

City of Green, Ohio



Land Development Code

November 25, 2009

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Chapter 1222: General Provisions

1222.01 Title

The official title of these regulations shall be the "Land Development Code for the City of Green, Summit County, Ohio" and the same shall be referred to herein as "the Code" or "this Code."

1222.02 Purpose

This code is adopted to secure and provide for the City of Green the following objectives:

- (1) To promote the public health, safety, comfort, and welfare of the residents of the City of Green;
- (2) To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
- (3) To facilitate the provision of public utilities and public services;
- (4) To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways (and the city's transportation plan);
- (5) To promote orderly, efficient, and appropriate development of land;
- (6) To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;
- (7) To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
- (8) To provide reasonable and appropriate visual identification of commercial establishments;
- (9) To ensure adequate provision of open space for light, air, and fire safety;
- (10) To manage traffic via access points and other planning tools;
- (11) To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
- (12) To provide guidelines for development of recreational uses;
- (13) To require the adequate and safe provision of transportation, water, sewage, and drainage in the city; and
- (14) To preserve the character and quality of residential neighborhoods.

1222.03 Authority

The authority for the preparation, adoption, and implementation of this Code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the zoning and subdivision of land.

1222.04 Effective Date

This Code was adopted by City Council on October 27, 2009. This Code shall become effective 30 days after adoption by City Council.

1222.05 Compliance Required

- (1) No building or structure shall be erected, constructed, enlarged, moved or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure, nor shall any land, building, or structure be used, subdivided, or changed, except in compliance with all of the applicable regulations established by this Code.
- (2) Any new lots created after the effective date of this Code must conform to the applicable requirements of this Code unless allowed by Section 1222.10: Transitional Rules.
- (3) No yard or lot existing upon the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements herein established.

1222.06 Permits and Certificates Required

- (1) Permits or certificates issued on the basis of plans and applications approved by the agency having jurisdiction authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement, or construction. Any other use, arrangement or construction, or failure to obtain an appropriate permit, certificate, or inspection, shall be deemed to be a violation of this Code, punishable under Chapter 1230: Violations and Penalties.
- (2) Failure to construct in accordance with approved plans shall be deemed to be a violation of this Code, punishable under Chapter 1230: Violations and Penalties.

1222.07 Relationship to the Long Range Land Use Plan

The administration, enforcement, and amendment of this Code should be consistent with the City of Green Long Range Land Use Plan, as amended and herein referred to as the "Land Use Plan." In the event this Code becomes inconsistent with the Land Use Plan, then this Code should be amended within a reasonable time so as to become or remain consistent with the Land Use Plan. Additionally, all amendments to this Code should maintain and enhance the consistency between this Code and the Land Use Plan.

1222.08 Interpretation and Conflicts

- (1) Conflict with Other Public Laws, Ordinances, Regulations, or Permits
 - (A) In its interpretation & application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare.
 - (B) Whenever the requirements of this Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or laws, the more restrictive, or that imposing the higher standard, shall govern.

- (2) Conflict with Private Agreements
 - (A) Nothing in this Code is intended to invalidate any easement, covenant, deed restriction, or other private agreement. Where the regulations of this Code are more restrictive than such easement, covenant, deed restriction, or other private agreement, then the requirements of this Code shall govern.
 - (B) In no case shall the City enforce the provisions of private easements, covenants, deed restrictions, or agreements between private parties.

1222.09 Sale of Land in a Subdivision

No owner or agent of an owner of any land located within a subdivision shall transfer or agree to transfer ownership thereof in the future by reference to, exhibition of, or use of, a plan or plat of a subdivision before such plan or plat has been accepted, approved and recorded in the manner described in this Code. Any sale or transfer contrary to the provisions of this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of this Code.

1222.10 Transitional Rules

- (1) Purpose

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this Code.
- (2) Violations Continue
 - (A) Any violation of the previous versions of the City of Green Planning and Zoning Code, shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Chapter 1230: Violations and Penalties;, unless the use, development, construction, or other activity complies with the provisions of this Code.
 - (B) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Code.
- (3) Uses, Structures, and Lots Rendered Nonconforming

Where any use, building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 1226.05: Nonconforming Uses.
- (4) Processing of Applications Commenced or Approved Under Previous Regulations
 - (A) Pending Applications
 - 1.) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed in accordance with the provisions of the subdivision and zoning regulations in effect on the date the application was deemed complete by the City.

- 2.) If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Code.
 - 3.) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
 - 4.) An applicant with a pending application may waive review available under prior regulations through a written letter to the authority having jurisdiction and request for review under the provisions of this Code.
- (B) Approved Projects
- 1.) Approved preliminary plans, improvement plans, final plats, planned developments, variances, conditional uses, zoning permits, or certificates of use and compliance that are valid on the effective date of this Code shall remain valid until their expiration date, where applicable.
 - 2.) Any building or development for which a permit or certificate was granted prior to the effective date of this Code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this Code, as long as the permit or certificate remains valid.
 - 3.) If the development for which the permit or certificate is issued prior to the effective date of this Code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this Code.

1222.11 Separability

- (1) If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code.
- (2) If any court of competent jurisdiction invalidates the application of any provision of this Code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (3) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

Chapter 1223: Development Approval Authority

1223.01 Purpose

The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures as established in Chapter 1224: Development Review Procedures.

1223.02 Administration Generally

The staff of the City's Planning Department, Zoning Division, the Mayor, City Council, the Planning and Zoning Commission, and the Board of Zoning Appeals shall administer this Code jointly as specified herein, except where specific authority is given to another City or County department or agency as set forth in this Code.

1223.03 The Mayor and City Council

In addition to any other authority granted to the Mayor or City Council by charter, ordinance, or State law, the Mayor and City Council shall have the following powers and duties related to this Code:

- (1) Initiate, hear, review, and make decisions related to amendments to this Code;
- (2) Initiate, hear, review, and make decisions related to amendments to the Zoning District Map;
- (3) Appoint members of the Planning and Zoning Commission (PZC), the Board of Zoning Appeals (BZA), the Design Review Board (DRB), and to appoint the persons responsible for the administration and enforcement of this Code;
- (4) Establish fees for development review & permits; and
- (5) To hear, review, and confirm decisions on final plats and acceptance of public improvements as part of major subdivisions and general plans for planned developments.

1223.04 Planning and Zoning Commission (PZC)

- (1) Reference
The Planning & Zoning Commission, established in the City of Green Charter, shall be known and hereafter referenced in this Code as the PZC.
- (2) Membership
The members of the PZC, shall be appointed to five year staggered terms. (Charter, Article VII, Section 7.5)
- (3) Powers and Duties
The Planning and Zoning Commission (PZC) shall have the following functions, powers and duties, exercisable in accordance with the procedures contained in this Code, Ohio Revised Code, and as established by the City Charter:
 - (A) Initiate, hear, review, and make recommendations related to amendments to this Code;

- (B) Initiate, hear, review, and make recommendations related to amendments to the Zoning Map;
- (C) Hear, review, and make decisions on conditional use applications;
- (D) To interpret the boundaries on the Zoning Map, where questions with respect to zoning boundaries may have been raised, to carry out the intent and purpose of this Code. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the PZC and a determination shall be made by the PZC, after formal public notice is given to adjacent and other affected property owners pursuant to the procedure established in Section 1224.11: Appeals;
- (E) To hear, review, and make decisions on preliminary plans and make recommendations on final plats as part of major subdivisions;
- (F) To hear, review, and make decisions on minor subdivisions upon referral of the Planning Director;
- (G) To hear, review, and make decisions on an appeal of the Planning Director's decision on a minor subdivision pursuant to Subsection 1224.05 (8): Appeals;
- (H) To hear, review, and make decisions on site plans required in and pursuant to Section 1224.07: Site Plan Review; and
- (I) To hear, review, and make decisions on applications to vary the terms of the land development standards (related to subdivision) of Chapter 1229: Development Standards, as part of a major subdivision review, when such variance will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this Code will result in undue hardship, and so that the spirit of this Code shall be observed and substantial justice done. Such variances shall be made pursuant to Subsection 1224.06 (16): Variances of Land Development Standards.

(4) Meetings

All meetings of the PZC shall be open to the public and the PZC shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Planning Department and City Council and shall be a public record.

(5) Bylaws

The PZC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

(6) Action by the PZC

Any action taken by the PZC shall have the supporting votes of the majority of the full membership of the PZC, regardless of the number of Commission members present.

1223.05 Board of Zoning of Appeals (BZA)

(1) Reference

The Zoning Board of Appeals, established in the City of Green Charter, shall be known and hereafter referenced as the BZA in this Code.

- (2) **Membership**
The members of the BZA, shall be appointed to five year staggered terms by the Mayor per Green City Charter. (Charter, Article VII, Section 7.6)
- (3) **Powers and Duties**
The Board of Zoning Appeals (BZA) shall have the following functions, powers, and duties, exercisable in accordance with the procedures contained in this Code, Ohio Revised Code, and as established by the City Charter:
 - (A) To hear, review, and make decisions on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code or any amendment adopted pursuant thereto. Such appeals shall be made pursuant to Section 1224.11: Appeals.
 - (B) To hear, review, and make decisions on applications to vary the terms of this Code, unless otherwise specified, when such variance will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this Code will result in undue hardship, and so that the spirit of this Code shall be observed and substantial justice done. Such variances shall be made pursuant to Section 1224.10: Variance.
- (4) **Meetings**
 - (A) All meetings of the BZA shall be open to the public and the BZA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the Offices of the Zoning Division and City Council.
 - (B) The Chairperson, or in his or her absence, the acting Chairperson may administer oaths, and the BZA may compel the attendance of witnesses.
- (5) **Action by the BZA**
Any action taken by the BZA shall have the supporting votes of the majority of the full membership present at a hearing of the BZA.
- (6) **Bylaws**
The BZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

1223.06 Design Review Board (DRB)

- (1) **Establishment/Reference**
The Design Review Board (DRB) shall have the following functions, powers, and duties, exercisable in accordance with the procedures contained in this Code:
- (2) **Membership**
 - (A) The DRB shall consist of five members, who shall be appointed as follows:
 - 1.) The Mayor shall appoint one member. The term of the mayoral appointment shall be two years and a person appointed by the Mayor shall fill any expired or unexpired term of the mayoral appointment.

- 2.) The City Council shall appoint two members. The term of the council appointments shall be two years with one term scheduled to expire each year. Any expired or unexpired term shall be filled by an appointment by City Council.
 - 3.) The City Engineer; and
 - 4.) The Planning Director.
- (B) Each appointed member shall be a registered architect, landscape architect, surveyor, professional engineer, or certified land planner or shall have significant experience in building design or construction, or a related field.
- (3) Powers and Duties
The DRB shall have the power and duty, exercisable in accordance with the procedures contained in this Code, to review and make recommendations to the PZC on site plans pursuant to Section 1224.07: Site Plan Review.
- (4) Meetings
The DRB shall hold at least one meeting annually, in January of each year, for the purpose of organizing. Additional meetings shall be held as agreed by the members and as required by this chapter.
- (A) Meetings shall be open to the public.
 - (B) Attendance by a majority of the DRB members shall constitute a quorum for the conduct of business.
 - (C) Recommendations and other actions shall be made by vote of the majority of the membership.
- (5) Bylaws
The DRB shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

1223.07 Planning Department

The Planning Department, established by City Charter, shall have the following general functions, powers and duties, exercisable in accordance with the procedures contained in this Code. The Planning Department shall include the Planning Director and any other personnel as shall be determined.

- (1) To establish application requirements and schedules for review of all development review applications, to review and make recommendations to the City Council, PZC, and DRB on all application for development approval considered by those public bodies, and take any other actions necessary to administer the provisions of this Code;
- (2) To review and make decisions on land disturbance permits pursuant to Section 1224.09: Land Disturbance Permit;
- (3) To review and make decisions on minor subdivisions pursuant to Section 1224.05: Minor Subdivision;
- (4) The Planning Department shall prepare staff reports and recommendations for all development review procedures, except appeals, that require PZC, DRB, or City Council review and/or decision;

- (5) The Planning Department shall coordinate meetings related to this Code and provide support, expertise, and technical assistance to City Council, PZC, BZA, and DRB; and
- (6) To maintain a record of all administrative and legislative proceedings under this Code as it pertains to the Planning Department. The Planning Department shall also be responsible for maintaining the Zoning Map.

1223.08 Zoning Division

The Zoning Division shall have the following general functions, powers and duties, exercisable in accordance with the procedures contained in this Code.

- (1) To review and make decisions on applications for all zoning permits and certificates of use and compliance;
- (2) Determine the existence of code violations and cause such notifications, revocation notices, stop orders or citations to be issued, or initiate such other administrative or legal action as needed, to address such violations;
- (3) The Zoning Division shall provide the necessary information and administrative support for meetings, hearings and record-keeping;
- (4) To maintain a record of all required administrative actions under this Code as it pertains to the Zoning Division;
- (5) To review and process applications as noted under Table 1224.1;
- (6) To conduct inspections of building locations, sites, site amenities, and uses to determine compliance with approved plans and requiring corrective action when applicable; and
- (7) To issue certificate of use & compliance permits and ensure compliance with applicable codes.

Chapter 1224: Development Review Procedures

1224.01 Purpose

The purpose of this chapter is to describe the procedures for review and approval of all applications for development activity in the City as regulated by this Code. Common review requirements, which are applicable to all or most types of development applications, are set forth in Section 1224.03: Common Application Requirements. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

1224.02 Summary Table of Development Review Procedures and Development Review Authority

- (1) Table 1224-1 summarizes the development review authority of the entities that have roles in the administration of the procedures set forth in this chapter. Other duties and responsibilities of the entities are set forth in Chapter 1223: Development Approval Authority.
- (2) Even though not referenced in this chapter, other boards, commissions, government agencies, and non-governmental agencies may be required or asked to review some development review applications.

Table 1224-1: Summary Table of Development Review Procedures

		H = Public Hearing Required M = Public Meeting		R = Review and Recommendation D = Decision			
Development Review Procedure	Section	City Council	Planning and Zoning Commission	Board of Zoning Appeals	Design Review Board	Planning Department	Zoning Division
Text or Map Amendment	1224.04	H-D	M-R			R	
Minor Subdivision	1224.05		M-D [1]			R-D	R[2]
Major Subdivision – Preliminary Plan	1224.06		M-D			R	
Major Subdivision – Final Plat	1224.06	M-D	M-R			R	
Variance of Land Development Standards (Major Subdivisions)	1224.06 (16)		H-D			R	
Site Plan Review (including all Freestanding Signs)	1224.07		M-D		R	R	
Conditional Use Permit	1224.08		H-D			R	
Land Disturbance Permit	1224.09					R-D	
Variance - General	1224.10			H-D			R
Appeals	1224.11			H-D			[3]
Zoning Permit	1224.12						D
Certificate of Use and Compliance	1224.13						D

NOTES:

[1] The PZC shall review and decide on minor subdivisions upon referral from the Planning Director, otherwise the Planning Department may authorize minor subdivisions in compliance with this Code.

[2] The Zoning Division shall provide a secondary signature on minor subdivisions.

[3] The Zoning Division, or the department whose decision is being appealed, shall provide all information related to the appealed decision as part of the record.

1224.03 Common Application Requirements

The requirements of this section shall apply to all development review applications and procedures subject to review under this Code unless otherwise stated.

(1) Authority to File Applications

- (A) Unless otherwise specified in this Code, development review applications may be initiated by:
 - 1.) The owner of the property that is the subject of the application; or
 - 2.) The owner's authorized agent.
- (B) When an authorized agent files an application under this Code on behalf of a property owner(s), the owner(s) of all properties shall be required to sign the application, which shall bind all decisions, and related conditions of approval, to the owner of the property.

(2) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Planning Department and made available to the public.

(3) Application Contents

(A) Submittal Requirements

Applications required under this Code shall be submitted in a form and in such numbers as established by the Planning Department and made available to the public.

(B) Submission of Fees

Applications shall be accompanied by a fee as established by City Council, in a separate ordinance, and pursuant to Subsection 1224.03 (6): Fees.

(C) Complete Application Determination

- 1.) The Planning Department shall only initiate the review and processing of applications submitted under this chapter if such application is complete.
- 2.) The Planning Department shall make a determination of application completeness within 10 days of the application filing.
- 3.) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Code.
- 4.) If an application is determined to be incomplete, the Planning Department shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
- 5.) Additional fees may be required if the applicant fails to submit a complete application within 60 days of the initial application.

- 6.) If the applicant fails to re-submit a complete application within 60 days, the original fee shall be forfeited and the applicant shall be required to submit a new application including fees pursuant to this chapter.
 - 7.) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.
- (4) **Simultaneous Processing of Applications**

Whenever two or more forms of review and approval are required under this Code (e.g., a site plan review or variance), the applications for those approvals may, at the option of the Planning Director, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.
- (5) **Effect of Preapplication Conferences or Meetings**

Discussions that occur during a preapplication conference or meeting are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.
- (6) **Fees**
 - (A) **Determination of Fees**

City Council shall approve the fees to accompany applications submitted under this Code through the adoption of a fee schedule. City Council may adjust the fees from time-to-time.
 - (B) **Fees to be Paid**

No application shall be processed or determined to be complete until the established fee has been paid.
 - (C) **Refund of Fees**
 - 1.) Application fees are not refundable except where the Planning Department determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.
 - 2.) For final subdivision plats, in the event that the plat is withdrawn by the applicant before any physical inspection of the site has been made or before any staff review time, the Planning Director may process a request that the applicant be refunded an amount not to exceed one-half of the fee paid.
- (7) **Public Notification**

Applications for development approval shall comply with all applicable ORC requirements and the provisions of this chapter with regard to public notification.

 - (A) **Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

 - 1.) Identify the address or location of the property subject to the application and the name, and address of the applicant or the applicant's agent.
 - 2.) Indicate the date, time, and place of the public hearing.

- 3.) Describe the land involved by street address, or by legal description and the nearest cross street, and project area (size).
 - 4.) Describe the nature, scope, and purpose of the application or proposal.
 - 5.) Identify the location (e.g., the offices of the Planning Department) where the public may view the application and related documents.
 - 6.) Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.
 - 7.) Include a statement describing where written comments will be received prior to the public hearing.
- (B) Notice Requirements

Published and mailed notice shall be provided as defined in Table 1224-2: Notice Requirements.

Table 1224-2: Notice Requirements			
Development Review Procedure	Agency Responsible for Notification	Published Notice	Mailed Notice
Text or Map Amendment	Clerk of Council	Published notice required a minimum of 30 days before the City Council hearing.	Written notice shall be required a minimum of 20 days before the City Council hearing only if a zoning map amendment will affect ten or fewer properties. Written notice shall be provided to the applicant and all property owners within, contiguous, and directly across the street of the subject property Written notice to the applicant and all property owners within, contiguous, and directly across the street of the subject property shall be required a minimum of ten days prior to the hearing.
Conditional Use Permit	Planning Department	Published notice required a minimum of ten days before the PZC hearing.	
Variance	Zoning Division	Published notice required a minimum of ten days before the BZA hearing.	
Appeals	Zoning Division	Published notice required a minimum of ten days before the BZA hearing.	

(C) Published Notice

When the provisions of this Code require that notice be published, the agency responsible for notification shall prepare the content of the notice and publish the notice in a newspaper of general circulation.. The content and form of the published notice shall be consistent with the requirements of Subsection 1224.03 (7)(A) and State law.

(D) Written Notice

- 1.) The agency responsible for notification shall notify applicable property owners by regular mail, of information required in Subsection 1224.03 (7)(A) and State law.
- 2.) The letters to the applicable property owners shall be postmarked no later than the minimum number of days required in Subsection 1224.03 (7)(B).

(E) Constructive Notice

- 1.) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decision-making body prior to final action on the request.
- 2.) When the records of the City document the publication, mailing, and posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(8) Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the written notice requirements of this Code, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing are announced at the time of the continuance.

(9) Effect of Inaction on Applications

When a review or decision-making body fails to take action on an application within the time required, such inaction shall be deemed a denial of the application, unless the decision-making body agrees to an extension of the time frame that is mutually agreed upon between the applicant and the decision-making body.

1224.04 Text or Map Amendment

(1) Purpose

City Council may amend the text of this Code or the Zoning Map pursuant to the procedure set forth in this section. The purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the Land Use Plan, or that necessary to advance the health, safety, and general welfare of the City.

(2) Applicability

This section shall apply to requests to amend the text of this Code or the Official Zoning Map of the City of Green, hereafter referred to as the "Zoning Map."

(3) Initiation

- (A) Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for amendment;
- (B) The PZC may make a motion to initiate a text or map amendment; or
- (C) City Council may initiate a zoning text or zoning map amendment by recommendation or referral to the PZC.

(4) Procedure

The review procedure for a text amendment or an amendment of the Zoning Map shall be as follows:

(A) Step 1 – Preapplication Conference

- 1.) The applicant shall meet with the Planning Department for a preapplication conference before submitting an application for an amendment to the Zoning Map.
- 2.) The applicant shall supply preliminary information to the Planning Department in a form established by the Department. Such information shall be submitted at least three business days prior to the preapplication conference.
- 3.) The purpose of the preapplication conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this Code and the Long Range Land Use Plan prior to the submission of an application.

(B) Step 2 – Application

- 1.) The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements and with the provisions of this chapter.
- 2.) If the applicant fails to submit an application within 120 days of the preapplication conference (Step 1), the applicant shall be required to begin the review procedure again from the preapplication conference (Step 1).
- 3.) Amendments initiated by City Council through legislation shall be referred to the PZC for review.
- 4.) Amendments initiated by the Planning Department on behalf of the PZC, shall be reviewed by the Planning & Zoning Commission and their recommendation referred to City Council pursuant to this section.

(C) Step 3 – Planning Department Review and Staff Report

Prior to the PZC meeting where the text or map amendment is scheduled for review, the Planning Department shall review the application and prepare a staff report.

(D) Step 4 – PZC Review and Recommendation

- 1.) Within 60 days of receipt of the application for the proposed amendment (Step 2), the PZC shall submit a written recommendation on the application to City Council. The PZC shall recommend approval, denial, or approval with some modification, of the proposed amendment.

- 2.) If the PZC fails to make a recommendation within 60 days of the receipt of an application, the application shall be forwarded to City Council and the application shall be considered to have received a recommendation for approval from the PZC.
- (E) Step 5 – City Council Review and Decision
- 1.) Upon receipt of the recommendation from the PZC, the Planning Department shall request legislation from the Law Department and said legislation shall be introduced within 30 days of receipt of the PZC's recommendation. City Council shall set a time for a public hearing on the proposed amendment.
 - 2.) During such 30 days, the text of the proposed amendment, maps or the site or general plans (PDs), if applicable, and the recommendations of the PZC, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by City Council.
 - 3.) After the public hearing, Council shall either adopt or deny the recommendations of the PZC, or adopt some modification thereof. In the event Council adopts, modifies or denies the recommendations of the PZC, concurrence by a majority of the full Council members shall be required.
- (5) Approval Criteria
- Recommendations and decisions on text or map amendment shall be based on consideration of the following criteria:
- (A) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
 - (B) Whether the proposed amendment is consistent with the Land Use Plan or other applicable City plans;
 - (C) Whether the proposed amendment is consistent with the purpose of this Code;
 - (D) Whether and the extent to which the proposed amendment addresses a demonstrated community need;
 - (E) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
 - (F) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
 - (G) Whether the proposed amendment will ensure efficient development within the City; and
 - (H) Whether the proposed amendment will result in a logical and orderly development pattern.
- (6) Proposed Planned Development District Requirements
- All proposed amendments to the Zoning Map that will result in the creation of a PD District shall meet the following requirements in addition to the procedures and requirements of this chapter:
- (A) The applicant shall submit a general plan as part of the map amendment application pursuant to Section 1224.03: Common Application Requirements.

