (44) **County** shall mean Summit County, Ohio.
- (45) **Damaged Or Diseased Trees** shall mean trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
- (46) **Day Care Center** shall mean a facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.
- (47) **DBH** shall mean diameter-at-breast-height and is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.
- (48) **Deck** shall mean a platform, either freestanding or attached to a building, that is supported by pillars or posts and which is not enclosed nor has a roof.
- (49) **Density** shall mean the quotient of the total number of dwelling units as divided by total area of the site.
- (A) **Density, Gross** shall mean the total number of dwelling units as divided by the gross area of a site (including public right-of-way, easements, etc.).
- (B) **Density, Net** shall mean the total number of dwelling units divided by the gross area of the site minus any land used for easements and/or rights-of-way.
- (50) **Developer** shall mean any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity proceeding under this Code to effect a subdivision of land hereunder for himself or herself or for another.
- (51) **Development** shall mean any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filling, grading, paving, excavation, or drilling.
- (52) **Distribution Facilities, Truck Terminals, and Warehouses** shall mean a use where goods are received and/or stored for delivery to the ultimate customer or uses at remote locations. There is no sale of items to retailers or the general public from such uses unless permitted as an accessory use to the warehouse.

- (53) **Domestic Animal** shall mean an animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.
- (54) **DRB** shall mean the City of Green Design Review Board.
- (55) **Drive-Through Facility** shall mean an establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.
- (56) **Driveway** shall mean a private way, other than a street or alley that provides access to one lot of record for the use of vehicles and pedestrians.
- (57) **Dwelling** shall mean a building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.
- (A) **Dwelling, Multi-Family** shall mean a building or portion thereof designed for or used exclusively for residential purposes by three or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings two or more dwellings are attached by common walls or floors within a single structure.
- (B) **Dwelling, Two-Family** shall mean a building design for or used exclusively for the residential purposes by two families or housekeeping units.
- (C) **Dwelling, Single-Family** shall mean a building designed for or used exclusively for residential purposes by one family or housekeeping unit.
- (58) **Dwelling Unit** shall mean a single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility.
- (59) **Easement** shall mean authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.
- (60) **Educational Facilities** shall mean buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.
- (61) **Educational Facilities, Higher** shall mean buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, high schools. Higher educational facilities shall include, but not limited to, colleges, vocational schools, universities, training centers and other similar uses.
- (62) **Engineer** shall mean any person registered to practice professional engineering by the State Board of Registration as specified in Ohio R.C. 4733.14.

- (63) Entry Drive** shall mean the part of an access drive or driveway leading to a vehicular use area.
- (64) EPA** shall mean the Environmental Protection Agency and includes the Ohio EPA.
- (65) Erosion** shall mean the wearing away of the land surface by the action of wind, water, gravity, or other natural processes.
- (66) Erosion Control Plan** shall mean a plan developed with the appropriate conservation practices, including a schedule of their installation and location, which will effectively minimize soil erosion and off-side sediment yield.
- (67) Evergreen Tree** shall mean a tree that remains green throughout the year with an expected height of at least 40'.
- (68) Evergreen Shrub** shall mean a shrub that remains green throughout the year.
- (69) Excavation** shall mean the process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.
- (70) Family** shall mean two or more persons related by blood, marriage or adoption or not more than four (4) unrelated individuals occupying a dwelling unit as an individual housekeeping organization.
- (71) FEMA** shall mean the Federal Emergency Management Agency, the agency with the overall responsibility for administering the National Flood Insurance Program.
- (72) Fence** shall mean an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.
- (73) Fence, Decorative** shall mean a permanent structure designed primarily for aesthetic appeal and not intended or designed as a method of prohibiting entry to a property.
- (74) Fence Height** shall mean the vertical distance from the existing/adjoining grade along the fence line to the top of the fence.
- (75) Final Plat** shall mean a final tracing of all or a portion of a subdivision in its complete survey information.
- (76) Financial Institution** shall mean establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.
- (77) Flag** shall mean any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.
- (78) Floodplain Management Definitions.** The following terms used in this Code are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the federal definitions shall apply.