- (B) The general plan shall be reviewed simultaneously with the PD map amendment.
- (C) Amendment to the Approved General Plan

No substantial change in or deviation from the approved general plan shall be made without prior review and recommendation by the PZC and the approval by City Council pursuant to the review procedure established in Subsection 1224.04 (4): Procedure and Subsection 1224.04 (6): Proposed Planned Development District Requirements.

- (D) Final Development Plan Review Required
 - 1.) Prior to site development of any phase of a planned development project, an application shall be submitted to the PZC for review and approval of the final development plan. This shall include the review of any and all legal documents required for the platting of land, pursuant to Subsection 1224.06 (4)(f)(1), and all on-site (and off-site, if applicable) improvement plans, pursuant to Subsection 1224.06 (4)(f)(2). The bonding requirements of Subsection 1224.06(8): Estimated Cost and Subsection 1224.06(9): Bonding Requirements shall apply in cases where the planned development will contain public roadways.
 - 2.) In addition to the approval requirements for final development plan review, the final development plan shall be reviewed for compliance with the applicable provisions of this Code and the approved general plan for the planned development.
 - 3.) Failure to comply with the general plan or any applicable provision of this Code will result in the denial of the final development plan.

- (E) Time Limit for Planned Development Approvals
 - 1.) The applicant shall be required to submit a site plan for site plan review within one year of the effective date of the map amendment and general plan. Failure to file the final development plan within one year of approval shall invalidate the general plan.
 - 2.) If a general plan becomes invalid, the applicant shall be required to resubmit for general plan approval pursuant to the procedure outlined in Subsection 1224.04 (4): Procedure and Subsection 1224.04 (6): Proposed Planned Development District Requirements.
 - 3.) If a general plan becomes invalid, the City Council or PZC may initiate a map amendment of the planned development district.

- (F) Site Plan Review Required

All buildings within the planned development which require site plan review, as stipulated in Subsection 1224.07(2): Applicability, shall be reviewed pursuant to the provisions of Section 1224.07: Site Plan Review prior to the issuance of a zoning permit for construction.

1224.05 Minor Subdivision

(1) Purpose

The purpose of the minor subdivision review process is to ensure compliance with this Code while allowing for small-scale subdivisions that will not result in new roads or major extensions of infrastructure.

(2) Minor Subdivision Determination and Applicability

The Planning Department shall make a determination if a proposed subdivision is a minor subdivision if the proposed subdivision meets the following conditions:

- (A) The subdivision will result in less than five lots after the original tract has been completely subdivided;
- (B) The subdivision will occur along an existing public street;
- (C) The subdivision will not result in the creation, widening, or extension of any street or road;
- (D) The proposed subdivision will not be contrary to the applicable provisions of this Code; and
- (E) No lot depth shall exceed four and one-half times the lot width or be less than one and one-half times the lot width at the minimum building setback line unless otherwise required by this Code.

(3) Replats

- (A) Any minor subdivision that involves the consolidation of lots or the adjustment of a boundary(ies) between lots that are situated within platted subdivisions shall adhere to the procedures set forth in Subsection 1224.05(5): Procedure, and be subject to the approval criteria set forth in Subsection 1224.05(6): Approval Criteria, below.
- (B) Any subdivision of land within a platted subdivision which results in one or more additional lots within that subdivision shall adhere to the procedures for a major subdivision, as applicable, as set forth in Section 1224.06: Major Subdivision.

(4) Initiation

Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a minor subdivision.

(5) Procedure

The review procedure for a minor subdivision shall be as follows:

(A) Step 1 – Application

The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements.

(B) Step 2 – Review and Comment by Applicable Agencies

- 1.) Upon determination that the application for a minor subdivision is complete, the Planning Department may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, and the agencies having jurisdiction over wastewater or water.

- 2.) Such agencies may supply comments, recommendations, and approvals as applicable, to the Planning Department for consideration prior to the department's decision (Step 3).
- (C) Step 3 – Review and Decision by the Planning Department
- 1.) Within ten days of the determination that the application (Step 1) is complete, the Planning Department shall review the application and approve or deny the application for a minor subdivision based on the approval criteria established in Subsection (5) below.
 - 2.) The Planning Department may choose to refer the application to the PZC who shall then make a final decision on the application for a minor subdivision at its next scheduled meeting for which it meets the applicable submittal deadlines.
 - 3.) If the Planning Department denies an application for a minor subdivision, the Department shall provide the applicant with written finding for the denial.
 - 4.) Both the Planning Department and the Zoning Division shall be required to sign the minor subdivision (total of two signatures).
- (6) Approval Criteria
- In order to approve a minor subdivision, the Planning Department and/or the PZC shall determine the following:
- (A) That the minor subdivision complies with all applicable provisions of this Code;
 - (B) That the minor subdivision does not conflict with other regulations, plans, or policies of the City;
 - (C) That applicable review agencies have no objections that cannot be resolved by the applicant; and
 - (D) That the minor subdivision is not otherwise contrary to the interest of the City.
- (7) Recording
- (A) If the Planning Department approves the minor subdivision without a plat, the conveyance shall be stamped with “Approved for transfer only, no building site approved. Valid for 180 days from the above date.”
 - (B) The Planning Director shall sign and date the conveyance.
- (8) Appeals
- (A) If the Planning Department denies the application for a minor subdivision, the applicant may appeal the decision to the PZC within 20 days of the Planning Department's decision.
 - (B) The PZC shall review and decide on the appeal at its next regular meeting following, for which the submittal of the appeal meets the applicable submittal deadlines.
- (9) Approval Time Limit
- The minor subdivision approval shall expire 180 days after the Planning Department signs and dates the conveyance unless the instrument of conveyance (deed) is recorded in the office of the Summit County Fiscal Officer during said period.

1224.06 Major Subdivision

(1) Purpose

The purpose of the major subdivision review process is to ensure compliance with this Code while promoting the appropriate development of the City as provided for in the purpose of this Code.

(2) Major Subdivision Determination and Applicability

A major subdivision shall include any subdivision that includes the construction of a public roadway, that does not meet the requirements of a minor subdivision, or that includes the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures, which ultimately are to be jointly owned under a recorded condominium property declaration under the provisions of ORC Chapter 5311.

(3) Initiation

Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a major subdivision.

(4) Procedure

The review procedure for a major subdivision shall be as follows:

(A) Step 1 – Preapplication Conference

- 1.) The applicant shall meet with the Planning Department for a preapplication conference before submitting an application for a major subdivision.
- 2.) The applicant shall supply preliminary information to the Planning Department in a form established by the department. Such information shall be submitted at least three business days prior to the preapplication conference.
- 3.) The purpose of the preapplication conference shall be to discuss the proposed subdivision, review submittal requirements, and discuss compliance with the provisions of this Code prior to the submission of an application.
- 4.) Subsequent to the preapplication conference with the Planning Department, the applicant may consult with, at a minimum, the City Engineer and the County Soil and Water Conservation District. The applicant shall also consult with the agencies having jurisdiction over wastewater or water, where applicable.

(B) Step 2 – Application and Official Filing of the Preliminary Plan

- 1.) The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements and with the provisions of this chapter.
- 2.) The preliminary plan shall be submitted as part of the initial application.
- 3.) Upon determination by the Planning Department that the preliminary plan has been properly submitted, the preliminary plan shall be accepted as being officially filed.

- 4.) The application and the official filing of the preliminary plan shall take place a minimum of 45 days prior to the regular meeting of the PZC where the application will be heard.
 - 5.) If the applicant fails to submit an application and preliminary plan within 120 days of the preapplication conference (Step 1), the applicant shall be required to begin the review procedure again from the preapplication conference.
- (C) Step 3 – Site Visit
- 1.) The applicant shall be responsible for scheduling with the Planning Department to allow for viewing of the site in the field.
 - 2.) Members of the PZC will be invited to the site visit to help understand the project with proper legal notice given if a quorum of PZC members are to be in attendance.
 - 3.) The developer shall delineate the centerline of proposed roads prior to the site visit.
 - 4.) The site visit shall take place a minimum of seven days prior to the regularly scheduled PZC meeting where the preliminary plan will be reviewed.
 - 5.) The Planning Director may waive the site visit requirement if the Planning Director determines that there is no need for the visit due to minimal impacts of the proposed project, the availability of information in the application to fully illustrate the plan, and similar considerations.
- (D) Step 4 – Staff Review and Staff Report on the Preliminary Plan
- 1.) Upon determination that the application for a major subdivision is complete, the Planning Department shall transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, agencies having jurisdiction for water and/or sanitary sewer, or other agencies the department deems appropriate.
 - 2.) Such agencies shall supply comments and recommendations to the Planning Department a minimum of ten days prior to the regularly scheduled PZC meeting where the preliminary plan will be reviewed.
 - 3.) Prior to the PZC meeting where the preliminary plan is scheduled for review, the Planning Department shall review the preliminary plan and prepare a staff report.
- (E) Step 5 – Review and Decision on the Preliminary Plan by the PZC
- 1.) The PZC shall not consider a major subdivision unless the preliminary plan is officially filed (Step 2).
 - 2.) The following information shall be provided to the Planning Department prior to the PZC meeting or shall be identified for future review as a condition of approval.
 - a.) A statement indicating that the proposed subdivision meets all applicable provisions of this Code.

- b.) A letter from the Summit County Health Department indicating subplot acceptability for individual septic systems and/or drilled wells, or a letter from the agency having jurisdiction for sanitary sewer indicating the availability of centralized sewage facilities.
 - c.) Additional information as deemed necessary by the Planning Department. If the Developer requires additional time to acquire the needed information, he or she may do so by submitting a written request to the Planning Department.
 - 3.) The PZC shall hold a public meeting to review and decide on the preliminary plan. The PZC shall approve, approve with conditions, or deny the preliminary plan. The PZC may also continue the meeting if questions regarding the plan are not addressed by the applicant.
 - 4.) Upon approval, the PZC shall communicate its action to City Council.
 - 5.) If the PZC denies the preliminary plan, the applicant shall not move forward in the review process until a preliminary plan is approved by the PZC.
- (F) Step 6 –Filing of the Final Plat and Improvement Plans

The final plat and improvement plans shall be submitted and reviewed concurrently.

1.) Filing of the Final Plat

- a.) The applicant shall submit the final plat in accordance with Section 1224.03: Common Application Requirements and with the provisions of this chapter.
- b.) Upon determination by the Planning Department that the final plat has been properly submitted, the final plat shall be accepted as being filed.
- c.) The official filing of the final plat shall take place a minimum of 30 days prior to the regular meeting of the PZC where the final plat will be heard.
- d.) The final plat submission shall include a signed warranty deed for any lot(s) where open space, a park, playground, school site, or other public land is to be dedicated to the public. The deed shall be considered part of the final plat for approval and recording purposes.
- e.) The final plat submission shall include the submission of improvement plans for the corresponding phase of development.

2.) Submission of the Improvement Plans

- a.) The applicant's engineer shall prepare improvement plans, which shall conform to the approved preliminary plan, and include all work to be performed. In cases where the applicant proposes to develop the subdivision in phases, improvement plans shall be submitted for each individual phase.
- b.) The applicant shall supply the improvement plans to the Planning Department in a form and number established by the Department.

- c.) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plan is not workable and changes in layout are required, the applicant shall inform the Planning Department. The Planning Department may require that a revised preliminary plan be submitted for reapproval.
- (G) Step 7 – Planning Department Review and Staff Report on the Final Plat
- Prior to the PZC meeting where the final plat is scheduled for review, the Planning Department shall review the final plat and prepare a staff report.
- (H) Step 8 – Staff Review and Decision on the Improvement Plans
- 1.) The Planning Department shall distribute copies of the improvement plans to the City Engineer and, where applicable, the applicant shall submit the improvement plans to the agencies having jurisdiction for sanitary sewer or water, the Ohio Environmental Protection Agency, and any other applicable agencies.
 - 2.) The review agencies shall provide comments and recommendations on the improvement plans to the Planning Department.
 - 3.) A copy of the improvement plans shall be marked and returned to the applicant's engineer for corrections, if necessary. If found to be satisfactory, the original tracing shall be submitted for approval signature by the Planning Director, City Engineer, and the agencies having jurisdiction over sanitary sewer or water (where applicable).
 - 4.) Improvements shall not be constructed until such time as the City has accepted the final plat and performance bond, and the City and other applicable agencies have approved the improvement plans. The applicant is required to participate in a pre-construction meeting and file all bond documents with the Planning Department prior to commencing construction of improvements.
- (I) Step 9 – Review and Decision on the Final Plat by the PZC
- 1.) The PZC shall hold a public meeting to review and make a recommendation on the final plat. The PZC shall take one of the following actions:
 - a.) The PZC shall give a favorable recommendation on the final plat before any required improvements are installed pursuant to the improvement plans, authorizing its Chairperson, or any other officer of the PZC, to indicate such approval and the date on the tracing of the final plat.
 - b.) Notwithstanding the provisions of Subsection 1229.01 (13): Approval, where it appears that the requirements of Subsection 1229.01 (13): Approval, will be met prior to the PZC's next scheduled meeting, the PZC may, with the consent of the applicant, give final approval effective upon the City Engineer's future approval of the improvement plans and signing of the plat. Such final approval shall take effect as of the date of the City Engineer's signature.

- c.) If the requirements of Subsection 1229.01 (13): Approval, have not been met by the time of the PZC's next scheduled meeting, the final plat may be placed on the agenda for the next PZC meeting, at which the PZC may reaffirm, modify or change its previous action.
 - d.) Should the PZC deny the final plat, written notice of such action, including reference to the regulation or regulations not complied with by the plat, shall be mailed to the applicant and the applicant's engineer and/or surveyor. The action shall also be entered on the official records of the PZC.
 - 2.) The Chairman of the PZC shall certify the final plat by signing and dating the final plat upon approval from the PZC.
 - 3.) Upon making a favorable or unfavorable recommendation, with or without conditions, the PZC shall communicate its action to City Council.
- (J) Step 10 – Review and Decision on the Final Plat by the City Council
 - 1.) After full compliance with this section, the Planning Department shall request the Law Director to prepare the necessary legislation for Council for introduction no later than the 60 days of the PZC's recommendation.
 - 2.) Council shall review and judge the final plat with access to the files of the PZC and shall accept bonds for the guarantee of performance of public improvements pursuant to Subsection 1224.06 (9): Bonding Requirements, and acceptance of the plat.
 - 3.) If approval is given, the plat and any appropriate documents shall be signed by the President and Clerk of Council upon passage of the acceptance resolution duly signed by the Mayor. All drawings shall be returned to the Planning Department for distribution and filing.
- (5) Approval Criteria

In order to approve a major subdivision, the PZC and City Council, as appropriate, shall determine the following:

 - (A) That the major subdivision complies with all applicable provisions of this Code;
 - (B) That the major subdivision does not conflict with other regulations, plans, or policies of the City;
 - (C) That applicable review agencies have no objections that cannot be resolved by the applicant; and
 - (D) That the major subdivision is not otherwise contrary to the interest of the City.
- (6) No Construction until Bond is Accepted
 - (A) No construction shall take place until a bond, as required by this Code, is received and approved by the Planning and Law Departments and authorization to proceed is granted by the City at the time the final plat is approved and accepted.
 - (B) A land disturbance permit may be issued if all criteria for its issuance are approved.
 - (C) No public infrastructure may be installed.

(7) Effect of Approvals

(A) Effect of Preliminary Plan Approval

- 1.) An approved preliminary plan is to be used as a guide for the preparation of improvement plans and the final plat for final approval and recording upon fulfillment of all conditions of the preliminary plan approval and all provisions of this Code.
- 2.) Approval of a preliminary plan shall be valid for a period of one year at which point the PZC shall review the preliminary plan for renewal. If the PZC does not authorize renewal, the preliminary plan shall expire.
- 3.) Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved pursuant to Subsection 1224.06 (4): Procedure.

(B) Effect of Final Plat Approval

- 1.) Approval of a final plat by the PZC shall not be an acceptance by the public of the offer of dedication of any street, highway, or other public way or open space upon the plat, until such acceptance is also endorsed by the City Council upon the tracing of the final plat.
- 2.) The PZC's approval shall automatically expire if the final plat is not presented to the City Council for approval within one year of the PZC's preliminary plan approval.

(8) Estimated Cost

Upon approval of the construction drawings by the City Engineer and Planning Director, and before starting any construction work, the developer's engineer shall prepare and submit to the Planning Department and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), an independent estimate of costs, by item, for construction surveying; construction of roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems; drainage structures; erosion control, stormwater management basins, restoration of land and site clean-up; and other related items. The total estimated cost, including labor, shall be prepared and signed by the developer's engineer. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may add to the developer's estimate an amount to cover contingencies, including inspection costs, to arrive at the total estimated cost. The approved total of estimated costs shall be the basis for the establishment of the performance bond amount.

(9) Bonding Requirements

(A) Performance Bonds

- 1.) Before the recording of any plat of any subdivision, the developer shall furnish performance bonds to the Planning Director in an amount equal to 100 percent of the approved total estimated cost of the improvements. The improvements shall be covered by separate bonds according to the department which shall guarantee completion of the required improvements, as follows:
 - a.) **City of Green**
 - i.) Paving

- ii.) Storm sewer
- iii.) Miscellaneous (i.e. monuments, street signs, restoration of land, site clean-up, etc.)

b.) **Agencies having jurisdiction for:**

- i.) Water
- ii.) Sanitary sewer

- 2.) The performance bond will remain in effect until released by the Mayor through Executive Order. In lieu of a surety bond, the developer may deposit a fund equal to 100 percent of the performance bond in an escrow account with a bank and approved by the City. The developer and the bank shall inform the City, in writing, that said money is secured and deposited in the bank for the improvements and shall be in a form dictated by the City of Green. Performance bonds shall not be released without approval of the City of Green.
- 3.) The developer's engineer shall verify all invoices and statements of expenditures and submit them to the Planning Director and/or the agencies having jurisdiction for sanitary sewer or water (where applicable), for review and approval.
- 4.) The withdrawal of funds from the escrow account shall not exceed 90 percent of the total estimated costs until the performance bond is released and the maintenance bond is in effect. The Mayor may, upon recommendation of the City Engineer and Planning Director, elect to release a portion of the performance bond based on the amount of construction work performed. Upon full release of the performance bond then the City may accept the maintenance bond prior to the completion of the project provided the public improvements are 90% complete and the maintenance bond includes work to be performed at a value of 100% of the cost of items yet to be completed.
- 5.) If the developer fails to proceed with the project within 18 months of the date the performance bonds are filed, and the Planning Director and/or agencies having jurisdiction over sanitary sewer or water (where applicable), deems it necessary to notify the Mayor that the developer has failed in his or her duty to complete the project, the Mayor or his or her designee shall notify the developer and the bank, in writing, of such failure and of their intention to vacate the subdivision or complete the project, using proceeds from the bond.

(B) Maintenance Bond or Bonds

Before the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), will recommend the acceptance of the subdivision roads or release any performance bond, the developer shall provide a maintenance bond or cash to the Planning Director, which shall be divided and administered as follows:

- 1.) Bonds as required by the agency having jurisdiction for water or sanitary sewer; and
- 2.) Ten percent of the total estimated cost of all other improvements divided into separate bonds as follows:

- a.) **City of Green**
 - i.) Paving
 - ii.) Storm sewer
 - iii.) Miscellaneous (i.e. monuments, street signs, restoration of land and site clean-up, etc.)
 - b.) **Agencies having jurisdiction over sanitary sewer or water:**
 - i.) Water
 - ii.) Sanitary sewer
- 3.) The Planning Director and/or the agencies having jurisdiction over sanitary sewer or water, as applicable, may increase the required maintenance bond above the specified amounts if, in his or her opinion, unusual topographic, subsoil or other construction limitations warrant such action. However, in such situations, the City Engineer or the agencies having jurisdiction over sanitary sewer or water, as applicable, shall furnish written explanations of their action to the Mayor and City Council. No action shall be taken by the City regarding bonding with the agencies having jurisdiction over sanitary sewer or water. These maintenance bonds shall guarantee that the developer will maintain the road and related improvements for a minimum of one year and that the developer will restore the road and related improvements, if determined to be necessary by the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable). If the developer fails to perform the maintenance and restoration items, the Mayor will authorize the City Engineer and/or the County Executive to authorize the agencies having jurisdiction over sanitary sewer or water (where applicable), to have the work performed. The cost of this work shall be deducted from the money on deposit as the maintenance bond for that work. The developer shall be held liable for any expenditures over and above the maintenance bonds. After all maintenance and restoration work has been completed to the satisfaction of the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), the City's and the County's Chief Executive shall release the maintenance bonds or those portions remaining to the developer, respectively. It is the responsibility of the developer to request inspection for bond release. The bonds shall remain in effect until formally released by the Mayor through an executive order, as applicable.
- 4.) Upon release of the performance bond and acceptance of the maintenance bond, the City shall provide for the removal of snow & ice provided all roadway improvements are complete.

(10) Land Disturbance Permit Required

A land disturbance permit, issued in accordance with Section 1224.09: Land Disturbance Permit, shall be required prior to commencement of clearing and grading activities on the site. Clearing and grading activities shall not begin until the applicant has held a pre-construction meeting with either the City of Green, or, if required, the Summit Soil and Water Conservation District and a plan for clearing and grading is approved. Such permit shall be based on a clearing and grading plan prepared and approved as part of the major subdivision process.

(11) Recording

- (A) After all required approvals are secured, the final plat shall be submitted by the Planning Department for final recording with the Summit County Fiscal Office.
- (B) No plat of any subdivision shall be recorded in the office of the Summit County Fiscal Officer, or have any validity, until it has been approved and processed in the manner prescribed in this section.
- (C) In the event that any such unapproved plat is recorded, it shall be considered invalid.
- (D) All costs for recording of the plat shall be borne by the owner and/or developer.

(12) Requirements for the Start of Construction of Public Improvements

The applicant must comply with the following requirements in order to begin construction on the public improvements pursuant to the approved improvement plan.

- (A) The following items must have been approved prior to the commencement of construction:
 - 1.) The improvement plans for the subdivision;
 - 2.) The construction schedule, showing the starting and completion dates for each phase of the construction work, and a date for the completion of the entire subdivision; and
 - 3.) Any bonds required for the project must be filed with the Planning Department.
- (B) The contractor must have all necessary permits required for the project prior to the start of construction.
- (C) A preconstruction meeting will be held, at which time the owner, the developer and/or his or her representative, the design engineer, the contractor, the City Engineer, the Planning Director, any other interested City officials and other agencies, as required, will attend prior to the commencement of any project. At this time, the project will be discussed in regard to the procedure, construction methods, plans, materials, inspections, stormwater management, erosion control, etc.

(13) Amendments

- (A) No changes, erasures, modifications or revisions shall be made to any improvement plans of a subdivision after approval has been given by the City and an endorsement is made in writing thereon, unless the improvement plan is first resubmitted and the changes approved by the City and/or the agencies having jurisdiction over wastewater or water (where applicable).
- (B) No changes, erasures, modifications or revisions shall be made to any final plat of a subdivision after approval has been given by the PZC and City Council, and an endorsement is made in writing on a final plat, unless the final plat is first resubmitted and the changes approved by the PZC and City Council.