- (A) **Base Flood** shall mean the flood having a one percent change of being equaled or exceeded in any given year.
  - (B) **Flood or Flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.
  - (C) **Floodplain** shall mean the land area susceptible to inundation by water as a result of a flood and for the purposes of this Code shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.
  - (D) **Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
  - (E) **Floodway Fringe** shall mean those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- (79) **Flood Insurance Rate Map (FIRM)** shall mean an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (80) **Flood Insurance Study** shall mean the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (81) **Floor Area, Gross** shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures.
- (82) **Floor Area, Net** shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures but excluding areas used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl spaces or areas occupied by mechanical equipment, toilets, or restrooms.
- (83) **Frontage, Building and Tenant** shall mean the length of an enclosed building facing a public street. If the building is not located on a property that faces a public street, it shall mean the length of the enclosed building that has the primary entrance to the building.
- (84) **Funeral Homes** shall mean a building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

- (85) Garage** shall mean a building or portion of a building which is primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.
- (86) Government And Offices And Facilities** shall mean a building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this Article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Code.
- (87) Grade** shall mean:
- (A) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
  - (B) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
  - (C) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.
- (88) Grading** shall mean the act of changing the existing or natural topography of an area of land by artificial means. This shall include the excavation or filling of earth materials on a given site.
- (89) Grass** shall mean means a species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.
- (90) Ground Cover** shall mean a plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, Ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.
- (91) Heavy Industrial Uses** shall mean manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials or processes in the manufacturing or other process.
- (92) High Water Mark, Normal or Ordinary** shall mean that mark on a waterway that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.
- (93) Historic Structure** shall mean any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
  - (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (C) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
  - (D) Individually recognized as a local historic landmark as maintained by the City of Green whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (94) Home Occupation** shall mean an occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property **and is without adverse effect to the property and shall not exceed 35% of gross area of structure.**
- (95) Hospital and or Clinic** shall mean a facility providing physical or mental health services, outpatient, inpatient or over-night accommodations, and medical or surgical care of the sick or injured. This land use category shall also include urgent care centers or clinics that can receive ambulance service.
- (96) Hotel and Motel** shall mean a building in which lodging, with or without meals, is offered for compensation and in which there are 5 or more sleeping rooms.
- (97) Household Pets.** See Domestic Animal.
- (98) Housekeeping Unit** shall mean one or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.
- (99) Impervious Surface** shall mean any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.
- (100) Improvements** shall mean grading, draining, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, street lights, parks, monuments and the appropriate appurtenances required to render land suitable for the use proposed.
- (101) Indoor Recreation and Entertainment Facilities** shall mean public or private recreational facilities where the principal use is located completely within an enclosed building. Such uses are generally related to the recreation or entertainment field such as bowling alleys, fitness centers, and similar activities. Indoor recreation and entertainment facilities differ from active parks,

playgrounds, and recreational facilities where the principal use and activities are located outdoors.

- (102) Kennel** shall mean any lot or premises on which four or more cats or dogs, or any combination thereof, not owned by the resident, more than four months of age, are housed, groomed, bred, boarded, trained or sold, provided, however, that a kennel shall not include a veterinary or animal clinic.
- (103) Landscaping** shall mean the improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.
- (104) Land Use** shall mean the utilization of land for trade, industry, residence, recreation or any other purpose including, but not limited thereto, all related land development activities necessary for the preparation of a site such as excavation, filling, grading, or building construction for the aforementioned uses.
- (105) Law Director** shall mean the City of Green's Law Director.
- (106) Libraries, Museums, Galleries, and Cultural Centers** shall mean a use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated theaters.
- (107) Light, Cutoff** shall mean an artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1229.11: Outdoor Lighting.
- (108) Light Industrial Use** shall mean the manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.
- (109) Light, Non-Cutoff** shall mean an artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1229.11: Outdoor Lighting.
- (110) Lighting, Outdoor** shall mean any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.
- (111) Livestock** shall mean generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.
- (112) Loading Area/Dock** shall mean an off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.
- (113) Long Range Land Use Plan** shall mean the City of Green Long Range Land Use Plan or any amendment thereto.
- (114) Lot Area** shall mean the total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