- (C) If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the subdivider shall inform the Planning Director who shall consult with the City Engineer and the agencies having jurisdiction over wastewater or water (where applicable), in writing, of the conditions requiring the modifications. Written authorization from the appropriate review agency to make the required modification must be received before proceeding with the construction of the improvement.

(14) Plan Checking and Field Inspection Fees

The applicant shall pay or reimburse the City of Green and/or the agencies having jurisdiction over wastewater or water (where applicable), the total cost of plan review and field inspection of the improvements.

- (A) The review and inspection fee shall be determined by the City and the agencies having jurisdiction over wastewater or water (where applicable).
- (B) The inspector's salary shall be paid at the rate discussed at the pre-construction meeting.
- (C) The rate per hour will be the inspector's regular rate per hour as paid by the City and/or the agencies having jurisdiction over wastewater or water (where applicable), plus appropriate fringe benefits and an overhead percentage.
- (D) The applicant is held responsible for all City plan review and inspection fees which will be payable upon invoice.
- (E) Failure to pay fees shall result in the City not issuing permits until all fees are paid in full.
- (F) The performance bond posted by the applicant guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

(15) Final Drawings

At the completion of the construction, and before acceptance, the subdivider's engineer shall update the original tracings as directed by the City Engineer and the agencies having jurisdiction over wastewater or water (where applicable), showing the locations, sizes and elevations of all improvements as constructed. A legible mylar reproduction shall be furnished to the agencies having jurisdiction over wastewater or water (where applicable). The original tracings shall remain with the City Planning Department.

(16) Variance of Land Development Standards

- (A) The PZC may consider and grant variances from the standards identified in Section 1229.01: General Subdivision Design and Regulations, Section 1229.02: Transportation and Access, Section 1229.03: Drainage Standards, and Section 1229.04: Lot Layout and General Site Regulations, as they relate to subdivisions, where unusual or exceptional factors or conditions require such modification, provided that the PZC shall:
 - 1.) Determine that the size, shape, location or surroundings of the property are unusual and that unusual topographical or physical conditions or other conditions inherent in the land exist;
 - 2.) Determine that a strict compliance with the provision would create an extraordinary and unnecessary hardship in the face of the exceptional conditions;

- 3.) Permit any variance of a provision only to the extent necessary to equitably remove the hardship so that substantial justice is done;
 - 4.) Determine that any modification granted will not be detrimental to the public interest nor in conflict with the spirit, intent, and purpose of these Regulations;
 - 5.) Require such other conditions to be met by the proposed plat as the PZC may find necessary to accomplish the purposes of this Code, when modified; and
 - 6.) Determine that a strict compliance with the provision would deprive the property of privileges enjoyed by similar properties in the vicinity.
- (B) In making its determinations, the PZC may also consider:
- 1.) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - 2.) Whether the essential character of the neighborhood will be altered or whether adjoining properties would be adversely affected as a result of the variance; and
 - 3.) Whether the variance would adversely affect the delivery of governmental services.
- (C) Cul-de-sacs shall be discouraged if future roadway connections can be made. PZC shall have the right to deny cul-de-sacs based on development design versus service-related functions. Where a subdivision includes a cul-de-sac that requires a variance because the cul-de-sac is in excess of the maximum permitted length, the PZC may also consider the number and size of sublots served by the cul-de-sac, and the availability of central water service, to determine if the variance will permit appropriate development of the land without unduly affecting the public safety. The PZC may also consider the opinions of local City officials.
- (D) If the proposed variance involves the creation of a subplot whose depth exceeds four and one-half times its width, the PZC may also consider the pattern of existing platting for similarly zoned land adjacent to the property and within 500 feet of the proposed site.
- (E) The City Council may support variances affecting required improvements upon approval by the PZC. Such recommendations shall be based on the findings listed in this section.
- (17) Appeals
- (A) Whenever an applicant presenting a preliminary plan for a major subdivision to the PZC has been rendered a decision from the PZC which is adverse to the request of the applicant, the aggrieved applicant may make an appeal to Council.
- 1.) The appeal shall be submitted to Council within 30 days following the PZC decision, and a copy of said appeal shall be filed with the PZC and the Planning Department.

- 2.) The appeal shall state, in full, the reasons it is being filed and the facts surrounding the same. Any facts and/or information not previously available to the PZC, the inclusion of which at the time of the appeal would operate to substantially alter the facts and information submitted to the PZC prior to its original decision concerning the matter, shall be cause for resubmission of such matter to the PZC, together with new facts and information, for its reconsideration.
- 3.) Council shall, upon receipt of an appeal, request a statement from the PZC setting out the reasons for the decision being appealed, so as to properly advise Council as to the considerations and regulations upon which the original decision was based.
- 4.) The Clerk of Council shall notify the PZC, applicant, owner of the subject property, and contiguous property owners of the time and place of Council's consideration of any such appeal. All parties shall be heard and final judgment rendered by a two-thirds vote of Council. Such decision shall be in writing, with the original being sent to the appellant and a copy to the PZC.

1224.07 Site Plan Review

(1) Purpose

The purpose of this chapter is to provide a process for the review and approval of site plans and building designs by the DRB, PZC, and City officials. These regulations are established in the interest of encouraging quality development, establishing compatibility of designs, establishing a sense of place and identity for the community and for the special design districts within the community, to ensure proper design of sites for the effective use of land, and to promote high standards in the layout, design, landscaping and construction of development. Site plan review is intended to control site and building design only to the extent necessary to promote these objectives, while allowing flexibility and creativity in the design of individual sites.

(2) Applicability

No use or construction for which a site plan review is required shall be established or commenced and no permit or certificate shall be issued until a site plan application has been approved by the PZC.

- (A) In all residential districts and planned development districts that allow residential uses, any new construction, substantial renovation, or expansion of a building or site improvements, or establishment of a new use for:
 - 1.) Two-family dwellings;
 - 2.) Multi-family dwellings;
 - 3.) Conditional uses;
 - 4.) Agricultural building, roadside stand, private stable or building for housing domestic animals;
 - 5.) Commercial uses, as permitted in planned developments; and
 - 6.) Recreational facilities, as permitted in planned developments.

- (B) In all commercial or industrial districts, any new construction, substantial renovation or expansion of a building or site improvements, or establishment of a new use as defined in paragraph (C) below.
 - (C) As used in this section, "new construction, substantial renovation, expansion of a building or site improvements, or establishment of a new use" shall include the following:
 - 1.) New construction, expansion in floor area, change in location on a lot, or significant reconstruction or alteration of an exterior wall, roof, or other exterior part of a main structure or of an accessory structure, not including repair or replacement of a structure or part of a structure in a manner conforming to an approved site development plan;
 - 2.) New construction, alteration, or expansion of any freestanding sign or any attached sign which is greater than 20 square feet, and replacement of sign panels in an existing nonconforming sign;
 - 3.) Construction of a new curb cut, parking area, drive, loading area, or related improvement;
 - 4.) Alterations to site improvements (including, but not limited to, fences, walls, and landscaping enclosing loading and storage areas) which are designed to buffer or protect abutting properties from impacts, except that, if no other changes to the site require site plan review by the Planning and Zoning Commission, the Planning Director may approve the design of such improvements without site plan review by the Commission or may require that such improvements be reviewed by the Commission; and
 - 5.) A change in the use of an existing building or lot, where:
 - a.) A dwelling is replaced by any other use or where a dwelling use replaces any other use;
 - b.) The number of dwelling units is increased in a multi-family dwelling or on a lot having multi-family use;
 - c.) A commercial use is replaced by an industrial or institutional use;
 - d.) An industrial use is replaced by a commercial or institutional use;
 - e.) An institutional use is replaced by a commercial or industrial use; or
 - f.) A use other than a dwelling is expanded into existing, unfinished floor area; and
 - g.) The Planning Director determines that a proposed new use will create new impact on abutting properties, will generate additional traffic, will require additional parking or altered curb cuts and drives, or will have other effects which justify review of the suitability of the site and improvements to support the proposed new use.
- (3) **Initiation**
Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a site plan review.
- (4) **Procedure**
The review procedure for a site plan review shall be as follows:

- (A) Step 1 – Application and Preliminary Site Plan
 - 1.) The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements.
 - 2.) A preliminary site plan shall be prepared and submitted with the application and appropriate fee.

- (B) Step 2 – Planning Department and City Review of the Preliminary Site Plan
 - 1.) Upon determination that the application is complete, that Planning Department shall coordinate review of the preliminary site plan, including distribution to other City departments as appropriate.
 - 2.) Within ten days of the application, the Planning Department shall advise the applicant of amendments, deficiencies or additional information necessary to prepare the final site plan.
 - 3.) When an application proposes modifications to a structure known or believed to be older than 50 years, the Planning Department shall transmit a copy of the application to the Historic Preservation Commission. The Historic Preservation Commission shall, prior to the scheduled meeting of the DRB, advise the Planning Department of the historic status of the structure and of any issues which should be considered in the site plan review process.

- (C) Step 3 – Final Site Plan Submission
 - 1.) Upon receiving comments from the Planning Department on the preliminary site plan, the applicant shall prepare a final site plan for review by the DRB.
 - 2.) The Planning Department shall review the final site plan submission for completeness and shall advise the applicant of any deficiencies which may delay submittal to the PZC.
 - 3.) The final site plan shall be submitted to the Planning Department a minimum of 15 days prior to the scheduled DRB meeting when the site plan requires DRB review or a minimum of 30 days prior to the PZC meeting where the final site plan shall be reviewed.

- (D) Step 4 – DRB Review and Recommendation
 - 1.) For site plans that require DRB review, the Planning Department shall deliver the application to the DRB for review at its next scheduled meeting for which it meets the applicable submittal deadlines.
 - 2.) Within 30 days of the DRB meeting at which the site plan is reviewed, the DRB shall review the application and submit a recommendation to the PZC. In making the decision, the DRB may make a favorable or unfavorable recommendation, with or without conditions, or table the review of the site plan. The DRB shall communicate its action to the PZC.

- (E) Step 5 – Planning Department Review and Staff Report
- 1.) The Planning Department shall distribute the final site plan to appropriate administrative departments for review and comment. Such departments shall return written comments to the Planning Department a minimum of seven days prior to the PZC meeting at which the site plan will be reviewed.
 - 2.) The Planning Department shall review the final site plan and make a recommendation to the PZC to approve, approve with conditions, or deny the final site plan. The Planning Department may also recommend the continuance of the matter to allow for further review.

- (F) Step 5 – PZC Review and Decision
- 1.) The PZC shall hold a public meeting within 30 days of the filing of the final site plan where a recommendation from the DRB is not required or 45 days of the filing of the final site plan when a recommendation from the DRB is required.
 - 2.) Within 60 days of the public meeting, the PZC shall either approve, approve with conditions, deny the approval, or table the review of the final site plan.
 - 3.) If the site plan is denied, the PZC shall make a finding, in writing, justifying the denial of the plan and provide a copy of the findings to the applicant.
 - 4.) The PZC may attach conditions to the approval of a site plan as may be reasonably required to promote the public health, safety, and welfare.
 - 5.) The PZC shall not take action on a site plan application until it has received and considered the recommendations of the DRB (where applicable).
 - 6.) Approval of the site plan shall be indicated by a letter from the Planning Department. The approved plan will be stamped “Approved.”

- (5) Approval Criteria
Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

- (A) That the proposed development is consistent with all the requirements of this Code; and
- (B) That the proposed development is in compliance with the applicable zoning districts.

- (6) Time Limit
- (A) Approval of a site plan shall expire six months from the date of approval unless the applicant has received all applicable zoning permits.
 - (B) Upon written request, one extension of up to six months may be granted by the Planning Department if the applicant can show good cause.

- (7) Design Exceptions
- (A) Where, as a result of characteristics of a site or use, or due to the nature of surrounding development, it is impracticable to comply with one or more of the site plan review standards of Section 1229.08: Site Plan Review Standards, the applicant may request approval of a alternative design that is equal to or exceeds the intent of the original standard.
 - (B) The written request shall be submitted to the Planning Director for transmittal to the DRB and PZC. The request shall state the conditions which result in the impracticability of compliance. The request shall be accompanied by additional information and illustrations necessary to support the request. The request shall describe or illustrate site improvements which will be constructed to mitigate the effects of granting the design exception or to otherwise insure that the site plan meets the intent of this Code.
 - (C) The PZC may grant a design exception after review of the request. Findings and grounds for approval of a design exception shall be entered into the motion for approval of the site plan.
- (8) Effect of Approval
Approval shall constitute authorization to proceed with application for required zoning permits and construction in compliance with the approved site plan and in compliance with all other applicable regulations of this Code.
- (9) Land Disturbance Permit Required
A land disturbance permit, issued in accordance with Section 1224.09: Land Disturbance Permit, shall be required prior to commencement of clearing and grading activities on the site. Clearing and grading activities shall not begin until the applicant has held a pre-construction meeting with either the City of Green, or if required, the Summit Soil and Water Conservation District and a plan for clearing and grading is approved. Such permit shall be based on a clearing and grading plan prepared and approved as part of the site plan review process.
- (10) Amendments of an Approved Site Plan
Amendments to an approved site plan shall be accomplished in the manner required for an original approval pursuant to Subsection 1224.07 (4): Procedure, provided, however, that minor technical changes and additions or alterations to accessory structures which do not substantially alter a previously approved site plan or that do not require a variance may be authorized by approval of the Planning Director.
- (11) Qualifications Required to Prepare Site Plans
Site plans shall be prepared by persons professionally qualified to do such work and shall be certified by an architect, engineer, landscape architect or land surveyor duly registered by the State of Ohio. Site plans for signs, fences, parking lot and loading facility additions, and minor structural additions or alterations, may be prepared by persons other than those stated above, except that the Planning and Zoning Commission shall not be required to review or take action upon plans which are not sufficient to clearly and completely document compliance with this chapter.

1224.08 Conditional Use Permit

(1) Purpose

The characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods of operation, intensity of use, public facilities requirements and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of this section

(2) Initiation

Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a conditional use permit.

(3) Procedure

(A) Step 1 – Application

An application for a conditional use shall comply with the provisions of Section 1224.03: Common Application Requirements.

(B) Step 2 – Planning Department Review and Staff Report

The Planning Department shall review the application for a conditional use permit and make a recommendation to the PZC to approve, approve with conditions, or deny the conditional use. The Planning Department may also recommend the continuance of the matter to allow for further review.

(C) Step 3 –PZC Review and Decision on a Conditional Use

- 1.) The PZC shall hold a public hearing within 45 days of the filing of the application for a conditional use permit.
- 2.) Within 60 days of the public hearing the PZC shall either approve, approve with conditions, deny, or table the request for a conditional use permit.
- 3.) If the conditional use permit is denied, the PZC shall make a finding, in writing, justifying the denial of the conditional use permit and provide a copy of the findings to the applicant.
- 4.) In granting approval, the PZC may prescribe appropriate conditions and safeguards in conformance with the intent and purposes of this Code for the protection of nearby property and the public health, safety and general welfare. The PZC shall authorize the Planning Department to issue the conditional use permit with notation of conditions thereon or attached thereto.

(4) Approval Criteria

In order to approve a conditional use, the PZC shall use the following review criteria:

- (A) The use is in fact a conditional use as allowed in the applicable zoning district;

- (B) A conditional use, except as specifically otherwise provided in this chapter or in the applicable zoning district regulations, shall conform to such district regulations and to other substantive requirements of this Code, and shall also satisfy the conditions, standards and requirements of this chapter;
 - (C) The use will be harmonious with, and in accordance with, the purpose of this Code and the goals of the Land Use Plan;
 - (D) The use will conform to the general character of the neighborhood in which it will be located;
 - (E) The use complies with all applicable provisions of this Code including any use-specific provisions established in Chapter 1226: Use Regulations;
 - (F) If the use is permitted, the public health, safety, and general welfare of the neighborhood in which it will be located, will be secure;
 - (G) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
 - (H) The use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;
 - (I) The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
 - (J) The use will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (K) The use will have vehicular approaches to the property designed so as not to create an interference with traffic on surrounding public thoroughfares; and
 - (L) The use will not result in the destruction, loss or damage of a natural or scenic feature of importance or a locally or nationally designated historic landmark.
- (5) Effect of a Conditional Use Permit
- (A) Approvals granted under a conditional use permit shall run with the land and shall not be affected by a change in ownership.
 - (B) The breach by the applicant of any condition, safeguard, or requirement expressed or referred to on the conditional use permit shall render the permit void and shall constitute a violation of this Code.
- (6) Subsequent Development
- Development authorized by a conditional use permit shall not be carried out until the applicant has secured all other approvals required by this Code or any other applicable provisions of the City. The approval of a conditional use permit shall not ensure that the development approved as a conditional use shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this Code or other applicable provisions are met.

- (7) Time Limit
 - (A) A conditional use permit shall be valid for a period of 90 days from the date of approval. The conditional use permit shall become invalid after the 90-day time limit unless the applicant receives approval of a zoning permit or is granted an extension within such time period.
 - (B) Upon written request, one extension of 30 days may be granted by the Planning Director if the applicant can show good cause.
- (8) Amendment

A conditional use permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this section.

1224.09 Land Disturbance Permit

- (1) Purpose

The purpose of this section is to establish a procedure to review grading and clearing activities within the City to ensure the promotion of the public health, safety, comfort, and general welfare of the citizens of the City. This permit and review procedure also helps to eliminate the unnecessary clearing of trees and vegetation so as to maintain them as long as possible in order to preserve the benefits associated with their existence. Regulating grading and clearing activities will also assure that adequate provisions are made for the prevention of surface erosion and pollution of water resources prior to the grading of land.
- (2) Applicability

No clearing and/or grading activities shall be commenced within the City without first obtaining a land disturbance permit from the Planning Department. Exemptions from permit requirements include:

 - (A) Parcels of less than one acre of land;
 - (B) An area of a larger parcel of land where less than one acre is to be disturbed;
- (3) Initiation

Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a land disturbance permit.
- (4) Procedure
 - (A) Step 1 – Application
 - 1.) An application for a land disturbance permit shall comply with the provisions of Section 1224.03: Common Application Requirements.
 - 2.) An application for a land disturbance permit shall be submitted a minimum of 30 days prior to commencement of the clearing and/or grading activities.

- (B) Step 2 – Planning Department and Applicable Agency Review and Decision or Staff Report
 - 1.) Submitted plans must be reviewed and approved by the Planning Department, the Summit Soil and Water Conservation District, and any other applicable City department.
 - 2.) Within 30 days after the application (Step 1) is determined to be complete, the Planning Department shall review the application and approve, approve with conditions, or deny the land disturbance permit based on the approval criteria established in Subsection (5), below.
 - 3.) All comments from the City and other review agencies shall be provided to the Planning Department for transmission of comments to the applicant. The applicant shall be required to revise all applicable plans and resubmit such revised plans to the Planning Department prior to the issuance of a land disturbance permit.
- (C) Step 3 - Notification

The land disturbance permit holder shall agree to notify the city and, if applicable, the Summit Soil and Water Conservation District a minimum of 48 hours before commencing with permitted clearing and/or grading activities.
- (5) Approval Criteria

In order to approve a land disturbance permit, the Planning Department shall use the following review criteria:

 - (A) Compliance with applicable provisions of this Code; and
 - (B) No land disturbance permit shall be issued until any and all necessary erosion and sediment control devices have been approved by the Summit Soil and Water Conservation District and appropriate City Departments.
 - (C) All current best management practices (BMP's) are considered to control erosion and sediment and a plan for implementation of such practices is approved by the Summit Soil and Water Conservation District and appropriate City departments.
 - (D) A pre-construction meeting was held with either the City of Green or, if required, the Summit Soil and Water Conservation District.
- (6) Inspections
 - (A) All permitted clearing and/or grading activities shall be inspected on a regular basis by appropriate City staff and the Summit Soil and Water Conservation District to ensure compliance with the approved plan.
 - (B) Violation notices shall be issued, if necessary, as determined through the inspection process. Violations shall be rectified within the period stated.
- (7) Time Limit
 - (A) Work permitted by a land disturbance permit shall commence within 90 days of the permit approval or the grading and permit shall become invalid.
 - (B) The land disturbance permit shall also become invalid if the work is suspended or abandoned for a period of 120 days at any time after the work has commenced or one year after the date of issuance.

- (C) Once a project is started it shall remain the responsibility of the permit holder to maintain all elements of an approved Stormwater Pollution Prevention Plan until completion of the project, including any periods during which work has been suspended or after any abandonment of the work prior to completion.
 - (D) If a permit expires, no work may commence until a new permit is issued.
- (8) Burning Prohibited
Open burning shall be prohibited for the clearing of land. All clearing must be performed by generally accepted means, unless otherwise permitted as part of the land disturbance permit review procedure.

1224.10 Variance

- (1) Purpose
A variance from the requirements of this Code may be granted by the BZA, or in limited cases by the PZC, where the applicable board determines that such a variance will not be contrary to the public intent and where due to special conditions and practical difficulties with strict application of this Code may exist.
- (2) Initiation
Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a variance.
- (3) Procedure
 - (A) Step 1 – Application for a Variance
An application for a variance shall comply with the provisions of Section 1224.03: Common Application Requirements.
 - (B) Step 2 – Variance Application Review
 - 1.) The Zoning Division shall process the variance request upon its denial of a zoning permit.
 - 2.) The Planning Department (variances requested during the subdivision process or as part of a flood plain permit) shall review the variance request and make a recommendation to the PZC to approve, approve with conditions, or deny the request. The Planning Department may also recommend the continuance of the matter to allow for further review.
 - (C) Step 3 – BZA or PZC Hearing and Decision on a Variance
 - 1.) The BZA or the PZC shall hold a public hearing within 45 days of the filing of the variance application, provided adequate notification is provided pursuant to Subsection 1224.03(7): Public Notification.
 - 2.) Within 45 days of the public hearing, the BZA or PZC shall either approve, approve with conditions, or deny the request for a variance.
 - 3.) The BZA or PZC shall further make a finding, in writing, that the reasons set forth in the application justify the granting or denial of the variance.
 - 4.) The BZA or PZC may amend the variance application, with approval from the applicant, as part of the motion. However, such amendment shall not create a larger nonconformity or larger variance published as part of the notification requirements.

- 5.) In approving a variance, the BZA or PZC may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the provisions to which the variance applies will be met and completed. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Code.
- (4) Basis for Granting a Variance
- In order to grant a variance, the BZA or PZC shall use the following review criteria:
- (A) The BZA or PZC shall not grant a variance, as authorized in this Code, unless it can determine that there are circumstances, conditions, and practical difficulties encountered by the applicant in complying with the provisions of this Code. This evaluation shall include, but is not limited to, the following criteria:
 - 1.) Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
 - 2.) Whether the variance is substantial;
 - 3.) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - 4.) Whether the variance would adversely affect the delivery of governmental services;
 - 5.) Whether the property owner purchased the property with knowledge of the zoning restrictions;
 - 6.) Whether the problem can feasibly be addressed through some method other than variance (e.g., zone change); and
 - 7.) Whether the variance preserves the spirit and the intent behind the purpose of this Code and whether substantial justice would be done by granting the variance.