- (115) **Lot Coverage** shall mean that portion of a lot that is, unless otherwise specified, covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways.
- (116) **Lot Frontage** shall mean the dimension of a lot abutting a public street measured along the street right-of-way line.
- (117) **Lot Lines** shall mean the property lines bounding the lot.
- (A) **Lot Line, Front** shall mean the front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line.
  - (B) **Lot Line, Rear** shall mean an internal lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line.
  - (C) **Lot Line, Side** shall mean an internal lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.
- (118) **Lot of Record** shall mean a lot which is part of a subdivision, the map of which has been recorded in the office of the Fiscal Officer of Summit County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Code.
- (119) **Lot** shall mean a parcel of land occupied or intended for occupancy by a use permitted in this Code and the open spaces required by this Code and having its principal frontage upon a street or place.
- (A) **Lot, Corner** shall mean lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees.
  - (B) **Lot, Double Frontage** shall mean shall mean a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
  - (C) **Lot, Panhandle Or Flag** shall mean a lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land.
- (120) **Lot Width** shall mean the horizontal distance between side lot lines measured at the required front setback or at the building line for any irregularly shaped lot.
- (121) **Lot Depth** shall mean the mean horizontal distance between the front and rear lot lines.
- (122) **Lowest Floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is

built in accordance with the applicable design requirements specified in this Code for enclosures below the lowest floor.

- (123) Manufactured Home Park** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Ohio Public Health Council has exclusive rule making power.
- (124) Manufactured Home Subdivision** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Ohio Public Health Council has exclusive rule making power.
- (125) Manufactured Home** shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (126) Maximum Extent Feasible** shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.
- (127) Medical And Dental Offices** shall mean a use providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.
- (128) Mineral Extraction** shall mean any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom, including but not limited to gravel pits and not including the impacts of such operation. Such use shall require appropriate permits from the State of Ohio.
- (129) Mobile Home** shall mean an industrialized building unit constructed on a chassis for towing to the point of use, designed to be used with or without a permanent foundation and intended to be occupied as a dwelling.
- (130) Monument** shall mean a survey marker used to mark a street intersection, a start or end of a curve, a subplot corner, an allotment corner, an original lot corner or a section corner, or to witness any of the above.
- (131) Nameplate** shall mean a sign indicating only the name and address of the person, business, profession or activity occupying a lot or building, or part of the operation or maintenance of any equipment which is placed on the building or site.
- (132) Natural Succession** shall mean a gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities,

thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

- (133) New Construction** shall mean structures for which the "start of construction" commenced on or after the initial effective date of the City of Green's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (134) Nonconformities** shall mean lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this Code or its amendments, which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.
- (A) **Nonconforming Site Condition** shall mean any lot, building or structure lawfully existing on the effective date of this Code or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.
- (B) **Nonconforming Use** shall mean any building or land lawfully occupied by a use on the effective date of this Code or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.
- (135) Noxious Weed** shall mean any plant defined as "Prohibited Noxious Weeds" in Section 901:5-37-01 of the Ohio Administrative Code and any of the following: Goldenrod, Poison Hemlock, Poison Ivy, Poison Oak, Ragweed, Stinging Nettle, and other plants capable of causing skin reactions upon contact or producing severe allergic respiratory reactions.
- (136) Nudity** or a state of nudity shall mean:
- (A) The appearance of a human bare buttock, an anus, genitals or an areola of a female breast; or
- (B) A state of dress which fails to cover opaquely a human buttock, an anus, genitals or an areola of a female breast.
- (137) Nude Model Studio** shall mean any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.
- (138) Nurseries and Greenhouses** shall mean a buildings and enclosures used for the cultivation and protection of plants.
- (139) Nursing Home** shall mean a boarding facility for the extended care of babies, children, pensioners or elderly persons who may be mentally or physically infirm.
- (140) Offices** shall mean establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

- (141) Official Filing** shall mean the submission of a preliminary or final plat of a major or minor subdivision, which meets all of the requirements prescribed by these Regulations.
- (142) Ohio Rapid Assessment Method** shall mean a multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
- (143) Open Space** shall mean land and water areas retained for use as active or passive recreation areas for resource protection in an essentially undeveloped state, OR FOR STORMWATER MANAGEMENT DEVICES WHEN SUCH FEATURES ARE DEVELOPED AS VISUAL SITE AMENITIES AS APPROVED BY THE PZC
- (144) Open Space Subdivision** shall mean a residential subdivision development in which lot sizes are reduced for the purpose of preserving large open space areas within the project for the benefit of the neighborhood and community at large while generally maintaining the underlying base density allowed on the site and the specific district regulations.
- (145) ORC** shall mean the Ohio Revised Code.
- (146) Original Tract** shall mean a contiguous quantity of land held in common ownership, which has not been platted by the existing owner or owners.
- (147) Ornamental Shrub** shall mean a deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.
- (148) Ornamental Tree** shall mean a small to medium tree with a expected height of 20 feet at maturity and that that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.
- (149) Outdoor Displays Or Sales** shall mean an outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. For the purposes of this Code, objects or materials weighing over 20 lbs shall be considered outdoor storage.
- (150) Outdoor Storage** shall mean the keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than 48 hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to Section 1229.12: Outdoor Sales, Display, and Storage.
- (151) Parking Aisle** shall mean the driveway or access drive by which a car enters and departs a parking space.
- (152) Parking Area** shall mean the entire paved area that encompasses all parking spaces and the access drives that provided access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space.
- (153) Parking Space** shall mean a graded and surfaced area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street, alley or parking aisle.

- (154) Parks, Playgrounds, and Recreational Facilities** shall mean any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails. The principal use and activities of an active park, playground, and recreational facility are generally located outdoors although the use may include some enclosed structures that are accessory to the principal use.
- (155) Passive Parks and Conservation Areas** shall mean any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.
- (156) Pedestrian Walkways** shall mean a dedicated public right-of-way limited to pedestrian use.
- (157) Performance Bond Or Surety Bond** shall mean an agreement between a developer and the City for the amount of the estimated construction cost, guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
- (158) Personal Service Establishments** shall mean establishments that primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, massage therapy, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.
- (159) Planning Department** shall mean the City of Green Department of Planning.
- (160) Pollution** shall mean any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.
- (A) **Pollution, Non-Point Source** is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff or ground water seepage rather than direct discharge.
- (B) **Pollution, Point Source** is traceable to a discrete point or pipe.
- (161) Porch** shall mean a covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.
- (162) Preliminary Plan** shall mean a drawing of a major subdivision for the purpose of study, and which, if approved, permits proceeding with the preparation of the final plat.
- (163) Principal Building** shall mean the building containing the main or principal uses of the lot.

- (164) Public Way** shall mean an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way in which the general public or a public entity has a right, or which is dedicated, whether improved or not.
- (165) Public Safety/Service Facility** shall mean a public facility providing services necessary for the safety of the residents of the City, including police, fire protection and rescue activities, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures operated by a public utility, by a railroad, whether publicly or privately owned, or by a City or other governmental agency.
- (166) Public And Private Utility Services** shall mean services provided by public and private utilities, necessary for the exercise of the principal use or service of other uses in the City. These services include, but are not limited to, underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, and stormwater drainage. Such accessories may include mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.
- (167) Public Utility** shall mean any person, firm, corporation, governmental agency or board having a public utility commission or regulatory body permit to furnish to the public, under regulations, electricity, gas, sewer, water, telephone, transportation, steam or other similar public services.
- (168) PZC** shall mean the City of Green Planning and Zoning Commission.
- (169) Ramp** shall mean a structure attached to a principal building that is constructed at a slope that meets the requirements of the applicable building and safety codes that provides access to a building.
- (170) Research Facilities and Laboratories** shall mean a building for research, development, and testing laboratories that does not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.
- (171) Recreational Vehicle** shall mean a vehicle which is:
- (A) Built on a single chassis;
  - (B) 400 square feet or less when measured at the largest horizontal projection;
  - (C) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (172) Religious Places Of Worship** shall mean an institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