No single factor listed above in subparagraphs one through seven shall control, and not all factors shall be applicable in each case. Each case shall be determined on its own facts.
 - (B) To obtain a variance, the applicant must show “practical difficulty”, by demonstrating:
 - 1.) Whether strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - 2.) Whether a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 - 3.) Whether the plight of the owner is due to unique circumstances of the property;
 - 4.) Whether the problem is self-created.
 - (C) Variances shall not be granted on the grounds of convenience or profit.

- (D) The BZA shall not consider or grant a use variance when the use is otherwise prohibited in the zoning district in which the property is located. In such cases, the applicant may submit a request for a zoning map amendment pursuant to Section 1224.04: Text or Map Amendment in order to accommodate the proposed use.
 - (E) The fact that a structure, use, or lot does not conform to this Code prior to the consideration of a variance application may not be used as a basis for the granting of a variance.
- (5) Effect of a Variance
- (A) The issuance of a variance shall authorize only the particular variation that is approved in the variance.
 - (B) A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.
- (6) Subsequent Development
- Development authorized by the variance shall not be carried out until the applicant has secured all other approvals required by this Code or any other applicable provisions of the City. A variance shall not ensure that the development with an approved variance shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this Code or other applicable provisions are met.
- (7) Time Limit
- No variance shall be valid for a period longer than 12 months of the date of variance approval unless the applicant receives approval of a zoning permit.
- (8) Amendment of a Variance after a Decision
- When an amendment is requested that would increase the extent or severity of the variance, the variance shall be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. An amendment that reduces the extent or severity of the approved variance may be approved by the Planning Director (for example, if the original variance grants a 10-foot variance on a 20-foot setback, the Planning Director may approve an amendment if the applicant only needs a five-foot variance).
- (9) Appeals of BZA Decisions
- Those aggrieved by the decision of the BZA or any taxpayer, may appeal such decision to the Summit County Court of Common Pleas, as provided in ORC Chapter 2506.

1224.11 Appeals

- (1) Purpose

This section sets out the procedure to follow when a person claims to have been aggrieved by any administrative decision made in the enforcement of this Code.

- (2) Initiation

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this Code.

(3) Procedure

(A) Step 1 – Submission of Appeal (Application)

- 1.) An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision or determination within 20 days of the date of the order, decision, determination, or interpretation with the Zoning Division.
- 2.) Where the decision of the PZC is the subject of the appeal, the 20 day timeframe shall not start until after 30 days of the original PZC decision within which the PZC may reconsider its original decision.
- 3.) Appeals shall comply with the provisions of Section 1224.03: Common Application Requirements.

(B) Step 2 – Forwarding of the Record to the BZA

Upon receiving the written appeal of an administrative decision or determination, the Zoning Division shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the BZA. This material shall constitute the record of the appeal.

(C) Step 3 – BZA Review and Decision on Appeal

- 1.) The BZA shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Subsection 1224.03(7): Public Notification.
- 2.) Any person affected by the appeal may appear at the public hearing and testify in person or by attorney.
- 3.) The Board shall render a decision on the appeal without unreasonable delay. The Zoning Division shall notify the appellant in writing of the decision of the Board.

(4) Review Criteria

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this Code.

(5) Stay

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Zoning Division certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA for good cause shown.

(6) Appeals of BZA Decisions

Those aggrieved by the decision of the BZA or any taxpayer, may appeal such decision to the Summit County Court of Common Pleas, as provided in ORC Chapter 2506.

1224.12 Zoning Permit

- (1) Purpose
A zoning permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this Code, and to otherwise protect the public health, safety, and general welfare of the citizens of the City.
- (2) Applicability
No land shall be used nor shall any building or structure be used, established, constructed, enlarged, moved, modified, without first obtaining a zoning permit. Zoning permits shall be issued only in conformity with the provisions of this Code unless the Zoning Division receives a written order from the BZA deciding an appeal or variance, or approval from the PZC for a conditional use permit, site plan or planned development as provided in this Code or approval of the Planning Director.
- (3) Exemptions
Buildings having a foundation area of 30 square feet or less, excepting outdoor toilets, and roadside stands shall be exempted from permit requirements. Such accessory buildings, however, are subject to all other zoning regulations.
- (4) Initiation
Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a zoning permit.
- (5) Procedure
The review procedure for a zoning permit shall be as follows:
 - (A) Step 1 – Application
 - 1.) The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements.
 - 2.) The applicant shall not begin construction until a zoning permit has been issued and setbacks approved in the field.
 - (B) Step 2 – Zoning Division Review and Decision on a Zoning Permit
 - 1.) Within ten days of the determination that the application is complete, the Zoning Division shall approve or deny the application based on the provisions of this Code.
 - 2.) When the Zoning Division denies a zoning permit, it shall provide written findings for the denial of the zoning permit application.
- (6) Approval Criteria
In order to approve a zoning permit, the Zoning Division shall consider the following:
 - (A) The application complies with all applicable provisions of this Code and the applicable zoning district; and
 - (B) The application complies with all approved site plans or other development approvals.

- (7) Time Limit
 - (A) Zoning permits shall be effective for 12 months and shall not be invalidated by a change in zoning during that period.
 - (B) A permit shall expire at the end of 12 months unless the footer or other base for the structure has been completed in compliance with the plans presented as part of the zoning permit application.
 - (C) If, after the footer or base has been completed, construction has been stopped for more than six months, the permit shall become invalid and a new permit shall be required before construction can proceed.
 - (D) Temporary use permits shall include an expiration date for the approved use.
 - (E) Zoning permits and temporary use permits may be renewed or extended by the Zoning Division if just cause is shown.
- (8) Temporary Use Permits
 - (A) Applications for temporary use permits shall follow the same review procedure outlined in Subsection (5) above, but shall be submitted at least seven days before the start of such temporary use.
 - (B) An application for a temporary use permit shall be made to the Zoning Division and shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the setbacks, parking and sanitary facility requirements for the proposed temporary use, and any other information required to process the permit.

1224.13 Certificate of Use and Compliance

- (1) Purpose

A certificate of use and compliance shall be required for multi-family uses and nonresidential uses to ensure that new construction and changes in tenants or uses comply with the provisions of this Code.
- (2) Initiation

Pursuant to Subsection 1224.03 (1): Authority to File Applications, any person having authority to file applications may initiate an application for a certificate of use and compliance.
- (3) Applicability
 - (A) No person shall use, occupy, or permit the use or occupancy of a multi-family or nonresidential building or lot, or part thereof, until the Zoning Division issues a certificate of use and compliance stating that the proposed use of the building, land, or part thereof conforms to the requirements of this Code. A certificate of use and compliance shall also state, where applicable, that new construction complies with the plans approved as part of the zoning permit procedure and approval.
 - (B) A certificate of use and compliance shall be obtained from the Zoning Division for any of the following:
 - 1.) Use and occupancy of a multi-family or nonresidential use building hereafter erected or structurally altered unless exempted in Subsection 1224.13 (4): Exemptions;
 - 2.) Use of vacant land or change in use of land;

- 3.) Any change in the use of a non-conforming use;
 - 4.) Any change of tenants in a nonresidential building, portion of a nonresidential building, and/or tenant space; and
 - 5.) Any change in the ownership of any multi-family dwelling or nonresidential building.
- (4) Exemptions
The following uses shall be exempt from the requirement of a certificate of use and compliance:
- (A) Single-family dwellings;
 - (B) Multi-family dwellings with no more than two units,
 - (C) Accessory uses; or
 - (D) Temporary uses.
- (5) Procedure
The review procedure for a certificate of use and compliance shall be as follows:
- (A) Step 1 – Application
The applicant shall submit an application and all required documents to the Zoning Division for a certificate of use and compliance.
 - (B) Step 2 – Zoning Division Review and Decision
 - 1.) Within ten days of the application for a certificate of use and compliance, the Zoning Division shall schedule an inspection, where necessary, or review the application and approve or deny the application based on the provisions of this Code.
 - 2.) In cases where the Zoning Division denies an application, it shall provide the applicant with written findings for the denial.
- (6) Approval Criteria
In order to approve a certificate of use and compliance, the Zoning Division shall determine the following:
- (A) That the use and structure comply with the zoning permit as issued and any applicable development approvals or conditions;
 - (B) That the use complies with all applicable provisions of this Code;
 - (C) That the use, structure, or tenant has gained all other necessary approvals prior to the issuance of the certificate of use and compliance; and
 - (D) That applicable review agencies have no objections that cannot be resolved by the applicant.
- (7) Approvals Outside of the Certificate of Use and Compliance Required
- (A) The following approvals and/or certificates shall be required prior to the issuance of a certificate of use and compliance:
 - 1.) All required municipal, county, state, and federal approvals and/or certificates must be obtained for the proposed use, including any necessary fire inspection(s) by the Green Fire Division; and

- 2.) Any necessary approvals, permits, or certificates from County offices, including the Building Department, the Summit County Health Department (including any required septic approvals), the Summit County Department of Environmental Services (for sanitary sewer approval), the State of Ohio Environmental Protection Agency (OEPA) and the Federal Army Corps of Engineers.
- (B) Written documentation of these approvals and/or certificates must be submitted to the Zoning Division prior to the issuance of the City's certificate of use and compliance.

Chapter 1225: Zoning Districts

1225.01 Purpose

The purpose of this chapter is to establish zoning districts in order to realize the general purposes set forth in this Code, to provide for orderly growth and development and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

1225.02 General Provisions

(1) Establishment of Districts

For the purpose of this Code, the City is hereby divided into the zoning districts listed in Table 1225-1:

Abbreviation	District Name
R-R	Rural Residential District
R-1	Single-Family Residential District
R-2	Multi-Family Residential District
B-1	General Business District
B-2	Professional Office District
B-3	Neighborhood Business District
B-4	Highway Business District
B-5	Airport Commerce District
I-1	General Industrial District
PD	Planned Development

(2) Incorporation of the Zoning Map

- (A) The boundaries of the zoning districts are indicated upon the map of the City, which shall be known as the Zoning Map of the City of Green, Ohio, and which shall hereafter be referred to as the Zoning Map.
- (B) The Zoning Map, together with all notations, references, and other matters shown thereon, is hereby declared to be a part of this Code, thereby having the same force and effect as if herein fully described in writing.
- (C) The Zoning Map shall be available in the Planning Department and Zoning Division Offices.

(3) Interpretation of District Boundaries

The following rules shall be used to interpret the precise location of any zoning district boundary illustrated on the Zoning Map:

- (A) All zoning district boundaries proposed after the effective date of this Code shall follow lot lines or street centerlines to the maximum extent feasible.
- (B) For zoning district boundaries that existed prior to the effective date of this Code, the following rules shall apply:

- 1.) Where district boundaries are so indicated as approximately following the centerlines of thoroughfares or highways, street lines or highway right-of-way lines, such centerlines shall be construed to be such boundaries.
 - 2.) Whenever any street or public way is vacated by official action of Council, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations, and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.
 - 3.) Where a zoning line does not follow a street, alley, or lot line, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.
- (4) Existing Planned Developments
Any planned development approved prior to the effective date of this Code shall continue in accordance with the approved general plan(s) and final site plan(s). Modifications, amendments, and expansion of existing planned developments shall be in accordance with Subsection 1224.04 (6): Proposed Planned Development District Requirements.
- (5) Relationship of Overlay Zoning Districts
Where land is classified into an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

1225.03 Zoning Districts

The following is a list of the individual zoning districts and the specific purpose statement for each district.

- (1) R-R – Rural Residential District
The R-R Rural Residential District is established to accommodate single-family residential development at a density characteristic of a rural area in order to preserve the natural environment and to provide alternatives for conservation open space residential subdivisions. Alternative subdivision designs are encouraged to protect and establish permanent open space.
- (2) R-1 – Single Family Residential District
The R-1 Single Family Residential District is established to accommodate single-family and two-family residential development and maintain a density of development that will preserve the natural environment. Minimum area regulations are commensurate with the availability of water, proper provisions for satisfactory sanitation facilities and other conservation values. Alternative subdivision designs are encouraged to protect and establish permanent open space.

- (3) R-2 – Multi-Family Residential District
The R-2 Multi-Family Residential District is designed to accommodate attached and detached dwellings at moderate densities. The purposes of this district are to provide for higher density residential development, in locations served by sanitary sewer, and public water services, which offer a greater choice of living environments; to regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy, and useable open spaces; to regulate the location of higher density developments in order to maintain adequate services; and to promote and protect the desirable characteristics of the existing residential development. This district may be appropriate for areas designated as “transitional areas” in the Long Range Land Use Plan.
- (4) B-1 – General Business District
The B-1 General Business District is established to accommodate a wide range of commercial development, along with outdoor storage and display, in select areas, so as not to disrupt and intrude upon residential areas. The purposes of this District are to promote, upgrade, and maintain the functional and aesthetic qualities of the district through the use of site plan review, and to protect the residential character of adjacent areas.
- (5) B-2 – Professional Office District
The B-2 Professional Office District is designed to provide an environment exclusively for and conducive to the development of professional services and other office uses in locations which are served by arterial roadways. The regulations contained in this chapter are established to protect and ensure compatibility with adjacent residential development. This district may be appropriate for areas designated as “transitional areas” in the Long Range Land Use Plan.
- (6) B-3 – Neighborhood Business District
The purpose of the B-3 Neighborhood Business District is to allow for small-scale retail commercial uses and personal service uses designed to serve nearby residential neighborhoods. Business in the B-3 District shall accommodate such service and retail uses by maintaining the characteristics of the surrounding residential uses and providing appropriate buffers to minimize or eliminate impacts on the residential uses. This district may be appropriate for areas designated as “transitional areas” in the Long Range Land Use Plan.
- (7) B-4 – Highway Business District
The B-4 Highway Business District is designed to accommodate commercial activities that draw business primarily from a regional market area and provide services primarily to motorists. The B-4 District is designed to accommodate land that is typically associated with interstate travel. The regulations contained in this chapter are established to protect the health, safety and welfare of the properties within and adjacent to the District and to ensure the availability of suitable areas for the permitted uses by prohibiting unrelated uses in such areas.
- (8) B-5 – Airport Commerce District
The B-5 Airport Commerce District is designed to accommodate business activities that can provide services related to airport users including, but not limited to, hotels, car rental facilities, and restaurants. The B-5 District is also designed to accommodate offices, public facilities, industrial uses, and uses not related to the airport that will not create an impact on the airport operations and are deemed a compatible use.

- (9) I-1 – General Industrial District
The I-1 General Industrial District is established to provide for industrial uses which are generally major operations and extensive in character for the purpose of repairing, storing, manufacturing, processing or distributing goods. Such uses require large sites, open storage and service areas, extensive services and facilities and ready access to regional transportation, and normally generate some nuisances, such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the District boundary. Such operations shall be in locations remote from existing or proposed residential areas.
- (10) PD – Planned Development District
The PD Planned Development District is established to accommodate, in a unified development, creative and imaginative planned community design and to permit those innovations in the technology of land development that are in the best interests of the City. It is the purpose of this district to:
- (A) Provide maximum opportunity for orderly, large-scale developments which benefit the community as a whole by offering a greater choice of living environments and commercial activities through both residential and commercial uses;
 - (B) Provide greater flexibility in the spacing of lots and buildings in order to encourage the following:
 - 1.) Provide for pedestrian and vehicular circulation in a safe manner;
 - 2.) Provision of readily accessible recreation areas and green spaces;
 - 3.) Conservation of the natural amenities of the landscape; and
 - 4.) Creation of functional and interesting residential, business, and mixed-use areas
 - (C) Permit suitable associated commercial development consistent with the demand created by planned residential development and compatible with the existing and proposed use of lands adjacent to the planned development;
 - (D) Encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features; and
 - (E) Allow for creative development that conforms to the goals and objectives set forth in the City of Green Long Range Land Use Plan.

1225.04 Allowed Uses

- (1) Table 1226-1 lists the permitted and conditional uses within all zoning districts. Use-specific standards for permitted and conditional uses are provided in Section 1226.02: Use-Specific Regulations.
- (2) Table 1226-2 lists the accessory uses, as permitted or conditionally permitted, in all zoning districts. Use-specific standards for accessory uses are provided in Subsection 1226.03(5): Use-Specific Standards.
- (3) Table 1226-3 lists the temporary uses allowed within all zoning districts.

1225.05 Site Development Standards

- (1) Section 1227.02: Site Development Standards for Residential Districts, provides development standards applicable to sites within residential districts.
- (2) Section 1227.03: Open Space Residential Subdivisions, provides development standards applicable to open space subdivisions in the R-R and R-1 Districts.
- (3) Table 1227-8 lists the site development standards for conditional uses in the R-R and R-1 Districts.
- (4) Table 1227-9 lists the site development standards for business districts.
- (5) Chapter 1228: Planned Development Regulations provide development standards applicable to Planned Development Districts.

Chapter 1226: Use Regulations

1226.01 Table of Allowed Uses

Table 1226-1 below lists the uses allowed within all zoning districts. Each of the listed uses is defined in Chapter 1231: Definitions and Rules of Construction.

(1) Explanation of Table Abbreviations and Columns

(A) Permitted Uses (P)

A “P” in a cell indicates that a use is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter and the development standards of Chapter 1227: Site Development Standards and Chapter 1229: Development Standards.

(B) Conditional Uses (C)

A “C” in a cell indicates that, in the respective zoning district, a use is permitted if reviewed and approved as a conditional use pursuant to Section 1224.08: Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter and the development standards of Chapter 1227: Site Development Standards and Chapter 1229: Development Standards.

(C) Prohibited Uses (Shaded Cells)

A shaded cell indicates that the listed use is prohibited in the respective zoning district.

(D) Additional Regulations

Regardless of whether a use is permitted by-right or permitted as a conditional use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 1226-1. These standards apply in all districts unless otherwise specified.

(E) Unlisted Uses

- 1.) If a zoning permit, site plan review, or a certificate of use and compliance application is submitted for a use that is not listed in Table 1226-1, the Planning Director is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use. The Planning Director may consult with the PZC and obtain a motion of concurrence or objection to the use classification through the PZC hearing process.
- 2.) If no similar use determination can be made, the Planning Director shall refer the use to the PZC who may initiate an amendment to the text of this Code to clarify where and how the use should be permitted.

Table 1226-1: Allowed Uses											
Uses P = Permitted C = Conditional	R-R	R-1	R-2	B-1	B-2	B-3	B-4	B-5	I-1	PD	Additional Regulations See Section:
Agricultural Uses											
Agriculture – animal husbandry and keeping of livestock	P	P						C	P		1226.02(2)
Agriculture – raising of crops	P	P	P	P	P	P	P	P	P	P	
Nurseries and greenhouses				P		C	C	C	P		
Residential Uses											
Adult family homes (3 to 5 adults)	P	P	P								
Adult group homes (6 to 16 adults)			C								
Multi-Family dwellings			P							P	
Nursing homes and assisted living facilities			C	C						P	1226.02(10)
Open Space Subdivisions	P	PC	C							P	
Single-Family dwellings	P	P	P							P	
Two-family dwellings		C	P							P	
Commercial Uses											
Airport and airport related facilities								P			
Automotive body repair				C			C				
Automotive car washes				P			P	P			
Automotive fuel sales				P		C	P	P		P	1226.02(3)
Automotive rental				P			P	P	P		
Automotive repair and service & body repair				P			P	P	P		1226.02(3)
Automotive sales				P		C	P	P			
Banquet halls				P			P	P		P	
Bars and taverns				P		C	P	P		P	
Bed and breakfast establishments	C	C	C							P	
Day care centers				P	P	P		C	C	P	1226.02(5)
Day care home, Type A (7 to 12 children, or 4 to 12 children when 4 or more are under two years old)				C	C	C			C		1226.02(5)
Day care home, Type B (1 to 6 children, no 3 children are under two years old)	P	P	P							P	
Drive-through facilities				C		C	P	P		P	
Financial institutions				P	P	P	P	P		P	
Funeral homes				P	C	C	P	P	P		
Hotels and motels				P			P	P		P	
Kennels				P				C	P		1226.02(8)

Table 1226-1: Allowed Uses												
Uses P = Permitted C = Conditional	R-R	R-1	R-2	B-1	B-2	B-3	B-4	B-5	I-1	PD	Additional Regulations See Section:	
Medical and dental offices				P	P	C	P	P	C	P		
Offices				P	P	C	P	P	P	P		
Parking lots/Decks	C	C	P	P	P	P	P	P	P	P		
Personal service establishments				P	C	C	P	P		P		
Recreation and indoor entertainment facilities				P			P	P	P	P		
Research facilities and laboratories							P	P	P	P		
Restaurants				P	C	C	P	P	P	P		
Retail and service commercial uses				P	C	C	P	P		P		
Self-storage facilities				C				C	P		1226.02(11)	
Sexually oriented businesses							P				1226.02(12)	
Social clubs and fraternal organizations				P		C	P	P		P		
Theaters				C			P	P		P		
Veterinarian clinics				P	C	C	P	P	P			
Wireless telecommunications towers	C	C	C	C	C	C	C	C	C	C	1226.02(13)	
Industrial Uses												
Distribution facilities, truck terminals, and warehouses							C	P	P			
Heavy industrial uses								C	C			
Light industrial uses								P	P			
Mineral extraction	C	C	C	C	C	C	C	C	C	C	1226.02(9)	
Public and Institutional Uses												
Active parks, playgrounds and recreational facilities	C	C	C	P	P	P	P	P	P	P	1226.02(1)	
Cemeteries	C	C	C	C	C	C	C	C	C	P	1226.02(4)	
Community centers and clubhouses	C	C	C	P	C	C	P	P	P	P		
Educational facilities (public or private)	C	C	C	P	C	C	P	P	P	P	1226.02(6)	
Governmental offices and facilities	C	C	C	P	P	P	P	P	P	P	1226.02(7)	
Hospitals and clinics				P			P	P	P	P		
Libraries, museums, galleries, and cultural centers	C	C	C	P	P	P	P	P		P		
Passive parks and conservation areas	P	P	P	P	P	P	P	P	P	P		
Public and private utility services	P	P	P	P	P	P	P	P	P	P		
Public safety/service facilities	C	C	C	P	C	C	P	P	P	P	1226.02(7)	
Religious places of worship	C	C	C	C	C	C	C	C	C	P		

1226.02 Use-Specific Regulations

(1) Active Parks, Playgrounds, and Recreational Facilities

The following regulations shall apply to when the principal use of a lot is an active park, playground, or recreational facility:

- (A) Unless otherwise approved by the PZC, active parks, and playgrounds which include outdoor play areas, tot lots, or activity centers designed to be used by children under eight years of age shall be fully enclosed by a fence subject to approval by the PZC.
- (B) All structures shall be located at least 25 feet from all property lines or as approved by the PZC.
- (C) Vehicle access points of entrance or exit shall be located a minimum of 200 feet from the intersection of two major thoroughfares, or a minimum of 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (D) Retail business uses shall be only those customarily accessory or incidental to the main recreational use, such as refreshment, souvenir, and concession stands.
- (E) The minimum gross lot area or portion of a lot required for golf courses, country clubs, horse riding academies, and campgrounds for camping in tents, travel trailers and other vehicles, cabins or lodges, including day camps, summer camps and health camps, shall be subject to review by the PZC.
- (F) Active parks, playgrounds, and recreational facilities within a subdivision or PD District shall require review and approval by the PZC.