- (173) Restaurant** shall mean an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.
- (174) Retail And Service Commercial Uses** shall mean establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses. Service commercial uses are primarily engaged in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.
- (175) Right-of-Way** shall mean a strip of land taken or dedicated for use as a public way. In addition to the roadway, a right-of-way normally incorporates the curbs, lawn strips, sidewalks, lighting, water and sewer lines, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
- (176) Riparian Area** shall mean a transitional area between flowing water and terrestrial ecosystems which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.
- (177) Riparian Setback** shall mean the area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. "Riparian setbacks" are those lands within the city that fall within the area defined by the criteria set forth in these regulations.
- (178) Roadside Stand** shall mean a structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises.
- (179) Rowhouse or Townhome** shall mean A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
- (180) Sanitary Sewer** shall mean both centralized sewer, on-site septic systems, on-site wastewater disposal, and other approved wastewater disposal systems.
- (181) Satellite Dish** shall mean a parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.
- (182) Self-Storage Facilities** shall mean a building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

- (183) Setback Line** shall mean a line established by this Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory structure, may be located above ground, except as may be provided in this Code. (See Yard)
- (184) Sexually Oriented Business** shall mean an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. A sexually oriented business does not include a nude model studio.
- (185) Sign** shall mean any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- (A) **Sign, Abandoned** shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
  - (B) **Sign, Attached** shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.
  - (C) **Sign, Awning** shall mean a sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.
  - (D) **Sign, Bench** shall mean a sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.
  - (E) **Sign, Canopy.** See Sign, Awning.
  - (F) **Sign, Directional** shall mean a sign directing or guiding traffic and parking on private property.
  - (G) **Sign, Electronic Information** shall mean a sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.
  - (H) **Sign, Freestanding** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom of the sign copy area is 5 feet or more above grade.
  - (I) **Sign, Ground Mounted** shall mean any sign placed upon or supported by the ground independent of any other structure.
  - (J) **Sign, Identification** shall mean a sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of a building, business, development or establishment on the premises.
  - (K) **Sign, Marquee.** See Sign, Awning.
  - (L) **Sign, Nonconforming** shall mean a sign that is erected legally but which does not comply with subsequently enacted sign restrictions and

- regulation. A nonconforming sign is also a sign that does not conform to the sign requirements but for which a special permit has been issued.
- (M) **Sign, Off-Premises** shall mean a sign that directs attention to a business, commodity, or service not exclusively related to the premises where the sign is located.
  - (N) **Sign, Projecting** shall mean a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the wall of such building.
  - (O) **Sign, Roof** shall mean a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
  - (P) **Sign, Snipe** shall mean a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects or which is located within the public right-of-way.
  - (Q) **Sign, Temporary** shall mean a nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.
  - (R) **Sign, Window** shall mean a sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.
- (186) **Sign Area** shall mean the entire area of the sign as measured according to Section 1229.06: Signs.
- (187) **Sign Copy** shall mean any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.
- (188) **Sign Copy Changes Or Message Changes** shall mean the ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature units.
- (189) **Sign Face** shall mean the area or display surface used for the message.
- (190) **Sign Height** shall mean the vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.
- (191) **Social Clubs And Fraternal Organizations** shall mean a building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (192) **Soil-Disturbing Activity** shall mean clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human-made ground cover is destroyed, and which may result in, or contribute to, erosion and sediment pollution.
- (193) **Specified Anatomical Areas** shall mean human genitals.

**(194) Specified Sexual Activities** shall mean any of the following:

- (A) The fondling or other erotic touching of human genitals, the public region, buttocks, an anus or female breasts;
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (C) Masturbation, actual or simulated.

**(195) Start of Construction** shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**(196) Storm Water Pollution Prevention Plan (SWPPP)** shall mean the plan which describes all the elements of the storm water strategy implemented during and after construction. The plan addresses erosion control and storm water quality.

**(197) Storm Water Quality Treatment** shall mean the removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

**(198) Stormwater Management** shall mean a plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion and flooding.

**(199) Story** shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**(200) Stream** shall mean a surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

**(201) Street, Thoroughfares, Or Road** shall mean all property dedicated or intended or used, whether public or private, for vehicular and pedestrian movement, including street, highway, freeway or other motorway right-of-way, and, except where limited or controlled access, affording the principal means of access to abutting property.

- (A) **Alley** shall mean a public or private way which affords only secondary means of access to abutting properties.
  - (B) **Street, Arterial** shall mean a class of street that brings traffic to and from expressways and other arterials and serves those major movements of traffic within or through the City not served by expressways. Arterials interconnect the principal traffic generators and high-volume corridors that connect within the City and rural areas for long and through traffic trips.
  - (C) **Street, Collector** shall mean a class of street that serves the internal traffic movement within an area of the City, such as a subdivision, and connects this area with the Arterial system. Collectors do not handle long through trips and are not, of necessity, continuous for any great length. This principal difference between Collector and Arterial streets is the length of the trip they accommodate. Collectors in an industrial area would properly carry truck movements which serve to terminate in that area.
  - (D) **Street, Cul-se-Sac** shall mean a local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.
  - (E) **Street, Dead-End** shall mean a street temporarily having only one outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a vehicular turnaround on a temporary easement.
  - (F) **Street, local** shall mean those streets whose sole function is to provide access to immediately adjacent land. They make up a large percentage of the total street mileage of the City, but carry a small portion of the vehicle-miles of travel.
  - (G) **Street, Local Collector** shall mean a class of street that serves the internal traffic movement within areas such as major subdivisions, industrial areas and commercial areas and connects with other collector streets.
  - (H) **Street, Private** shall mean a right-of-way which provides vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures, and is not dedicated.
  - (I) **Street, Public** shall mean a public thoroughfare which has been dedicated for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.
- (202) Structural Alteration** shall mean any change in the area or cubical content of a building.
- (203) Structure** shall mean anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, walls, advertising signs, billboards, roadside stands, fences, pools, decks and tents.
- (204) Subdivider** shall mean an individual, firm, association, corporation, trust or other legal entity, including their agents, commencing proceedings under these Regulations to subdivide land.

**(205) Subdivision** shall mean the division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of which does not create additional building sites, shall be exempted; or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(A) **Subdivision, Major** shall mean any subdivision that does not meet the requirements of a minor subdivision.

(B) **Subdivision, Minor** shall mean a division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five lots, any one of which is less than five acres, after the original tract has been completely subdivided.

**(206) Substantial Damage** shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**(207) Substantial Improvement** shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(C) Any improvement to a structure which is considered new construction.

**(208) Surveyor** shall mean a person registered to practice professional surveying by the State Board of Registration as specified in Ohio R.C. 4733.14.

- (209) SWCD** shall mean the Summit County Soil and Water Conservation District, referred to as the Summit County SWCD.
- (210) Swimming Pool** shall mean a structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.
- (211) Telecommunications** shall mean the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
- (212) Temporary Event** shall mean a gathering or assemblage of individuals for the purpose of observing or engaging in legal activities including, but not limited to, festivals, fairs, shows, showcases, house or garden tours, concerts, dances, rallies, parades, demonstrations or competitions of creative athletic form. Temporary events could include incidental retail sales of the products of such activities, as long as such sales are not advertised off-site.
- (213) Temporary Storage in portable containers** shall mean a portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. Temporary storage containers can include semi-tractor trailers if they are used for storage and not transport.
- (214) Theater** shall mean a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.
- (215) Thoroughfare Plan** shall mean any mapped and/or written proposal for future road development of the City of Green and its affected area.
- (216) Trailer, House.** See Mobile Home.
- (217) Trailer, Travel.** See Recreational Vehicle.
- (218) Type-A Day Care Home** shall mean a permanent residence of the provider in which child day care or publicly funded day-care is provided for 7 to 12 children at one time or is the permanent residence of the provider in which child day care is provided to 4 to 12 children at one time if 4 or more children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day care homes do not include any child day camp as defined in ORC Section 5104.01.
- (219) Type-B Day Care Home** shall mean a permanent residence of the provider in which child day care is provided for 1 to 6 children at one time and in which no more than 3 children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provided and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