(2) Agricultural Uses-Animal Husbandry and Keeping of Livestock

A lot may be used for agricultural purposes in accordance with the following regulations:

- (A) The minimum area of a lot for animal and poultry husbandry shall be five acres.
- (B) Apiculture, horticulture, floriculture, and viticulture shall be permitted on any size lot, however, buildings and structures accessory to an agricultural use shall be on a lot with a minimum area of five acres.
- (C) Dwellings shall conform to the minimum site development requirements for the applicable zoning district.
- (D) All structures used for keeping of farm animals, fowl, fur-bearing animals, horses, and/or ponies shall be set back a minimum of 20 feet from the property line.
- (E) Fenced enclosures for the keeping of farm animals, fowl, fur-bearing animals, horses and/or ponies closer than 5 feet from any lot line may be approved by the PZC as a conditional use according to the procedures, review criteria, and public hearing requirements set forth in Section 1224.08: Conditional Use Permit under the following conditions:
 - 1.) The fenced enclosures shall be located a minimum of 50 feet from any existing dwelling except for a dwelling on the same lot as the fenced enclosure; or
 - 2.) Neighboring property owners within 100 feet shall be notified, in writing, when the proposed placement of the fence is less than five feet from the lot lines.

(3) **Automotive Fuel Sales and Automotive Repair and Service Facilities**

In addition to the applicable provisions of this chapter, automotive fuel sales and automotive repair and service facilities shall comply with the following:

- (A) Automotive fuel sales and automotive repair and service facilities that are located on a corner lot shall have a minimum of 150 feet frontage on each street to allow for adequate ingress and egress without creating congestion at an intersection;
- (B) Fuel pumps and related driveways and paved areas may be erected in a front yard, but not less than 30 feet from an existing or proposed street right of way, except for lots with frontage on Massillon Road or Arlington Road, in which case the minimum distance shall be 40 feet from the right-of-way line.
- (C) A canopy may be constructed over the pump island, provided that the canopy shall extend no closer than 20 feet from an existing or planned right of way, except for lots with frontage on Massillon Road or Arlington Road, in which case the minimum distance shall be 30 feet from the right-of-way line.
- (D) If repair or service activities are performed on a vehicle, such vehicle shall be entirely within a building.
- (E) Outdoor sales, displays, and storage shall be in conformance with Section 1229.12: Outdoor Sales, Displays, and Storage.
- (F) On a corner lot, access drives shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.

(4) **Cemeteries**

The lot or the area of a lot proposed for a cemetery shall be used for cemetery purposes only and shall meet the following requirements:

- (A) A new cemetery shall have a minimum area of 10 acres. Expansion of an existing cemetery is exempt from this requirement.
- (B) The required building setback for all structures, including mausoleums and maintenance garages, shall be 25 feet from any property line.
- (C) Graves and burial lots shall be located no less than 15 feet from all property lines.
- (D) There shall be access to a collector street so that residential neighborhoods are not burdened by funeral processions.
- (E) For private cemeteries, the owner shall demonstrate to the PZC that there is adequate administrative and financial capacity to ensure perpetual maintenance and operation of the cemetery.

(5) **Day Care Centers and Type A Day Care Homes**

- (A) Outdoor play areas, tot lots, or activity centers designed to be used by children under eight years of age shall be fully enclosed by a fence subject to approval by the PZC.
- (B) The parking and circulation plan shall include a drop-off/pick-up point for children.
- (C) In residential districts, Type A day care homes shall meet the minimum applicable site development standards established in Chapter 1227: Site Development Standards.

- (6) **Educational Facilities**
Educational facilities, which have outdoor play areas, tot lots, or activity centers designed to be used by children under eight years of age shall ensure that the activity areas are fully enclosed by a fence subject to approval by the PZC.
- (7) **Governmental Offices, Facilities and Public Safety/Service Facilities**
Governmental offices, facilities, and public safety/service facilities, shall meet the minimum site development standards established for the applicable zoning district.
- (8) **Kennels**
In addition to the applicable provisions of this chapter, kennels shall comply with the following:
 - (A) All structures and activities related to the subject kennel use shall be located a minimum distance of 50 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
 - 1.) All non-soundproofed structures or areas where animals are confined shall be located a minimum distance of 250 feet from any residential district.
 - 2.) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.
 - (B) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.
 - (C) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m.
 - (D) There shall be no burial or incineration of animals on the premises.
- (9) **Mineral Extraction**
Mining, soil, sand and gravel removal and processing may be conditionally permitted in all zoning districts (except PD districts) provided that all proposed uses and the continuation through expansion of existing mining and extracting uses shall, at a minimum, meet the following conditions and limitations:
 - (A) There shall be a minimum setback of 150 feet from all lot lines, outside of the site where the mineral extraction is taking place, within which there shall be no disturbance of land and no mineral extraction. This setback may be reduced to 100 feet along lot lines that have frontage on a public right-of-way.
 - (B) All points of entrance or exit shall be located a minimum of 200 feet from the intersection of two major thoroughfares, and/or a minimum of 200 feet from the intersection of a major thoroughfare and a local or collector street.
 - (C) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into an area.
 - (D) Truck routes shall be established for movement in and out of the development in such a way as to minimize the wear on public roads and prevent hazards and damage to other properties in the community.

- (E) Any temporary structures must be indicated as such on site plans submitted to the PZC for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the PZC. A temporary use permit for each structure shall be issued by the Zoning Division.
- (F) Truck parking areas, maneuvering lanes and accessways to public roads shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site, and shall be built and paved or treated to prevent the creation of dust and drainage problems.
- (G) All facilities, structures and activities shall meet all County and/or State health, building, electrical and other applicable codes. In cases of overlapping codes and/or jurisdictions, the more restrictive shall apply.
- (H) The area being mined or excavated shall be enclosed by a fence six feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.
- (I) No sand or gravel shall be removed or stored, or overburden stored, within 100 feet of any lot line not owned or controlled by the developer or operator of the business, or his or her agent, nor shall such mineral extraction business be conducted closer to any lot line or road so that areas contiguous and adjacent thereto do not have adequate lateral support.
- (J) Equipment and trucks shall be operated no earlier than 7:00 a.m. nor later than 8:00 p.m., except on Sundays and holidays, when there shall be no equipment operations.
- (K) Asphalt, cement or resins shall not be brought to the site to be processed, nor shall any stone, gravel or sand or another resource not extracted from the site be processed at the site.
- (L) A conditional use permit shall pertain to a specific site and acreage covered by the performance guarantees. Expansion shall require a new or renewed conditional use permit, which may be applied for any time prior to the 12-month expiration date of the current certificate.
- (M) A plan showing provisions for control of erosion and sedimentation during and after the development, construction, extraction or other use of the site shall be prepared. Such plan shall show proposals for restoration, rehabilitation and reclamation, where necessary, and shall be accompanied by documentation indicating the review and recommendation on such plan by the County Soil and Water Conservation District, the Division of Lands and Soil of the Department of Natural Resources, or other competent agency or soils scientist.
- (N) Effective erosion and sediment controls shall be planned and applied according to the following principles:
 - 1.) The smallest practical area of land should be exposed at any one time during development, construction, extraction or other use.
 - 2.) When land is exposed during development, use, extraction, etc., the exposure should be kept to the shortest practical period of time.
 - 3.) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development, use, etc.

- 4.) Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development, use, etc.
 - 5.) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development, use, etc.
 - 6.) The permanent final vegetation and structures shall be installed as soon as practical in the development, use, restoration, rehabilitation, etc.
 - 7.) The development, extraction or use plan shall be fitted to the topography and soils so as to create the least erosion potential.
 - 8.) Wherever feasible, natural vegetation should be retained and protected.
 - 9.) All excavations shall be made to either a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure:
 - a.) That the excavated area shall not collect and permit to remain therein stagnant water; or
 - b.) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations shall be sloped to the water line at a slope which shall not be greater than three feet horizontal to one foot vertical, and said bank shall be needed.
- (O) A conditional use permit issued for mineral extraction purposes shall be issued for a period of no more than twelve consecutive months, subject to renewal for no more than an additional 12 month period, provided that the Mayor and/or City Council is satisfied that the holder of the Conditional Use Certificate is complying with the this Code, and with all conditions set forth in the conditional use permit.
- (P) Regarding all conditional use permits issued pursuant to Section 1224.08: Conditional Use Permit, if either the Mayor or City Council determines that the holder of the conditional use permit is violating the zoning code or any of the conditions set forth in the conditional use permit, the Mayor or City Council may authorize the Law Director to immediately notify the Certificate Holder of the violation(s) and demand the permit holder to remedy the violation(s) within 10 calendar days of the date of the notice. The Mayor and City Council shall also have the authority to request the Law Director immediately institute legal action for a temporary restraining order and/or preliminary injunction against the permit holder to cease operations until such time that the permit holder proves that they are conducting operations in compliance with this Code and any conditions set forth in the conditional use permit.
- (Q) In addition to the right to seek injunctive relief, the City of Green may also assess a fine in the amount of \$100.00 for each day a violation of the conditional use permit exists and/or continues up to a maximum fine of \$10,000.00.

- (R) A bond or other financial provision acceptable to City Council guaranteeing performance according to plan and the removal from the site, after termination of operations, of any abandoned equipment and accessories, shall be submitted to Council, in an amount per acre, or fraction thereof, of not less than \$2,500, and in a total amount of not less than \$25,000. The amount of the bond or guarantee shall be sufficient to ensure rehabilitation for the number of acres planned for operations during at least the ensuing twelve consecutive months. Such bond shall be of the type recognized in the State.
 - (S) The conditions and limitations provided in this subsection, as well as others deemed necessary by the PZC, shall be specified as conditions for the issuance of a conditional use permit and shall be so specified on the certificate.
- (10) **Nursing Homes and Assisted Living Facilities**
Nursing homes and assisted living facilities may be permitted, provided that:
- (A) The minimum lot area shall be two acres.
 - (B) All structures and activities shall be set back a minimum of 50 feet from all lot lines.
 - (C) The density shall not exceed 18 patient rooms per acre.
 - (D) All site entrance and exit drives shall be located a minimum of 200 feet from the intersection of two main roads and a minimum of 100 feet from main road and local road intersections.
- (11) **Self-Storage Facilities**
In addition to the applicable provisions of this chapter, self-service storage facilities shall comply with the following:
- (A) All items shall be stored within a building.
 - (B) Buildings shall not exceed one story, with a maximum overall height of 22 feet.
 - (C) No door shall exceed 15 feet in either height or width.
 - (D) Access to the facility shall be limited to one entrance and one exit per abutting street.
 - (E) Loading and unloading of storage units shall be oriented towards the side and rear lot lines.
- (12) **Sexually Oriented Business**
- (A) A sexually oriented business may only be located in the B-4 District.
 - (B) A sexually oriented business may be located only in accordance with the following restrictions:
 - 1.) No such business shall be located on any parcel within 500 feet of any residential zoning district;
 - 2.) No such business shall be located on any parcel within 1,000 feet of any public library, public or private educational facility, public park, or religious place of worship;
 - 3.) No such business shall be located on any parcel within 1,000 feet of another sexually oriented business.

- (C) For purposes of Subsection (B) above, the measurement of distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a religious place of worship or public or private educational facility, or to the nearest boundary of an affected public park, residential zoning district or residential lot.
- (D) For purposes of Subsection (B) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (E) No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material, or any live performance, which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

(13) **Wireless Telecommunications Towers**

(A) **General**

All new construction, or the placement of equipment related to wireless telecommunications shall conform to the regulations of the district in which it is located and to the additional development standards and supplementary regulations contained herein.

(B) **Construction Standards**

Proposed new telecommunications towers shall comply with the following development standards. Wireless telecommunications towers/facilities are permitted as a sole use on a lot or when combined with another use, subject to all existing regulations in each district and the following:

- 1.) The tower must be set back from any property line or any existing structure on lots adjacent to the lot on which the tower is to be located by a distance equal to the vertical height of the tower.
- 2.) The tower must not exceed a height of 150 feet (including antenna) if designed for use by a single user; 175 feet if designed for use by two co-users; and 200 feet if designed for use by three co-users. Due to the proximity of the Akron-Canton Airport, all wireless telecommunications towers must also receive Federal Aviation Administration (FAA) clearance and concurrence of the FAA decision by the Airport Director before construction may proceed.
- 3.) The maximum size of the equipment shelter shall be 300 square feet, or, if there is more than one shelter, a total of 750 square feet.
- 4.) When a wireless telecommunications tower/facility is to be located on a property with an existing use:
 - a.) The existing use need not be affiliated with the wireless telecommunications provider.

- b.) The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
 - c.) The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - d.) Security fencing, eight feet in height, shall surround the tower, the equipment shelter and any guy wires, either completely or individually, as determined by the PZC.
- 5.)** A vegetative screen shall be planted that consists of one row of a mixture of evergreen and deciduous trees or privet hedge planted five feet on center maximum. A landscaping plan is required to be submitted that indicates how the wireless telecommunications facility will be screened from adjoining properties.
- 6.)** Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- 7.)** Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a mile of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within sixty days. The applicant shall present proof of mailing as well as responses to the PZC as a means of demonstrating the need for a new tower. If a contacted wireless service provider fails to respond to a written request for co-location from the applicant within 60 days, the PZC may accept the non-response as proof that co-location on an existing tower is not feasible.
- 8.)** No advertising is permitted anywhere on the facility, with the exception of identification signage.
- 9.)** "No Trespassing" signs shall be posted around the facility, with a telephone number of who to contact in the event of an emergency.
- 10.)** Applicants will provide evidence of legal access to the tower site and maintain this access regardless of other developments that may take place on the site.
- 11.)** No tower shall be artificially lighted except to assure safety or as required by the Federal Aviation Administration (FAA). Security lighting around the equipment shelter is prohibited, unless specifically requested by the applicant and a need is proved to the PZC.
- 12.)** The tower shall be painted a neutral tone, i.e. desert sand/khaki, so as to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the FAA.
- 13.)** Any application to locate an antenna on a building or structure that is listed in the City's Inventory of Historic Structures shall be subject to review by the Historic Preservation Commission.

- 14.) The electromagnetic field levels of the tower shall conform to the standards developed by the National Council on Radiation Protection and Measurement (NCRP Report No. 86) or by the American National Standards Institute and the Institute of Electrical and Electronics Engineers (ANSI/IEEE C95.1-1992).

(C) Construction in Residential Districts

The construction of wireless telecommunications towers/facilities in residential zoning districts shall conform to all applicable existing zoning regulations, all development standards contained herein and the following supplementary regulations:

- 1.) In applying for site plan review to construct a wireless telecommunications tower/facility in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts to locate in a nonresidential zone have been exhausted, a wireless telecommunications facility may be located in a residential district.
- 2.) When the telecommunications facility is located on property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.

(D) Placement of Antennas and Equipment

The placing of wireless telecommunications antennas on any legal tower, building or structure within the City is determined to be a conditionally permitted use in all zoning districts. The placement of equipment shall conform to the regulations of the zone in which it is located, as well as the following:

- 1.) **Business and Industrial Zoning Districts**
No wireless telecommunications antenna shall be higher than 20 feet or 20 percent of the building height, whichever is greater, above the existing tower, building or structure in a nonresidential zoning district.
- 2.) **Residential Zoning Districts**
No wireless telecommunications antenna shall be higher than 20 feet above the existing tower, building or structure in a residential zoning district.
- 3.) **Equipment Shelters**
If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on or attached to the building), the shelter shall comply with all applicable development standards contained herein. Also, vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

(E) Review and Approval of Plans

No person or entity shall construct a wireless telecommunications tower and facility, or place a wireless telecommunications antenna, on any legal tower, building or structure, without a site plan review; (a public hearing and approval by the PZC), as specified below:

- 1.) The site plan for the construction of a wireless telecommunications tower and related facility shall be reviewed and approved according to the standards and procedures set forth in Section 1224.07: Site Plan Review and Section 1224.08: Conditional Use Permit of this Code.
- 2.) The placing of a wireless telecommunications antenna on any legal tower, building or structure (which may or may not involve co-location with another wireless service provider) shall be reviewed and approved according to the standards and procedures set forth in this section of this Code, and the site plan shall consist of a drawing or depiction which accurately conveys the following information:
 - a.) A vicinity map indicating the location of the site and the existing structure;
 - b.) The location of the antenna on the structure;
 - c.) The length of any projection above the existing structure (if applicable); and
 - d.) The location of the equipment shelter. If the equipment shelter is separate from the structure, its size, fencing, landscaping, setbacks and evidence of legal access to the site shall be indicated.
- 3.) All other applicable site plan review procedures, as set forth in Section 1224.07: Site Plan Review shall also be adhered to.

1226.03 Accessory Uses

(1) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses.

(2) General Accessory Use and Structure Standards

Accessory uses or structures shall be permitted provided:

- (A) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located;
- (B) It is subordinate to and serves the principal building or use;
- (C) It is subordinate in size, area, extent, and purpose to the principal building or use;
- (D) It is located on the same lot as the principal use for which it serves;
- (E) An owner obtains the required zoning permit unless exempted in Table 1226-2;
- (F) The maximum height of an accessory detached garage shall be 18 feet in overall height;
- (G) The maximum height of any other accessory use or building shall be 15 feet in overall height;
- (H) Accessory uses and structures shall be prohibited in any common open space area that is preserved by covenant in a subdivision or PD, unless otherwise authorized by the PZC;
- (I) Unless otherwise specified in this Code, accessory buildings and uses shall be located a minimum of five feet from all side and rear lot lines; and
- (J) Comply with the maximum lot coverage ratios established in Chapter 1227: Site Development Standards

(3) Table of Allowed Accessory Uses

Table 1226-2 lists the accessory building and uses allowed within all zoning districts.

(A) Explanation of Table Abbreviations

1.) Permitted Uses (P)

A “P” in a cell indicates that an accessory building or use is permitted by-right in the respective zoning district. Permitted accessory uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter.

2.) Conditional Uses (C)

A “C” in a cell indicates that, in the respective zoning district, an accessory building or use is permitted if reviewed and approved as a conditional use pursuant to Section 1224.08: Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter.

3.) Prohibited Uses (Shaded Cells)

A shaded cell indicates that the listed accessory building or use is prohibited in the respective zoning district.

4.) Maximum Lot Coverage Provision

The column of Table 1226-2 titled “Maximum Lot Coverage” notes if the size of the accessory building or use shall be used in the calculation of maximum lot coverage of accessory buildings or uses as defined in Subsection 1227.02 (3): Maximum Lot Coverage/Maximum Accessory Use Square Footage.

5.) Permit Required

The “Permit Required” column identifies if a zoning permit and/or a certificate of use and compliance is required for the applicable accessory building or use.

6.) Yards Permitted

The “Yards Permitted” column identifies what yards the applicable accessory building or use is permitted in unless otherwise exempted.

7.) Additional Regulations

Regardless of whether an accessory building or use is permitted by-right or permitted as a conditional use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 1226-2. These standards apply in all districts unless otherwise specified.

Table 1226-2 Allowed Accessory Uses

Uses P = Permitted C = Conditional	R-R and R-1	R-2	B-1	B-2 and B-3	B-4	B-5	I-1	PD	Maximum Lot Coverage	Permit Required		Yards Permitted F = Front S = Side R = Rear	Additional Regulations See Subsection:
										Zoning Permit	Certificate of Use and Compliance		
Accessory dwelling units			C	C				P	Yes	Yes	Yes	R	1226.03 (5)(A)
Accessory garages or buildings	P	P	P	P	P	P	P	P	Yes	Yes	No	R	
Dining areas or restaurants			P	P	P	P	P	P	No	No	Yes	In Principal Building	1226.03 (5)(B)
Fences	P	P	P	P	P	P	P	P	No	No	Yes	See Additional Regulations	1226.03 (5)(C)
Home occupations	P	P	P	P	P	P	P	P	No	No	Yes	In Principal Building	1226.03 (5)(D)
Private stables or kennels	P						P	P	Yes	Yes	Yes	R	1226.03 (5)(E)
Retail commercial uses			P	P		P	P	P	No	No	Yes	In Principal Building	
Roadside stand	P						P		Yes	Yes	Yes	F, S, or R	1226.03 (5)(F)
Satellite dishes	P	P	P	P	P	P	P	P	No	See Additional Regulations		R	1226.03 (5)(G)
Stand alone automated teller machines (ATMs)			P		P	P	P	P	Yes	Yes	Yes	F, S, or R	
Swimming pools (outdoor)	P	P	P		P	P		P	Yes	Yes	No	R	1226.03 (5)(H)
Swing or gym sets	P	P	P	P	P	C	C	P	No	No	No	R	
Tennis courts or other ball courts	P	P						P	Yes	Yes	No	R	
Unenclosed patios	P	P	P	P	P	P	P	P	No	No	No	R	
Wood or solid surface decks	P	P	P	P	P	P	P	P	Yes	Yes	No	R	1226.03 (5)(I)
Other accessory uses	C	C	C	C	C	C	C	C	As determined by PZC				

(4) Exceptions to the Location of Accessory Buildings and Uses

(A) Exemptions

For accessory buildings and uses that may only be permitted in the rear yard pursuant to Table 1226-2, the following exemptions shall apply:

- 1.) On a corner lot, accessory buildings and uses may be located in the side yard as illustrated in Section 1227.01: Measurements, Computations, and Exceptions.
- 2.) On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the principal structure as illustrated in Section 1227.01: Measurements, Computations, and Exceptions.

(B) Attached Versus Detached Accessory Buildings

- 1.) Typical accessory uses, such as a private garage, that are an integral part of a principal building shall be considered to be part of the principal use and shall be subject to the site development standards of the applicable zoning district.
- 2.) Accessory buildings located within five feet of a principal structure and connected by a permanently enclosed porch, walkway, breezeway, or other similar structure shall be subject to the site development standards of the applicable zoning district.
- 3.) Accessory buildings located more than five feet from a principal structure shall be considered a detached accessory building and shall be subject to the provisions of this section even if the accessory building is connected by a permanently enclosed breezeway, walkway, or other similar structure.

(5) Use-Specific Standards

(A) Accessory Dwelling Units

- 1.) An accessory dwelling unit shall only be permitted when attached to the principal or another accessory structure and where approved by the PZC.
- 2.) Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- 3.) The gross floor area associated with an accessory dwelling unit shall be at least 400 square feet, but shall not exceed 50 percent of the gross floor area of the principal dwelling unit, or 800 square feet, whichever is less.
- 4.) There shall be no more than one accessory dwelling unit per parcel.
- 5.) At least one off-street parking space shall be provided for an accessory dwelling unit in addition to the required off-street parking serving the principal use, but in no instance shall more than two off-street parking spaces be provided with an accessory dwelling unit.
- 6.) The exterior materials of the accessory dwelling unit shall consist of the same materials as the principal structure.