- (220) Use** shall mean any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- (A) **Use, Temporary** shall mean shall mean a use that may be permitted for a specified period of time. Temporary uses may require a temporary zoning permit in compliance with Section 1226.04: Temporary Uses (Temporary Uses) and may be subject to additional building and zoning requirements.
- (B) **Use, Principal** shall mean the primary or main use of any lot.
- (221) Variance** shall mean a modification of a provision of this Code where such modification will not be contrary to the public interest and where, due to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (222) Vehicle** shall mean any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property or roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled or towed by any self-propelled vehicle is considered a vehicle.
- (223) Vehicular Use Area** shall mean any portion of land used for parking, ingress, egress, or vehicular circulation.
- (224) Veterinary Clinic** shall mean a place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation.
- (225) Violation** shall mean the failure of a structure or other development to be compliant with this code or plan as approved.
- (226) Watercourse** shall mean a natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through or borders the community.
- (227) Watershed** shall mean an area of land that drains into a particular watercourse, usually defined by topography.
- (228) Wetlands** shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.

- (229) Wholesale Commercial Use** shall mean the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.
- (230) Wireless Telecommunications Antenna** shall mean the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (231) Wireless Telecommunications Facility** shall mean a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- (232) Wireless Telecommunications Tower** shall mean a structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, and guyed and lattice construction steel structures.
- (233) Yard** shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.
- (A) **Yard, Front** shall mean a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.
- (B) **Yard, Rear** shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.
- (C) **Yard, Side** shall mean a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard.
- (234) BZA** shall mean the City of Green Zoning Board of Appeals, as established in the City of Green Charter and as referenced as the Board of Zoning Appeals in this code.
- (235) Zoning District** shall mean a section or sections of the incorporated territory of the City of Green for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.
- (236) Zoning Division** shall mean the City of Green Zoning Division.

**APPENDIX A – Woody Plants Suitable for Riparian Areas**

Aronia arbutifolia	3	Red chokeberry
Aronia melanocarpa	3	Black chokeberry
Cephalanthus occidentalis	5	Common buttonbush
Clethra alnifolia	2	Summersweet clethra ***
Cornus amomum	4	Silky dogwood
Cornus stolonifera (sericea)	5	Redosier dogwood
Hamamelis vernalis	3	Vernal witchhazel ***
Ilex decidua	3	Possumhaw ***
Ilex glabra	2	Inkberry ***
Ilex verticillata	3	Common winterberry
Itea virginica	1	Virginia sweetspire ***
Magnolia virginiana	2	Sweetbay magnolia ***
Myrica pensylvanica	4	Northern bayberry
Physocarpus opulifolius	4	Common ninebark
Potentilla fruticosa	4	Bush cinquefoil
Sambucus canadensis	1	American elderberry
Salix x cotteti	5	Bankers willow ***
Salix exigua	5	Sandbar willow
Salix purpurea	5	Streamco willow ***
Viburnum cassinoides	2	Witherod viburnum
Parthenocissus quinquefolia	1	Virginia creeper (vine)
Calycanthus floridus	1	Common sweetshrub
Hypericum kalmianum	5	Kalm St. John's wort
Viburnum dentatum	2	Arrowwood viburnum
Xanthorhiza simplicissima	1	Yellowroot ***
Aesculus parviflora	2	Bottlebush buckeye ***
Aesculus pavia	2	Red buckeye ***
Cornus racemosa	2	Gray dogwood
Lindera benzoin	1	Common spicebush
Rosa setigera	4	Prairie rose
Campsis radicans	3	Trumpet creeper (vine)
Lonicera dioica	2	Limber honeysuckle (vine)

<i>Corylus americana</i>	2	American filbert
<i>Diervilla lonicera</i>	1	Dwarf bushhoneysuckle
<i>Fothergilla gardeni</i>	1	Dwarf fothergilla ***
<i>Fothergilla major</i>	1	Large fothergilla ***
<i>Hydrangea arborescens</i>	1	Smooth hydrangea
<i>Hydrangea quericifolia</i>	1	Oakleaf hydrangea ***
<i>Mahonia aquifolium</i>	1	Oregongrape holly ***
<i>Rosa carolina</i>	4	Carolina rose
<i>Rubus odoratus</i>	1	Fragrant thimbleberry
<i>Vaccinium stamineum</i>	2	Common deerberry
<i>Arctostaphylos uva-ursi</i>	4	Bearberry
<i>Cornus rogusa</i>	1	Roundleaf dogwood
<i>Corylus americana</i>	2	American filbert
<i>Diervilla lonicera</i>	1	Dwarf bushhoneysuckle
<i>Fothergilla gardeni</i>	1	Dwarf fothergilla ***
<i>Fothergilla major</i>	1	Large fothergilla ***
<i>Hydrangea arborescens</i>	1	Smooth hydrangea
<i>Hydrangea quericifolia</i>	1	Oakleaf hydrangea ***
<i>Mahonia aquifolium</i>	1	Oregongrape holly ***
<i>Rosa carolina</i>	4	Carolina rose
<i>Rubus odoratus</i>	1	Fragrant thimbleberry
<i>Symphoricarpos albus</i>	1	Common snowberry
<i>Vaccinium stamineum</i>	2	Common deerberry
<i>Amorpha canescens</i>	5	Leadplant ***
<i>Ceanothus americanus</i>	3	New Jersey tea
<i>Comptonia peregrina</i>	2	Sweetfern
<i>Dirca palustris</i>	1	Leatherwood
<i>Hypericum frondosum</i>	5	Golden St. John's wort
<i>Juniperus communis</i>	5	Common juniper
<i>Juniperus horizontalis</i>	5	Creeping juniper ***
<i>Rhus aromatica</i>	5	Fragrant sumac
<i>Sambucus pubens</i>	1	Scarlet elder
<i>Symphoricarpos albus</i>	1	Common snowberry
*High Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.		
*Moderate Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.		

*Chapter 1231: Definitions and Rules of Construction*  
*Section 1231.02: Definitions*

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**\*Intermediate Flood Tolerance:** Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.

**\*Low Flood Tolerance:** Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.

**\*No Flood Tolerance:** Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.

**\*\*Shade Tolerance:** Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.

**Notes:**

1. The majority of plants listed are available on the local commercial market and do not displace native species.
2. The cultivated varieties ("cultivars") of the species listed above may also be used.
3. Primary information taken from Hightshoe, Gary, 1987. Native Trees, Shrubs, and vines for Urban and Rural America. Van Nostrand. NY, NY.
4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNR Scenic Rivers Program.

**SECTION TWELVE:**

City Council approves and adopts the amended Zoning District Map, which has been filed with the Clerk of Council.

**SECTION THIRTEEN:**

City Council authorizes the Planning Department to correct any grammatical mistakes within the Codified Ordinances and further authorizes the Planning Department to make any minor clarifications in the language of the Ordinance as long as the clarification does not change the intended meaning of the statutory provision.

**SECTION FOURTEEN:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION FIFTEEN:**

~~Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.~~

ENACTED: Oct. 27, 2009

Molly Stevens  
Molly Stevens, Clerk

Dave France  
Dave France, Council President

APPROVED: Oct. 27, 2009

Richard G. Norton  
Richard G. Norton, Mayor

COPIED  
SVCS ZONE PARK ROAD ENG  
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: Nov. 26, 2009

ON ROLL CALL: Colopy-Ny Croce-yeu France-yeu Manwaring-yeu  
Reed-yeu Ridgeway-Ny Smole-Ny Adopted 4-3

Suburbanite Publication on Nov. 1 and Nov. 8, 2009

Molly Stevens  
Molly Stevens, Clerk

10/22/2009 11:36 AM Approved as to form and content by Stephen J. Pruneski, Law Director SP 10/22/09