- 7.) Accessory dwelling units shall not be sold apart from the principal dwelling unit. Accessory dwelling units shall not be leased or rented.
- (B) Dining Areas or Restaurants
- 1.) Accessory dining areas or restaurants shall be restricted to 10 percent of the gross floor area of the principal building.
 - 2.) Accessory dining areas that are outdoors shall be subject to the applicable standards of Section 1229.12: Outdoor Sales, Displays, and Storage.
- (C) Fences
- 1.) In all districts, fences and walls shall comply with the following:
 - a.) In a front yard, a fence or wall shall not exceed 36 inches in height except that within 20 feet of a public right of way a fence shall not exceed 24 inches in height.
 - b.) In a side or rear yard in a residential district, a fence or wall shall not exceed six feet in height.
 - c.) In a side or rear yard in the B-1, B-2, B-3, or B-4 Districts, a fence or wall shall not exceed eight feet in height.
 - d.) In a side or rear yard in the B-5 or I-1 Districts, a fence or wall shall not exceed twelve feet in height.
 - e.) Decorative fencing used along the boundary of a major subdivision or a PD development shall require review and approval from the DRB and PZC.
 - f.) The use of barbed wire, razor wire, or similar fencing shall require approval by the DRB and PZC during site plan review.
 - 2.) Any fence or wall proposed for a use that requires site plan review and which is not in a front or required rear or side yard pursuant to paragraph (1) above shall be reviewed and approved as part of a site plan pursuant to Section 1224.07: Site Plan Review. However, when a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, fences or walls may be approved administratively by the Zoning Division when the Zoning Division determines that the proposal:
 - a.) Complies with paragraph 1 above;
 - b.) Is consistent with any previously approved plan;
 - c.) Is compatible with the current site development if there is no approved plan; and
 - d.) Will have a minimum adverse impact to the surrounding areas.
 - 3.) If, because of the nature of the proposed fence, the Zoning Division does not make such a determination, the request shall be referred to the BZA and considered by the Board according to the appeals procedures set forth in Section 1224.11: Appeals.
- (D) Home Occupations – Accessory to a Dwelling in Residential Districts
- 1.) A home occupation may be conducted in a dwelling unit provided that the following standards are maintained:

- 2.) The occupation shall be conducted only by members of the family residing in the dwelling, and no one from outside the family shall be employed within the dwelling unit.
 - 3.) The occupation shall be conducted wholly within a principal building, and any space used for sales, service or production shall occupy no more than 35 percent of the total floor area of the dwelling.
 - 4.) Homes that serve as a gathering point for employees engaged in the business that takes place off the premises shall be prohibited. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
 - 5.) The occupation shall not generate a significantly greater volume of traffic than would normally be expected in a residential area, and all parking shall be accommodated in the resident's driveway.
 - 6.) There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation.
 - 7.) No home occupation, or any aspect thereof, including the storage of materials and supplies, shall be conducted in any accessory building or in an open yard.
- (E) Private Stables or Kennels
- 1.) Private stables for the keeping of one or more horses or ponies shall be permitted as an accessory use on a lot having a minimum of five acres and shall be permitted only for the use of the property owner, or a lessee thereof, and his or her family and/or friends invited to use such animals without the payment of any fee.
 - 2.) Private stables and associated structures, buildings and structures accessory to a permitted agricultural use, and any fenced enclosure in which farm animals, fowl, fur-bearing animals, horses or ponies are kept, shall be set back a minimum of five feet from every lot line. A perimeter fence shall be permitted along a lot line, provided that such fence does not constitute a corral or fenced area used for the purpose of containing such animals.
- (F) Roadside Stand
- 1.) Roadside stands shall only be permitted for the sale of products grown on the premises.
 - 2.) Roadside stands shall be set back a minimum of 30 feet from the road right-of-way and located in front yard or side yard in relation to primary structures.
 - 3.) Roadside stands shall not exceed 100 square feet in floor area.

(G) Satellite Dishes

Satellite dishes shall be permitted, without a zoning permit or certificate of use and compliance, provided that such items are not located in the front yard and are smaller than 18 inches in diameter. Where such use exceeds 18 inches in diameter, the following shall apply:

- 1.) A zoning permit and a certificate of use and compliance is required to be issued by the Zoning Division;
- 2.) The satellite dish shall only be located in the rear or side yard;
- 3.) The satellite dish shall not exceed 10 feet in diameter.

(H) Swimming Pools

1.) **At-Grade or Below-Grade Swimming Pools**

Any swimming pool below-grade or at-grade, when containing water to a depth of one and one-half feet or more, shall be completely surrounded by a fence or wall with a minimum height of four feet in order to minimize the attraction of the site to young children.

2.) **Above-Grade Swimming Pools**

Above grade pools, when raised a minimum of four feet above grade, shall not require fencing. However, access shall be restricted by a gate to minimize the attraction of the site to young children.

3.) **Other Requirements**

- a.) Swimming pools and associated structures (such as pool deck and diving board) shall be set back a minimum of 15 feet from the side and rear lot line.
- b.) The construction and operation of a swimming pool shall meet all State and County regulations.

(I) Wood or Solid Surface Decks and Porches

Decks and porches shall meet all applicable safety and building codes.

1226.04 Temporary Uses

(1) Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

(2) General Temporary Use Standards

Temporary uses, structures, or events shall:

- (A) Obtain a temporary use permit pursuant to Subsection 1224.12 (8): Temporary Use Permits;
- (B) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (C) Be compatible with the principal uses taking place on the site;

- (D) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (E) Not include permanent alterations to the site;
- (F) Not maintain temporary signs associated with the use or structure after the activity ends;
- (G) Comply with the sign and parking regulations of this Code;
- (H) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (I) Not interfere with the normal operations of any permanent use located on the property; and
- (J) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

(3) **Table of Allowed Temporary Uses**

Table 1226-3 lists the temporary uses allowed within all zoning districts.

Table 1226-3: Temporary Uses and Structures			
Temporary Use or Structure per Parcel	Allowable Duration (per site)	Permit Required	Districts
Construction Dumpster, Trailers, or Equipment Storage [1]	Until Completion of Construction [2]	Temporary Use Permit	Permitted in All Zoning Districts
Real Estate Sales Office/Model Sales Home	2 years [3]	Temporary Use Permit	Permitted in All Zoning Districts
Temporary Storage in a Portable Container	Once a year for a total of 60 days per year	Temporary Use Permit	Permitted in All Zoning Districts on a Driveway
Temporary Structure (as part of an educational facility or institutional use)	2 years [3]	Temporary Use Permit	Permitted in All Zoning Districts
Garage/Yard Sales/Sidewalk Sales	3 days per event; 6 total days per calendar year	No Permit Required	Permitted in All Zoning Districts
Temporary Sales[4] and Tents for the purpose of Temporary Sales	Up to 3 times per year with a maximum of 30 days of sales per year	Temporary Use Permit and Transient Vendor's License	Permitted in All Zoning Districts
Temporary Events	14 days per calendar year	Temporary Use Permit	Permitted in All Zoning Districts
<p>NOTES:</p> <p>[1] Construction dumpsters, trailers, and equipment storage shall not be located on a public street.</p> <p>[2] Construction dumpsters, trailers, and equipment storage used during construction shall be removed prior to the issuance of the certificates of use and compliance.</p> <p>[3] Annual extensions may be granted by the Planning Director if conditions warrant.</p> <p>[4] Temporary sales must take place on lot of existing or vacated building and the temporary use permit application must include a written statement from the property owner authorizing such sales. The temporary use permit shall be prominently displayed at the site.</p>			

1226.05 Nonconforming Uses

(1) Purpose

In the provisions established by this Code, there exist uses of land, structures, lots of record, towers, and signs that were lawfully established before this Code was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this section is to regulate the continued existence of those uses, structures, and lots of record that do not conform to the provisions of this Code, or any amendments thereto.

(2) General Provisions

(A) Authority to Continue

The lawful use of any dwelling or structure and of any land or premises existing and lawful at the time of the enactment of this Code, or any amendment thereto, may continue, although such use does not conform to the provisions of this Code or amendment thereto. Nevertheless, while it is the intent of this Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use or structure prohibited elsewhere in the district without the approval of the BZA, except as otherwise specifically provided for in this Code.

(B) Conditional Uses

Any use which is permitted as a conditional use in a district under the terms of this Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use provided the use meets all approval criteria and conditions established by the PZC for the conditional use.

(C) Accessory Uses

A nonconforming use that is accessory to a principal use shall not make the principal use nonconforming.

(D) Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

(E) Exception Due to Variance

The requirements of this section shall not apply to a development standard or feature that is the subject of an approved variance. Where a variance has been granted for a development standard or feature that does not otherwise conform to the requirements of this Code, that development standard or feature shall be deemed conforming.

(F) Minor Repairs and Normal Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, and lots of record in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure or, lot of record. For the purposes of this section, "minor repair or normal maintenance" shall mean:

- 1.) **Maintenance of Safe Condition**
Repairs necessary to maintain a nonconforming use, structure, and lot of record in a safe condition;
 - 2.) **Correction of Damage or Deterioration**
Repairs necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure; and/or
 - 3.) **Maintenance of Land for Safety**
Maintenance of land areas to protect against health hazards and to promote the safety of surrounding uses.
- (G) Change of Tenancy or Ownership
Changes of tenancy or ownership of an existing nonconformity are permitted but shall continue to be subject to the requirements of this section.
- (3) Substitution of Nonconforming Uses
If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification, as determined by the BZA. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (4) Continuation of Nonconforming Uses
Where, at the time of adoption of this Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Code, the uses may be continued so long as they remain otherwise lawful, provided that:
- (A) Any structure existing on or before the effective date of this Code which does not conform to the provisions of this Code for the district in which it is located, and which has been or may hereafter be damaged by fire or other causes to the extent of less than 60 percent of its replacement value at the time of destruction or damage, may be restored or reconstructed, provided that such structure, when completed, will not differ in location or size from the previously existing structure. However, when the damage or destruction to said structure is to the extent of 60 percent or more of its replacement value at the time of destruction or damage, it shall not be restored except in conformity with the regulations of the district in which the structure is situated.
 - (B) In the event that a nonconforming use of any dwelling, building, or structure, or of any land or premises, is voluntarily discontinued for a period of six months or more, any future use of said dwelling, building, structure, land or premises shall be in conformity with the provisions of this Code.
 - (C) Any partially completed building, the actual construction of which has commenced on or before the effective date of this Code, which building or its intended use, when completed, would not conform to the provisions of this Code for the district in which it is located, may be completed and used as a nonconforming use only for the purpose for which it was originally designed, provided that the building is completed and/or put to use within two years after the adoption of this Code.

- (D) Any dwelling existing in a residential district at the time such district becomes a Business or Industrial District, shall have the same right that it had before the zone change without having to apply to the BZA, until it ceases to be used as a dwelling.

- (5) Continuation of Nonconforming Sexually Oriented Business Uses
Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of this Code shall be deemed a nonconforming use. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public park or library within 1,000 feet, or a residential district within 500 feet, of the sexually oriented business. When a nonconforming sexually oriented business use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building or premises shall not thereafter be used except in conformity with the requirements of the zoning district in which it is located.

- (6) Nonconformity Due to Site Conditions
Where a dwelling is nonconforming only because the front yard setback does not meet the requirements of this Code, the Zoning Division shall issue a zoning permit for the extension, enlargement, or alteration of said dwelling without requiring an appeal to the BZA provided that no other requirement of this Code is violated and that the extent of the nonconformity is not increased.

- (7) Variance of the Provisions of this Chapter
 - (A) Any dwelling, building or other structure, or any land or premises, the use of which does not conform to the provisions of this Code or any amendment thereto, for the district in which it is located, may not be extended, enlarged or altered for the purpose of any nonconforming use as carried on in such structure or on such land.
 - (B) The property owner or applicant may apply for a variance with the BZA to allow for the extension, enlargement, or alteration of a nonconforming use if, in the BZA's opinion, such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Code will result in unnecessary hardship and so that the spirit of this Code shall be observed and substantial justice done.

- (8) Modifications for Lots of Record
Any lot of record or lot for which a land contract has been issued, or any parcel within an unrecorded allotment of which at least one-half of the lots are of record or have been sold on land contract before the effective date of this Code, shall be subject to all of the requirements of this Code, except that:
 - (A) For any lot having a width less than the minimum dimension specified in Chapter 1227: Site Development Standards, each side yard may be 10 percent of the width of the lot at the building line, but no less than ten feet wide.
 - (B) For any lot having an area less than the minimum dimension specified in Chapter 1227: Site Development Standards, the rear yard shall be at least 20 percent of the average depth of the lot, but no less than 40 feet deep.

Chapter 1227: Site Development Standards

1227.01 Measurements, Computations, and Exceptions

(1) Distance Measurements

Unless otherwise expressly stated, distances specified in this Code are to be measured as the length of an imaginary straight line joining those points.

(2) Lot-Area Measurements

(A) Lot-Area Measurements

The area of a lot includes the total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. For nonconforming lots, see Section 1226.05: Nonconforming Uses.

(B) Reductions in Lot Area Prohibited

No lot shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this Code are not maintained.

(3) Lot-Width Measurements

Lot width is the horizontal distance between the side lot lines measured at the required front setback or at the building line for any irregularly shaped lot.

(4) Setbacks and Yards

(A) Measurements

Setbacks refer to the unobstructed, unoccupied open area between the foundation of the structure to the nearest lot line on which the structure is located. Any projection of the structure that extends more than two feet from the foundation shall meet the minimum setback requirements.

(B) Yards Required for Buildings

A yard or other open space required about a building shall not be included as part of a yard or other open space for another building.

(C) Front-Yard Setback

1.) Measurement

The front-yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line to the structure.

2.) Double-Frontage Lot

A double-frontage lot shall provide a front-yard setback on both streets. The remaining yards shall meet the side-yard setback requirements.

3.) Corner Lot

A corner lot shall provide a front-yard setback on all streets. The remaining yards shall meet the side-yard setback requirements.

4.) Cul-de-Sac or Curved-Street Lot

For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line.

(D) Architectural Projections

Open structures, such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections, shall be considered parts of the building to which such open structures are attached and shall not project into the required minimum front, side or rear yards.

(5) Height Measurements and Requirements

(A) Height Measurement

- 1.) Building height shall be measured at the finished grade at front of building for any elevation fronting on a public street, including attics, half-stories, mezzanines, and at-grade structured parking, but excluding features that are completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.
- 2.) Where specified in feet, building height shall be measured as follows:
 - a.) To the tallest point of the roof for flat roofs;
 - b.) To the deck line of mansard roofs; and
 - c.) To one-half the distance between the eaves and ridge for gable, hip, and gambrel roofs.

(B) Height Limit Exceptions

Height limits shall not apply to belfries, chimneys, church roof structures not intended for human occupancy, church spires, clock towers, cupolas, domes, flagpoles, monuments, water towers, or similar structures or appurtenances, provided, however, the following:

- 1.) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- 2.) The appurtenance does not extend more than 15 feet above the maximum permitted building height, except as allowed in this Code;
- 3.) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- 4.) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 1229.07: Landscaping and Screening, Section 1229.08: Site Plan Review Standards, and Section 1229.10: Architectural Standards.
- 5.) Alternative energy systems provided they meet requirements of the applicable code regulating their use.

(C) Additional Height Allowance for Appurtenances

All appurtenances, as referenced in Subsection 1227.01(5)(B) that exceed 15 feet above the maximum permitted building height shall be permitted only upon approval by the PZC.

1227.02 Site Development Standards for Residential Districts

(1) Site Development Standards for Permitted Uses

Development shall be subject to the dimensional standards in Table 1227-1 unless otherwise modified in the use-specific standards or if specific site development standards exist for the conditional use in Section 1227.04: Site Development Standards for Conditional Uses in the R-R and R-1 District.

Table 1227-1 Residential Site Development Standards					
		R-R	R-1		R-2
			Without Sewer	With Sewer	
Site development standards for open space residential subdivisions are located in Section 1227.03.					
Minimum Lot Area (Square Feet)					
Minimum Lot Area	Single-Family Dwelling	55,000	43,560	21,780	21,780
	Two-Family Dwellings	N/A	65,340	43,560	30,000
	Multi-Family Dwellings	N/A	N/A	N/A	130,680
Maximum Density					
Maximum Density of Multi-Family Dwellings		N/A	N/A	N/A	8.5 units per acre
Minimum Lot Width (Feet)					
Minimum Lot Width at the Building Line	Single-Family Dwellings	120	120	85	85
	Two-Family Dwellings	N/A	150	120	100
	Multi-Family Dwellings	N/A	N/A	N/A	120
Minimum Lot Frontage [1]		85	85	85	85
Minimum Setbacks (Feet)					
Front [2]		50	50	40	40
Side (One Side)		15	15	10	10
Side (Total of Both Sides)		40	40	20	20
Rear		60	60	50	50
Maximum Overall Building Height (Feet)					
Maximum Height of Principal Buildings		36	36	36	48
Notes					
[1] The continuous frontage element of this standard may be reduced to 50 feet by the Planning and Zoning Commission for lots fronting on a permanent cul-de-sac or other curved street fronts (e.g., knuckles), provided that the width of any such lot shall increase from the front lot line to the required width at the building line. [2] The minimum front yard setback shall be equal to the depth of existing front yards on the developed lots adjacent to or the subject lot if the developed lots are within 300 feet on the same block when fifty percent of such lots have a uniform building setback which is greater or less than required.					

(2) Minimum Floor Area Requirements

Table 1227-2: Minimum Floor Area Requirements for Residential Dwellings		
Unit Type	Minimum Square Feet in the R-R District	Minimum Square Feet in all Other Districts
One-Story Single-Family Dwellings	1,500	900
Multiple Story Single-Family Dwellings	900 on the First Floor	750 on the First Floor
Multi-Family Dwelling Units or Apartments in a Mixed-Use Building	N/A	500 plus 150 for each bedroom

(3) Maximum Lot Coverage/Maximum Accessory Use Square Footage

- (A) Table 1227-3 defines the maximum lot coverage by principal structures and accessory structures in residential districts.

Table 1227-3: Maximum Lot Coverage for Residential Uses		
Lot Size	Maximum Lot Coverage by Principal Structures	Maximum Lot Coverage by Accessory Uses and Structures [1]
Up to 12,000 square feet	60%	10%
12,001 to 20,000 square feet	50%	10%
20,001 or more square feet	45%	15% with a maximum of 2,500 square feet.
NOTES		
[1] This coverage does not include the lot area covered by the principal structure. Accessory uses and structures that count toward this lot coverage are identified in Section 1226.03: Accessory Uses.		

- (B) In no case shall the total footprint of all accessory structures and buildings exceed the total footprint of the principal structure.

- (4) **Number of Principal Uses per Lot**
 Only one principally permitted use may be permitted on a single lot with the exception of multi-family dwellings in the R-2 District where multiple dwellings may be located on a single lot. For the purposes of this provision, a two-family dwelling and a multi-family dwelling shall each be considered a single principal use. A secondary living unit may be considered as a conditionally permitted use (mother-in-law suite).
- (5) **Centralized Water/Sewer Requirement**
 All development in the R-2 District shall be connected to an approved centralized sewer system and public water system.

(6) **Open Space Requirements**

The following open space requirements shall apply to any subdivision not subject to the open space residential subdivision requirements of Section 1227.03 Open Space Residential Subdivisions:

- (A) Any subdivision greater than 15 acres in the R-1 District must reserve a minimum of 10% of the gross acres, excluding existing public easements and rights-of-way, as permanent open space.
- (B) Any development in the R-2 District must reserve a minimum of 15% of the gross acres, exclusive of public or private right-of-ways, parking areas, land fragments between buildings or between buildings and parking areas, and minimum yards between property lines and buildings or parking areas.

(7) **Multiple-Family Dwellings**

- (A) Multiple-family dwellings may be permitted in the R-2 or PD Districts in accordance with the following provisions:
 - 1.) In order to ensure and maintain individual privacy, dwellings in a multiple-family development shall be arranged and spaced in compliance with the Table 1227-4.

Table 1227-4: Dimensional Standards for Multi-Family Dwellings

Minimum Side and Rear Yard Setback	25 feet plus 1 additional foot of setback for every 2 feet of wall length greater than 35 feet. This setback shall only apply when the adjacent walls are parallel to one another or are within 45 degrees of parallel.
Minimum Building Separation	50 feet. However, if the buildings are designed with primary living areas directly facing one another, the minimum separation shall be 85 feet.

- 2.) The minimum building separation may be reduced by the PZC (through site-plan review or PD plan approval) if they determine that adequate screening will be provided to ensure privacy for tenants.
- 3.) The arrangement of units within each building and between buildings shall maximize the privacy of each unit by providing screening walls and private yards where appropriate.
- 4.) Dwelling units in a multi-family dwelling shall meet the minimum floor area requirements as established in Subsection 1227.02 (2): Minimum Floor Area Requirements.
- 5.) There shall be a maximum impervious surface ratio of 70% for lots developed for multi-family dwellings.

1227.03 Open Space Residential Subdivisions

(1) **Open Space Subdivisions in the R-R District**

Open space subdivision plans may be permitted in the R-R District provided that they conform to the requirements set forth below:

(A) **Minimum Lot Area**

The minimum lot area requirement of the R-R District may be reduced to a minimum of 43,560 square feet.

(B) Minimum Site Development Standards

The required site development standards established in Table 1227-1 may be reduced as specified in Table 1227-5 below but only for proposed lots that will have access from an interior local street.

Table 1227-5: Site Development Standards for Open Space Subdivisions in the R-R District	
Standard	Minimum Requirement (Feet)
Front Yard Setback	50
Side Yard Setback (Each Side)	15
Rear Yard Setback	60
Lot Frontage	85
Lot Width at Building Line	100

(C) Required Open Space

An open space subdivision must reserve a minimum of 25% percent of the gross area, excluding rights-of-way, as permanent open space.

(D) Minimum Project Size

An open space subdivision project shall contain a minimum of 15 gross acres.

(E) Permitted Uses

Only single-family dwellings and accessory uses permitted within the R-R District may be permitted.

(F) Control of Open Space

- 1.) Open space shall be in the form of a conservation easement for preservation of undisturbed natural land areas, and may be owned and maintained by a homeowners' or condominium association, or dedication of lands to the city for park or recreational purposes may be permitted if approved by the City.
- 2.) All conservation easement documents shall be submitted to the Planning Department for review and must specify the ownership and use of the land and provide adequate provisions for the perpetual care and maintenance of the open space. The conservation easement documents shall be recorded along with the final plat upon City Council approval.

(G) Summit County Health Department Approval

Any proposed open space subdivision plan project that will be located within an area not served by public sewage treatment must demonstrate approval of any proposed on-site or alternative sewage treatment system by the Summit County Health Department, including department comment on the proposed individual lot sizes in the project.

(2) Open Space Subdivisions as a Permitted Use in the R-1 District
 Open space subdivisions with minimum lot areas of 17,000 square feet may be permitted in the R-1 District provided they conform to the requirements set forth below. Open space subdivisions with minimum lot areas of 13,600 square feet may be permitted as a conditional use in the R-1 District provided they conform to the requirements set forth in this section.

(A) Minimum Lot Area

The minimum lot area requirement of the R-1 District may be reduced to a minimum of 17,000 square feet.

(B) Minimum Site Development Standards

The required site development standards established in Table 1227-1 may be reduced as specified in Table 1227-6 below but only for proposed lots that will have access from an interior local street.

Table 1227-6: Site Development Standards for Open Space Subdivisions in the R-1 District	
Standard	Minimum Requirement (Feet)
Front Yard Setback	40
Side Yard Setback (Each Side)	10
Rear Yard Setback	40
Lot Frontage	85
Lot Width at Building Line	85

(C) Required Open Space

An open space subdivision must reserve a minimum of 20% percent of the gross area, excluding rights-of-way, as permanent open space.

(D) Minimum Project Size

An open space subdivision project shall contain a minimum of 10 gross acres.

(E) Permitted Uses

Only single-family dwellings and accessory uses permitted within the R-1 District may be permitted.

(F) Control of Open Space

1.) Open space shall be in the form of a conservation easement for preservation of undisturbed natural land areas, and may be owned and maintained by a homeowners' or condominium association, or dedication of lands to the city for park or recreational purposes may be permitted if approved by the city.

- 2.) All conservation easement documents shall be submitted to the Planning Department for review and must specify the ownership and use of the land and provide adequate provisions for the perpetual care and maintenance of the open space. The conservation easement documents shall be recorded along with the final plat upon City Council approval.
- (3) Open Space Subdivisions as a Conditional Use in the R-1 District
 Open space subdivision plans may be permitted as a conditional use in the R-1 District provided they conform to the requirements set forth below:
- (A) Conditional Use Permit
 The open space subdivision shall be subject to the review procedure established in Section 1224.08: Conditional Use Permit.
- (B) Minimum Lot Area
 The minimum lot area requirement of the R-1 District may be reduced to a minimum of 13,600 square feet.
- (C) Minimum Site Development Standards
 The required site development standards established in Table 1227-1 may be reduced as specified in Table 1227-7 below but only for proposed lots that will have access from an interior local street.

Table 1227-7: Site Development Standards for Open Space Subdivisions as Conditional Uses in the R-1 District	
Standard	Minimum Requirement (Feet)
Front Yard Setback	40
Side Yard Setback (Each Side)	10
Rear Yard Setback	40
Lot Frontage	75
Lot Width at Building Line	75

- (D) Required Open Space
 An open space subdivision as a conditional use must reserve a minimum of 30% percent of the gross area, excluding right-of-ways, as permanent open space.
- (E) Minimum Project Size
 An open space subdivision project shall contain a minimum of 10 gross acres and must adhere to the standards of the subdivision regulations.
- (F) Permitted Uses
 Only single-family dwellings and accessory uses permitted within the R-1 District may be permitted.

(G) Control of Open Space

- 1.) Open space shall be in the form of a conservation easement for preservation of undisturbed natural land areas, and may be owned and maintained by a homeowners’ or condominium association, or dedication of lands to the city for park or recreational purposes may be permitted if approved by the city.
- 2.) All conservation easement documents shall be submitted to the Planning Department for review and must specify the ownership and use of the land and provide adequate provisions for the perpetual care and maintenance of the open space. The conservation easement documents shall be recorded along with the final plat upon City Council approval.

1227.04 Site Development Standards for Conditional Uses in the R-R and R-1 Districts

Table 1227-8 establishes site development standards for certain conditional uses in addition to any conditions or other regulations that may be applicable to the use.

Table 1227-8 Site Development Standards for Conditional Uses						
	Minimum Lot Area	Minimum Lot Width at the Building Line	Minimum Building Setback		Minimum Parking Setback	
			Front	Side and Rear [1] [2]	Front	Side and Rear [1]
Public and Institutional Uses						
Community centers	1 acre	150	75	30	50	20
Educational facilities (public or private)	3 acres	200	75	30	50	20
Libraries, museums, galleries, and cultural centers	1 acre	150	75	30	50	20
Public safety facilities	1 acre	150	50	30	50	20
Religious places of worship	1 acre	150	75	30	50	20
NOTE: [1] Side yard setbacks shall be measured from each side. [2] The minimum setback shall be increased by one foot for each foot of building wall length greater than 30 feet, up to 100 feet.						

1227.05 Site Development Standards for Business Districts

Development shall be subject to the dimensional standards in Table 1227-9 unless otherwise modified in the use-specific standards or if specific site development standards exist for a conditional use in Section 1227.04: Site Development Standards for Conditional Uses in the R-R and R-1 Districts above.

Table 1227-9 Business Site Development Standards

	B-1	B-2	B-3	B-4	B-5	I-1
Minimum Lot Area (Acres)						
Minimum Lot Area	1	1	1	1	1	1
Minimum Lot Width (Feet)						
Minimum Lot Width at the Building Line	150	150	100	150	150	150
Minimum Building Setback (Feet)						
Front	50	50	35	50	50	50
Side (Each Side)	25 or the height of the building, whichever is greater					
Rear	25 or the height of the building, whichever is greater					
Maximum Overall Building Height (Feet)						
Maximum Height of Principal Buildings	48	60	36	60	60	60
Maximum Building Footprint (square feet)						
Maximum Footprint Size	None	None	10,000	None	None	None
Maximum Lot Coverage						
Maximum Lot Coverage by Buildings or Accessory Uses (excluding parking areas)	33%	33%	25%	33%	33%	33%
Maximum Lot Coverage by Impervious Surfaces	75%	75%	65%	70%	70%	70%

Chapter 1228: Planned Development Regulations

1228.01 Planned Developments Require a District Change

In addition to the provisions of this chapter regarding the development of a PD District, an application request for any type of PD District included in this chapter is also subject to the procedures set forth in Section 1224.04: Text or Map Amendment. The original establishment and application of a PD District shall be regarded as and subject to the same requirements as a district change.

1228.02 Permitted Uses

- (1) All uses in any type of PD District are subject to the approval of a general plan and a final development plan by the PZC and City Council and also a final site plan by the DRB and PZC pursuant to Subsection 1224.04 (6): Proposed Planned Development District Requirements and Section 1224.07: Site Plan Review.
- (2) Table 1226-2 illustrates the permitted uses within a PD District subject to the provisions of this chapter.
- (3) The PZC and City Council may further limit the specific types of uses permitted within the PD District or place conditions on uses during the map amendment process.
- (4) Permitted residential accessory uses shall include those accessory uses that are permitted in the R-1 District and comply with all applicable sections of this Code.
- (5) Permitted nonresidential accessory uses shall include those accessory uses that are permitted in the B-1 District and comply with all applicable sections of this Code.
- (6) Uses not specifically listed as permitted by these districts may be permitted if the PZC determines the uses to be of the same general character as the above permitted uses.

1228.03 General Project Development Standards

The following provisions shall apply to any type of PD District unless expressly stated.

- (1) **Gross Project Area**
The gross area of a tract of land proposed to be developed in a PD District shall be as noted in Table 1228-1 and in Section 1228.05(1). All land within the development shall be contiguous and shall not be divided into segments by any limited access highway, railroad right of way or tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the planned development.
- (2) **Mixed-Use PD Definition**
As referred to within this chapter, mixed-use PDs are those planned developments which include a central area of nonresidential uses and/or mixed-use buildings that comprises at least 50% of the total project area.
- (3) **Minimum Open Space Requirements**
 - (A) The minimum gross project area of a nonresidential planned development to be dedicated as open space is noted in Section 1228.05(1). The minimum gross project areas of a residential or mixed-use planned development are noted in Table 1228-1.

- (B) The following areas shall not be counted toward compliance with open space requirements:
 - 1.) Private yards not subject to an open space or conservation easement;
 - 2.) Public or private streets or rights-of-way, including sidewalks;
 - 3.) Open parking areas and driveways for dwellings;
 - 4.) Land covered by structures not designated for active recreational uses; and
 - 5.) Designated outdoor storage areas.
- (C) Improved Areas
 - 1.) A minimum of 25% of the required open space shall be reserved for active recreational uses which may include, but are not limited to, pools, playgrounds, tennis courts, jogging/walking trails, community centers, improved ponds, public plazas (that may serve as gathering places for residents) or other improved area that may be used by the public as approved by the PZC.
 - 2.) Improved open space shall be evenly distributed throughout the planned development, unless otherwise approved by the PZC.
- (D) Required common open space may include bike or hike paths, parkland, open areas, bridle paths, open drainage ways, swimming pools, clubhouses, tennis courts, golf courses, parking areas for any of the above, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street rights-of-way. Land area occupied by stormwater management devices, including retention ponds, may be counted towards the open space requirement when such features are treated as a site amenity as approved by the PZC; detention ponds shall not be counted towards open space.
- (E) Wetlands qualify as common open space if recommended for preservation and placed in an easement.
- (F) Public utility and similar easements and rights-of-way are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the PZC.
- (G) Disposition of Common Open Space
 - 1.) Control of common open space shall be accomplished through the use of a conservation easement for the preservation of undisturbed natural land areas, and may be owned by the homeowners' or condominium association.
 - 2.) Open space may be dedicated to the city for park and recreational purposes only if the city agrees to accept such dedication by vote of City Council.
 - 3.) The required amount of common space land may also be dedicated to the City of Green who will enter into a perpetual easement with a homeowners' or condominium association.

- 4.) The homeowners' or condominium association shall make adequate provisions for perpetual care and maintenance of all common areas in the legal articles creating such organization.. The legal articles relating to the organization of the homeowners' or condominium association shall be subject to review and approval by the PZC.
 - 5.) Where a homeowners' or condominium association becomes defunct, the City may assess the property owners for the cost of maintenance.
 - 6.) The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- (4) Private Improvements
- (A) All improvements shall meet or exceed the standards for public improvements. Bonds shall be posted per Subsection 1224.06 (9): Bonding Requirements.
 - (B) Central sanitary sewer and water facilities shall be required for all development within a PD District.
 - (C) Other utilities, including but not limited to telephone, cable television and electrical systems, shall be provided for in all developments and shall be underground to the maximum extent feasible.
 - (D) Stormwater retention/detention facilities should be grouped together wherever possible to provide a water feature that can become a site amenity.
 - (E) Site grading and retention/detention facilities shall be designed to drain the site adequately without creating a negative impact to the drainage characteristics of the neighboring properties.
 - (F) Storm drain grate inlets shall be permanently marked with "no dumping" to indicate that dumping is prohibited due to drainage into natural waterways.
- (5) General Site Development
- (A) Chain link fences are permitted only when they are painted black and not visible from any public right-of-way or parking areas with more than five parking spaces. Slats may be used in chain link fencing if approved by the PZC.
 - (B) All dumpsters, mechanical equipment, service entrances, loading areas, and outdoor storage shall be located behind buildings and be screened in accordance with this chapter. Equipment located on a rooftop is permitted if screened in accordance with the provisions of this Code.
 - (C) The construction materials and colors of walls and fences that are visible from any public right-of-way or visible from parking areas with more than five parking spaces shall be uniform and compatible with the architectural style, color, and building materials of the principal building and its surroundings and as approved by the DRB and the PZC.
- (6) Vehicular and Pedestrian Circulation
- (A) Cul-de-sacs shall be discouraged unless there is unique topography or other hardships. The use of cul-de-sacs shall require approval by the PZC and in no case shall more than 20% of the lots have frontage on a cul-de-sac.
 - (B) Sidewalks shall be provided on each side of every street and shall be creatively developed to interconnect different land use areas and open spaces.
 - (C) Pedestrian connections shall be provided between sidewalks and buildings.
 - (D) Sidewalks in residential areas shall be a minimum of five feet in width.

- (E) Sidewalks in nonresidential or mixed-use areas shall be of a minimum to allow for six feet of clearance around any outdoor dining areas or streetscaping elements such as benches, trees, etc.
- (7) Building Design
 - (A) All elevations of a building shall be subject to review. A front façade shall be architecturally emphasized although all sides of a building shall be architecturally consistent with the front façade.
 - (B) Buildings shall be architecturally oriented to the street or a public right-of-way and the main entrance shall be located on the street façade or facing the public right-of-way. In cases where there is an anti-access easement or access is not permitted from a particular road or public right-of-way, the building shall not be required to face the subject road or right-of-way.
 - (C) Building materials shall be restricted to brick, stone, or other decorative masonry units, exclusive of glass or windows. Stucco, Exterior Insulation and Finish Systems (EIFS), wood or vinyl for siding, or advanced decorative material type (i.e. hard i-board siding) may be permitted but shall not comprise more than 30% of any single facade.
 - (D) The following provisions shall apply to all nonresidential, and mixed-use buildings and multi-family dwellings:
 - 1.) No more than 60% of a façade facing a public right-of-way may be constructed of glass or other transparent material. Exceptions shall be made for vertical mixed-use buildings with commercial or office space on the ground floor, in which case the ground floor of the building shall be designed to be at least 60% transparent, through the use of glass, to allow pedestrians to view the goods and services offered in ground floor businesses.
 - 2.) Windows and doors shall be vertical in orientation.
 - (E) Flat rooflines are permitted with the use of cornices, parapets, or some form of architectural emphasis along the roofline.
 - (F) Colors
 - 1.) The use of neon lights or bright colors, as determined by the PZC, for building materials shall be restricted to a maximum of ten percent of each building façade. The total area of neon or bright colors cannot be aggregated onto one façade.
 - 2.) All vents, gutters, downspouts, flashing, electrical conduits, etc., shall match the color of the adjacent surface, unless approved by the DRB and PZC to be used expressly as a trim or accent element.
 - 3.) The chosen color scheme should help tie all of the parts of the building together. Typically, the color that is used in a storefront area should be repeated in the upper story windows or cornice area.

1228.04 Residential Development Standards

(1) Residential Density and Open Space Requirements

- (A) The maximum development densities and open space requirements of residential development in a residential or mixed use PD shall be based upon the type of development proposed within the development as illustrated in Table 1228-1.

Table 1228-1: Residential Density and Open Space			
Type	Minimum Gross Acreage	Maximum Density	% of Open Space
Fee Simple Lots - Attached/Detached	5	8 units per acre	15 %
Common Ownership – Attached/Detached	5	6 units per acre	15 %
Mutli-Family/Apt. – Common Ownership i.e. single parcel	5	12 units per acre	18 %
Multi-Family/Apt – Common Ownership i.e. single parcel (Massillon Road Corridor*)	3	15 units per acre	18 %
Mixed Use - PD	8	15 units per acre	18 %
Senior Restricted Apartment**	3	20 units per acre	15%

* See Figure 1228.04-1

** This shall mean a building or group of buildings containing dwelling units for households whose heads, or spouses, or sole members are at least 62 years of age or are handicapped as defined in Title II, Sec. 201 of the Housing and Community Development Act of 1974.

- (B) The maximum density shall be calculated by dividing the total number of proposed units by the gross acreage of the entire development including land for open space, rights-of-way, and other public dedications.

(2) Minimum Floor Area Requirements

Dwelling units in a multi-family dwelling shall meet the minimum floor area requirements as established in Subsection 1227.02 (2): Minimum Floor Area Requirements.

(3) Area and Yard Requirements for Residential Uses

- (A) The minimum lot size for residential uses shall be as follows:

- 1.) Single-family detached dwellings shall have a minimum lot size of 5,000 square feet.
- 2.) Attached dwellings with four or fewer units, that are not part of a mixed-use building, shall have a minimum lot size of 7,500 square feet.
- 3.) Attached dwellings with more than four units, that are not part of a mixed-use building, shall have a minimum lot size equal to 2,500 square feet per dwelling unit.

- (B) There shall be a minimum lot width of 40 feet for all residential uses.

- (C) All residential uses that have frontage along an arterial street shall have a minimum front yard setback of 30 (thirty) feet.
 - (D) Unless otherwise specified in this chapter, all other residential building setbacks, which include front yard on a non-arterial street and side/rear yard, shall be established as part of the planned development review process. Generally, these building setbacks should be less than those required in a traditional development.
- (4) **Single-Family and Two-Family Dwelling Standards**
The following standards shall apply to all lots for single-family and two-family dwellings:
- (A) Single-family and two-family dwellings shall not exceed 36 feet in overall height.
 - (B) Dwellings shall have a maximum front yard setback of 20 feet if the residence is part of a mixed-use PD, unless frontage is along an arterial street, as stipulated in Subsection 1228.04(3)(C). Setbacks for residential PDs shall be as approved by PZC.
 - (C) All dwellings in a residential area are encouraged to have a front porch, facing the primary street, that extends along a minimum of 50% of the front elevation.
 - (D) Principal and accessory buildings or structures may not cover more than 70% of the lot.
 - (E) At least one parking space shall be provided within an enclosed garage whether attached or detached from the main dwelling.
 - (F) One accessory garage may be permitted provided it is located in the rear yard.
 - (G) One accessory dwelling unit may be constructed above a detached accessory garage. In such case, the accessory structure shall not exceed 24 feet in overall height.
 - (H) Accessory uses shall be subject to the regulations of Section 1226.03: Accessory Uses unless otherwise exempted in this chapter.
 - (I) Garages and parking areas other than driveways shall be designed as follows:
 - 1.) Garages may be accessed from a rear alley where approved by the PZC and City Council. If alleys are approved, the rear yard setback shall not apply to accessory garages.
 - 2.) Front loading garages shall be flush or setback from the front building line.
 - 3.) Access to a detached accessory garage or a side loading garages may be made by a driveway along the side of the principal building provided the driveway is setback a minimum of 2 (two) feet from side lot lines.
- (5) **Multi-Family Dwelling Standards**
The following standards shall apply to all multi-family dwellings or mixed-use buildings with attached multi-family units (apartments):
- (A) Areas designated for multi-family dwellings may include all forms of attached housing including two-family dwellings, and residential dwelling units located above businesses.
 - (B) Multi-family dwellings shall not exceed 60 feet in overall height in a residential PD or 75 feet as part of a mixed-use building.

- (C) Parking in the front yard of any multi-family or mixed use buildings with residential uses shall be limited to one access drive and one double bay of parking stalls (See Figure 1228.05-1).
 - (D) On-street parking shall be permissible provided the planned development is designed to include on-street parking.
 - (E) Building setbacks shall meet the requirements set forth in Subsections 1228.04(3)(C) and (D).
- (6) **Common Ownership of Parcels upon Which Two or More Dwellings are Constructed**
- Before a zoning permit is issued for the construction of units where two or more dwellings are to be clustered on one parcel of land, the owner of such parcel shall be bound by a covenant running with the land, approved by the City's legal counsel, that so long as any such dwellings are upon such parcel of land, such parcel upon which such group is erected shall remain in one parcel. No division of property shall be allowed unless granted by the PZC and City Council through an approved subdivision.

1228.05 Nonresidential and Mixed-Use Development Standards

- (1) **Project Area and Open Space**

The gross project area of land proposed to be developed in a nonresidential PD district (i.e. all commercial uses proposed) shall be 3 acres. The open space required shall be 15% of the gross project area
- (2) **Height and Setback Requirements**
 - (A) Nonresidential buildings and mixed-use buildings shall not exceed 80 feet in overall height.
 - (B) Unless otherwise specified in this chapter, building setbacks shall be established as part of the planned development review process.
- (3) **Nonresidential and Mixed-Use Building Standards**

The following standards shall apply to all nonresidential or mixed-use buildings:

 - (A) Buildings shall be oriented toward the major street. Buildings located on an intersection shall have the main entrance oriented toward the major street and any façade facing other streets shall have a similar architectural style(s).
 - (B) The ground floor of the buildings should be designed to support retail businesses, personal services, restaurants, cafes, and other uses that will encourage street level activities.
 - (C) Offices or residential should be developed on the second, third, and fourth floors of multi-floor buildings.
 - (D) On-street parking shall be permissible provided the planned development is designed to include on-street parking.
 - (E) Ground-mounted, attached signs, awning signs, and projecting signs shall be permitted to identify businesses in accordance with Section 1229.06: Signs. Attached signage is encouraged when buildings are at the minimum front setback.
 - (F) Open spaces between buildings that create courtyards or walkways to the rear of the property or parking areas are strongly encouraged.

- (G) Buildings and parking areas shall be setback a minimum of 20 feet from the right-of-way. Sidewalks may be located in this setback if an easement is provided.
- (H) Parking in the front yard of any nonresidential building shall be limited to one access drive (two if corner lot) and one double bay of parking stalls (See Figure 1228.05-1).

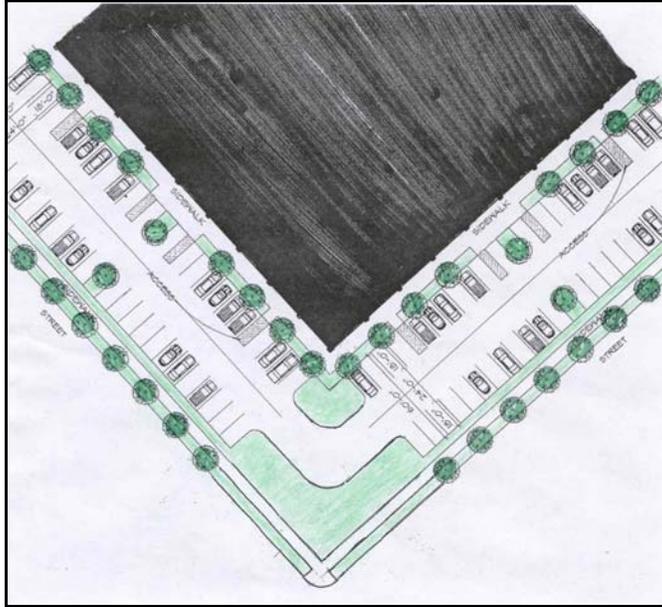


Figure 1228.05-1: Parking configuration as permitted.
public and institutional uses.

Chapter 1229: Development Standards

1229.01 General Subdivision Design and Regulations

(1) Purpose

The purpose of this section is to support the well-planned development of the City of Green through the establishment of general subdivision design standards applicable to all subdivisions.

(2) Applicability

Unless otherwise noted, the standards of this section shall apply to all subdivisions in the City.

(3) General Layout and Design Provisions

(A) Name of the Subdivision

The name of the subdivision shall not duplicate the name of an existing subdivision in the City.

(B) Compliance with Other Provisions of this Code

All subdivisions shall comply with all other applicable regulations of this Code, including but not limited to:

- 1.) The requirements of the zoning district in which the property is located;
- 2.) The requirements relative to specific uses and dimensional standards; and
- 3.) Generally applicable development standards.

(C) Homeowners' Association

Where there are common areas proposed as part of a subdivision that are to be deeded to a homeowners' association, a homeowners' association shall be required and all documents related to the association shall be on file prior to final plat approval and subsequently recorded.

(D) Natural Features

Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize destruction of trees and topsoil.

(E) Flood Hazards

If any portion of the land within the subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy, nor for such other uses that may increase danger to health, life or property, or aggravate the flood hazard as delineated on the FEMA flood plain maps or detailed engineering studies.

- (4) **Construction Specifications**
All construction of streets, sidewalks, and infrastructure shall conform to the latest edition of the State of Ohio Department of Transportation Construction and Material Specifications, and any amendments thereto. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may also require adjustments in design to conform to special conditions inherent within a particular subdivision including, but not limited to, swamps, quicksand, springs, and landslides.
- (5) **Infrastructure Requirements**
- (A) All subdivision of lands into parcels less than 32,670 square feet and/or less than 100 feet in width at the building line shall have a centralized sanitary sewer.
 - (B) All subdivision of lands into parcels, all of which are 32,670 square feet or more and/or 100 feet or more in width at the building line, may be required to have centralized sanitary sewer and/or water facilities if they are reasonably available as determined by the PZC.
 - (C) All sanitary sewage systems that will be dedicated to and operated by Summit County, as approved by the County Council and the County Executive through the agency having jurisdiction over sanitary sewer, shall conform to the design standards, specifications, and procedures of the agency having jurisdiction over sanitary sewer as adopted by County Council and as approved by the County Executive pursuant to Section 3.04 of the Summit County Charter.
 - (D) All public roadways shall meet the typical specifications on record with the Planning Department and Engineering Department. Any deviation from the typical specifications requires approval by the PZC.
- (6) **Sidewalks**
Sidewalks shall be provided for all roadway sections, unless waived by the PZC. All sidewalks shall be five feet in width and shown on the subdivision improvement plans. Sidewalks shall meet the typical specification on record with the City's Planning Department and Engineering Department. In cases where a proposed sidewalk will connect with an existing sidewalk of narrower dimensions, the new sidewalk shall transition to the existing sidewalk via taper.
- (7) **Street Lighting District**
Street lighting fixtures shall be installed by the subdivider/developer on all streets within major subdivisions where sidewalks are required, the number and location of which shall be determined by engineering studies performed by the authority having jurisdiction over electric power and shall conform to the specifications established by such authority and the City Engineer. The developer shall submit, at the time of the PZC approval, a petition to create a street lighting district so that legislation creating said district will be approved simultaneously with the plat and performance bond.
- (8) **Street Trees**
Street trees shall be required along all streets where sidewalks are required. The developer shall provide, on the subdivision improvement plans, the locations of new trees to be planted in the street right-of-way in conjunction with the requirements of sidewalk installations and in accordance with the proposed street lighting district layout. Tree variety shall be from a list of approved trees available from the Planning Department or as approved by a consultant to the City.

(9) Easements

(A) General

- 1.) Adequate easements along rear or side lot lines, or elsewhere as requested by the City, shall be provided for utilities and drainage where necessary. A 12 foot easement on each front lot line for utilities shall be required.
- 2.) All plats shall include the following wording:
The undersigned owners of the land platted by this document, do hereby grant unto the Ohio Edison Company (OE) or authorized electrical power provider, Dominion East Ohio (DEO) or authorized natural gas provider, the locally franchised cable provider, the telecommunications provider, their successor and assigns – a 12 foot wide easement (as it abuts the dedicated streets herein), at the front of each lot, being parallel with and contiguous to the public right-of-way within this allotment. This easement to be used to install, operate, maintain and serve distribution lines, conduits, cables, wiring or other appurtenances for the supply of electric, gas, communication and video signals for public or private use. The City of Green reserves the Temporary Work Rights within the easement for itself and providers of storm water, sanitary sewer and public water supply as authorized and approved by the city. Utilization of this easement shall be in compliance with the following exhibit.
- 3.) This easement allows for the providers of said utilities or services the right to remove trees and landscaping without liability as required to maintain, operate or construct these facilities and the right of access, as needed for exercising the purposes of this easement.

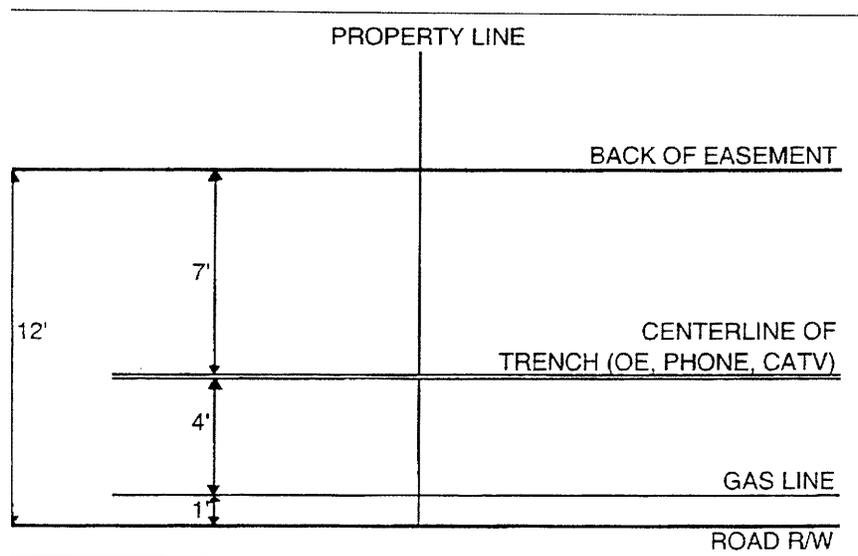


Figure 1229.01-1: Example illustration of an easement.

(B) Utility Lines

All utility lines shall be located underground.

(10) Soil Studies

The City Engineer reserves the right to require a soil study where, in their opinion, the existing soil conditions are below average, and may also require adjustments in design to compensate for the existing conditions.

(11) Erosion and Sedimentation Control

- (A) When the developer intends to remove or disturb the natural topsoil, trees, and other vegetation, or where the developer intends to change the surface contour of a proposed subdivision, he or she shall prepare an Erosion Control Plan (ECP) and have such plan approved by the Summit Soil and Water Conservation District and the City. The ECP shall be included in the improvement drawings. Additionally, a land disturbance permit shall be required.
- (B) In general, erosion and sedimentation control work shall consist of, but not be limited to, grading, soil preparation, fertilizing, seeding and mulching as necessary to establish a sufficient growth of grass or other ground cover that minimizes damage to subdivision areas and to adjoining properties. The City Engineer and the Summit Soil and Water Conservation District will have the work inspected to the extent that they determine is necessary to ensure that the developer has complied with the approved plans.

(12) Oversize and/or Off-Site Improvements

- (A) Oversize and/or off-site extensions of utilities, pavements and other improvements shall be designed and constructed to facilitate the orderly development of nearby land that is an integral part of the neighborhood service or drainage area.
- (B) Where the City Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the subdivider shall install improvements required to serve his or her subdivision plus the additional oversize and/or off-site improvements required.

(13) Approval

All necessary improvement plans for proposed roads, storm sewers, and drainage facilities shall be approved by the City Engineer, and all improvement plans for sanitary sewer and water supply systems shall be approved by the agencies having jurisdiction over sanitary sewer or water, if necessary prior to approval of the final plat by the City Engineer.

(14) Construction and Inspection of Improvements

(A) Cooperation of Subdivider and/or Contractor

The subdivider, developer, and/or contractor shall have available on the project site at all times one approved copy of all required plans and specifications. He or she shall cooperate with the City Engineer's inspector and/or the inspectors for agencies having jurisdiction over sanitary sewer or water (where applicable), and with other contractors in every way possible. The subdivider and/or contractor shall, at all times, have a competent representative acting as his or her agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, plat equipment, and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

(B) Inspections

The City Engineer shall be responsible for the inspection of all street, structure and drainage improvements. The developer, his or her engineer or his or her contractor shall give notice to the City Engineer at least 24 hours in advance of any construction of physical public improvements. The agencies having jurisdiction over sanitary sewer or water shall be responsible for inspection of all sanitary (sewage) and water supply system improvements. The following operations will be inspected by the City Engineer's office:

- 1.) Preliminary grading;
- 2.) Backfilling of all trenches and excavations in the right-of-way;
- 3.) Preparation of the subgrade;
- 4.) Setting of forms;
- 5.) Paving (rigid and flexible);
- 6.) Inlet construction;
- 7.) Curing of rigid pavement;
- 8.) Removal of forms and berm compaction;
- 9.) Sealing of joints;
- 10.) Storm sewer construction;
- 11.) Any construction of utilities within the street right-of-way; and
- 12.) Any construction of structures within the right-of-way.

Any of the above listed construction operations that (may be) are performed without advance notice to the City Engineer's office may result in coring of the pavement, subgrade boring and non-acceptance of the improvement if it does not meet the specifications of the City Engineer.

(C) Inspection Fees

The fees shall cover the actual wage, salary or contract cost of the inspection service, plus overhead, as determined by the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), to cover such items as employee benefits, engineering service and transportation. The subdivider is held responsible for all inspection fees, which will be payable monthly. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all current inspection fees have been paid in full.

(D) Roadway Construction

All work shall be done in conformance with the approved improvement plans and the State of Ohio Department of Transportation Construction and Material Specifications, as supplied by the City Engineer's notes. This information shall be available upon request from the City Engineer's office.

(E) Construction Staking

The setting and marking of all line, profile and grade stakes necessary for the layout of the work in accordance with the construction plans will be performed under the supervision of a registered professional surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in the same, or in the proper methods of setting and marking of the construction stakes, the decision of the City Engineer in such cases shall be final. Pavement and pipe grade stakes shall be set at 25 foot intervals on horizontal and vertical curves and for all grades less than one percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of fifty feet. The City Engineer's inspector may ask for additional grade stakes if it is deemed necessary. A laser control method as approved by the City Engineer may be substituted for the above.

(F) Testing

All material supplied shall be plant inspected as directed by the City Engineer. Compaction tests shall be made in fill areas in the right-of-way and on the subgrade prior to paving, as directed by the City Engineer. Pavement tests shall be conducted on site as directed by the City Engineer. The City Engineer reserves the right to order pavement cores made if conditions warrant. The testing mentioned above shall be done by a private testing laboratory acceptable to the City Engineer and shall be done at no cost to the City.

(G) Field Changes

Approval of final plans shall not prevent the City Engineer or his or her agent from ordering needed changes he or she deems necessary in the field as work progresses. This extra work shall be at the developer's expense. If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the subdivider shall inform the City Engineer, in writing, of the conditions requiring modification. Written authorization from the City Engineer to make the required modification must be received by the developer and/or the developer's engineer before proceeding with the construction of the improvement.

(H) Street Name Signs

The developer shall be responsible for the installation of street name signs as agreed upon and authorized at the pre-construction meeting with the City prior to the start of construction. The materials, construction, methods and location shall be approved so as to meet City standards and regulations. Installation shall be complete at such time as the hard surface is open to construction vehicles servicing individual sites within the subdivision. No zoning permits shall be issued for structures within the subdivision prior to the installation of street name signs.

(15) Final Acceptance of Improvements in Major Subdivisions

(A) Monuments

Monuments shall be set where shown on the approved subdivision plat. Before final acceptance of the improvement, the developer shall have his or her registered professional surveyor certify to the City Engineer, in writing, that all required monuments and iron pins are in place and that any monuments or pins that were removed during construction have been replaced.

(B) "As Built" Drawings

At the completion of the construction and before acceptance, the subdivider's engineer shall update for the City Engineer and the agencies having jurisdiction over sanitary sewer or water (where applicable), the set of linen or mylar tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed. The subdivider may choose to authorize the City Engineer to update the tracings at his or her expense. An electronic media version shall also be submitted in a program compatible with the City's computer systems.

(C) Final Inspection

Upon completion of all improvements, including roads, grading, culverts, seeding, mulching, monumentation, street name signs, and other items, the developer shall notify the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), by letter, that all of the improvements have been completed. The City Engineer will then schedule an inspection of the completed improvements. The developer, his or her engineer, and a City representative may accompany the City Engineer or his or her representative on the inspection. Any discrepancies shall be recorded and the developer and the contractor will be furnished a copy of this report and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance.

(D) Recommendation for Acceptance

If the construction is found to be satisfactory and all inspection monies are paid, the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), will make a recommendation to the Mayor for final acceptance of the improvements and release of the performance bond and acceptance of the maintenance bond.

(16) Maintenance Bond Period

(A) Maintenance of Improvements

- 1.) The developer shall be responsible for the maintenance of the improvements during the construction period and for a minimum period of one year after release of the performance bond and acceptance of the maintenance bond. The developer is responsible to request that the City inspect the improvements. Upon inspection by the City, the developer shall be notified of the need for any corrections to be made to the improvements. Should the developer fail to perform such necessary improvements within the time specified, the City may perform said improvements, at which time the developer will forfeit a portion of the cash maintenance bond to pay for said improvements.
- 2.) The maintenance of sanitary sewer and water supply systems shall be the responsibility of the agencies having jurisdiction over sanitary sewer or water or the owner of said service line, upon acceptance by either the City or the respective representative of the owner, subject to call on any bonds if repair work is necessary within a one-year period after acceptance.

(B) Repair of Damage

Any damage done to the improvements by construction traffic, local traffic or any other means shall be repaired, or the damaged materials replaced, before the next phase of construction is begun.

(C) Snow and Ice Removal

Prior to the release of the performance bond, the developer shall perform all work necessary to keep the road passable for automobile traffic to service all families living in the subdivision. The roads shall be open for emergency equipment at all times for all occupied dwellings. Should the developer fail to provide a passable roadway the City may request all costs and expenses incurred in maintaining said roadway from the bonding company. Upon the release of the performance bond, the City shall accept responsibility for the snow and ice removal on accepted roads, even though they may be covered by a maintenance bond.

(D) Mud Removal

The developer and his or her contractor shall be responsible for the removal of mud or other debris that may become located on the pavement surface. Should the developer fail to perform the said removal, he or she shall be liable for all costs and expenses incurred in the removal of mud or debris.

1229.02 Transportation and Access

(1) Purpose

The purpose of this section is to support the creation of a highly connected transportation system within the City in order to:

- (A) Provide choices for drivers, bicyclists, and pedestrians;
- (B) Increase the effectiveness of municipal service delivery;
- (C) Promote walking and bicycling as an alternative mode of transportation;

- (D) Connect neighborhoods to each other and to local destinations;
 - (E) Reduce vehicle miles of travel and travel time;
 - (F) Reduce emergency response time; and
 - (G) Mitigate traffic impacts of new development.
- (2) **Applicability**
The standards of this section shall apply to all development in the City.
- (3) **Traffic Impact Study Required**
To promote efficient access management, the Planning Director may request a traffic impact study be conducted by the developer for any project he/she feels warrants the study at the time of submission of the preliminary plan, general plan, or site plan. The Planning Director may base his/her decision on one or more of the following:
- (A) The proposed development generates 100 or more added new peak hour trips to and/or from the site during the adjacent roadway's peak hours or during the development's peak hour, and the proposed development generates more than 1,000 trips daily;
 - (B) The development is within 500 feet of a high-accident (5 or more per year) intersection or section of roadway;
 - (C) One or more of the proposed access drives to the development is within 500 feet of a public roadway intersection or within 250 feet of a drive that is a high traffic volume generator as determined by the City Engineer;
 - (D) The traffic generated by the proposed development will increase the ADT by 25% or more on roadways in adjacent neighborhoods, as determined by the City Engineer;
 - (E) Traffic volumes of 10,000 ADT or higher exist on roadways adjacent to the proposed development; or
 - (F) The City Engineer determines that other conditions exist in the vicinity of the proposed development that may be negatively impacted by the development.
- (4) **General Provisions**
- (A) **General Circulation**
 - 1.) Site Limitations and Site Layout**
Uses, buildings, parking areas, drives, and other site features shall be designed to be suitable for the site location and conditions and shall not create on-site or off-site traffic impacts which exceed those normally expected to be caused by uses in the district.
 - 2.) Public Street Access**
Curb cuts and drives providing access between a site and a public or private street shall be designed to:
 - a.) Minimize unnecessary impacts on the street, including, but not limited to, poor visibility, steep grades, slowing or obstruction of traffic, causing unusual, confusing or sudden traffic movements, or unnecessary points of conflict with vehicles on the street and with vehicles in nearby access drives.

- b.) Minimize negative impacts on pedestrians by providing good visibility between pedestrians and vehicles and by providing safe pedestrian walking and standing areas.
- c.) Create points of access appropriate for the configuration of the property and the proposed use, but in no greater number than necessary to provide reasonable access to the site.
- d.) Provide sufficient distance between the street and potential points of vehicular or pedestrian conflict within the site (including, but not limited to, cars backing into travel lanes, driveway or parking aisle intersections, pedestrian crossings or loading areas) to prevent obstruction of drives and traffic backups in the street.
- e.) Provide a landscaped median where a curb cut is designed to accommodate more than three lanes of traffic, provided that priority shall be given to proper alignment and sight lines coordinated with other drives in the area. The width of any such median shall not be calculated into the total width of the driveway.
- f.) Reconstruct or eliminate existing nonconforming access such as oversized curb cuts or parking lots which cause obstruction of street traffic, to comply with the provisions of this Code.

3.) Cross-Access with Abutting Sites

Where physically feasible and appropriate for reducing points of conflict in the street, property owners requesting approval for more than one access drive on a public street frontage shall, as directed by the PZC or the Planning Department, make a written request for joint access drives to the owners of the abutting properties having frontage on the same street. The applicant shall provide to the City a copy of the request and any response. Such provision shall not apply to single-family and two-family dwellings.

(B) Guardrails

A guardrail shall be installed as required by the City Engineer. The guardrail shall be in accordance with State standards. The subdivider shall submit details to the City Engineer for approval.

(C) Drives and Driveway Culverts

For drives and driveways along a City highway, a road opening permit is required from the Department of Public Service, a bond may be required and the City Engineer's specifications must be complied with.

(D) Bridges

Bridges, being, by definition, a structure of greater than a ten-foot span, shall be designed in accordance with the latest design regulations as practiced in the Bureau of Bridges and approved by the City Engineer. A copy of all bridge plans shall also be forwarded to the Summit County Engineer for review and comment. Reference shall also be made to current Standard Bridge Drawings. Design flood elevations shall be indicated on plan profile sheets and on structure site plans.

(5) Street Design Standards

(A) Arrangement

- 1.) The arrangement, character, extent, width and location of all streets shall conform to the Long-Range Land Use Plan. Proposed streets and public access to adjacent unplatted lands shall be designed so that the entire area can be served with a coordinated public street system.
- 2.) The width of any right-of-way should be provided so that all underground utilities can be located outside of pavement areas.
- 3.) All underground utilities should be placed within a utility easement in accordance with Subsection 1229.01 (9): Easements.

(B) Dedication

Unless otherwise approved as a private street, all street rights-of-way shall be dedicated to the public in fee simple.

(C) Private Streets

- 1.) Private streets shall comply with the design standards and bonding requirements of this chapter. All references in this section to the public right-of-way shall apply to private street lots.
- 2.) The private street access shall provide perpetual access for authorized emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Services, and government employees in pursuit of their official duties.
- 3.) Gates on private streets shall only be permitted with approval from the PZC and the City of Green Fire Division.
- 4.) The City may, but is not obligated to, accept private streets for public access and maintenance. The procedure for requesting the City to accept private streets shall be as follows:
 - a.) A petition shall be submitted to City Council, signed by all property owners with access to the subject private street;
 - b.) All of the streets and roadways shall be in a condition that is acceptable to the City at the time the petition is submitted;
 - c.) All access control structures, signage, and other structures not consistent with a public street shall be removed;
 - d.) If any maintenance or repair of the private streets is required in order for acceptance, the City may use any outstanding balance of funds established through a homeowners association or the City may assess each individual property owner on a fair and equitable basis as determined by the City Engineer; and
 - e.) Each lot owner shall execute an instrument of dedication for filing of record, the form of which shall be approved by the City Law Director.

(D) Classification

- 1.) Major arterial thoroughfares shall be planned for continuation of movement of traffic between points of heavy traffic generation and from one section of the community to another. Said thoroughfare shall contain as few intersections with minor streets as possible.
- 2.) Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. The street system shall be so designed that all proposed streets shall be in general conformity to a plan for the most advantageous development of the entire neighborhood. The streets shall be extended to the boundaries of the tract to be recorded, unless prevented by topography or other physical conditions, or unless, in the opinion of the PZC, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the development of adjacent tracts.
- 3.) Parallel streets may be required along an existing or proposed major arterial thoroughfare to provide access to lots along such major arterial thoroughfares.

(E) Street Design

Streets shall be designed in accordance with the City of Green's typical street standards as available in the City Engineer's Office.

(F) Half Streets

Half streets shall be prohibited except where there is an existing half street adjacent to the subdivision, in which case the remaining half of the street shall be platted.

(G) Cul-de-Sac and Dead-End Streets

- 1.) Dead-end streets or cul-de-sacs will be approved only when necessitated by topography or other physical conditions or where they are appropriate for the type of development contemplated.
- 2.) A street designed to be a permanent cul-de-sac, which contains central water service and fire hydrants for its full length, may serve up to 25 lots; otherwise a permanent cul-de-sac shall not be longer than 1,000 feet. Permanent cul-de-sacs shall be provided at the closed end with a paved turn-around having an outside pavement radius of at least thirty-seven and one-half feet and a street right-of-way line radius of at least 50 feet or such greater dimension agreed upon by the developer and the City Engineer.

- 3.) If a cul-de-sac is of a temporary nature and a future extension into adjacent land is anticipated, then said turning circle beyond the normal street width shall be in the nature of an easement. Such easements shall be automatically vacated to abutting property owners when said dead-end street is legally extended into adjacent land. If such dead-end street extends only the depth of the corner lot past a street intersection, no turn-around will be required. Subdividers shall be required to provide a two-foot reservation strip in the name of the City of Green at the end of all dead-end streets. This strip will become public highway only upon extension of the dedicated street. The developer extending the street will be responsible for removing the temporary portions of the cul-de-sac, regrading, seeding, etc.
- (H) Corner Radii
- Property lines at street intersections shall be rounded with a radius of not less than 25 feet, or as required by the City Engineer.
- (I) Vertical Alignment
- Simple parabolic vertical curves shall be used to effect a gradual change between tangent grades where the algebraic difference of grades in percent is greater than zero point fifty (0.50).
- (J) Horizontal Alignment
- Angles in the alignment of street centerlines shall be connected by a curve with a radius of not less than 300 feet for local streets, 800 feet for collector and industrial streets and 1,200 feet for major arterial thoroughfares. Between reverse curves, there shall be a tangent distance of 100 feet.
- (K) Intersections
- 1.) No more than four road legs will be permitted at any intersection, unless otherwise approved by the City Engineer.
 - 2.) Road intersection shall be at 90 degrees where practical, but in no case less than 70 degrees.
 - 3.) Each intersecting road shall have a tangent distance of at least 150 feet for local roads or a curve with a minimum 1,400 feet radius.
 - 4.) Those roads intersecting each other from opposite sides shall be directly opposite where possible. Street jogs with centerline offsets shall be prohibited unless specifically approved by the PZC and the City Engineer.
 - 5.) The minimum radius of right-of-way lines at intersection corners shall be 25 feet.
 - 6.) The intersection of subdivision roads shall have a minimum horizontal sight distance of 400 feet.
 - 7.) Back slopes shall be cut back to aid the sight distance as required by the City Engineer.
 - 8.) There shall be a minimum separation of 300 feet between intersections.

(L) Boulevards and Roadway Islands

Boulevards and roadway islands shall be permitted only when approved by the City Engineer and City Council.

(M) Curbs and Gutters

Concrete curbs and gutters shall conform to typical drawings as approved by the City Engineer. In addition, a ramp with a non-slip surface shall be built into the curb at each pedestrian crosswalk so that the sidewalk and street blend to a common level. Such ramps shall be constructed in accordance with State of Ohio standards insofar as feasible.

(6) Sidewalks and Pedestrian Facilities

All site elements shall be located and designed in a manner which promotes safe and efficient movement of pedestrians to, from, and within the site. Pedestrian facilities and site elements which affect pedestrian movement shall comply with the following guidelines:

- (A) Where physically possible and appropriate to the nature of the abutting uses, on-site sidewalks shall be aligned to connect with similar sidewalks on abutting sites.
- (B) City Council may require the construction and dedication of walkways and connecting sidewalks where it finds that such walkways are necessary for pedestrian circulation between a proposed subdivision and commercial uses, schools, parks, and other public facilities. A minimum easement width dedication shall be 20 feet and said sidewalk or walkway shall be a minimum of 5' in width.
- (C) Pedestrian facilities, and parking lots and other areas which will be utilized by pedestrians, shall be designed to facilitate pedestrian use, with special attention given to use by persons with mobility limitations and by persons transporting children or packages between vehicles and buildings. Where main pedestrian routes are designed with steps or steep grades, alternative routes shall be provided to comply with handicapped accessibility standards.
- (D) Signs, pavement markings, and/or special surface materials shall be installed in any location on a site where necessary to promote pedestrian safety at crossings of vehicular drives. Pedestrian crossings of major drives shall be located and marked in a manner to encourage safe crossing.
- (E) Bike storage racks and other bike-friendly facilities shall be required where a site abuts or is in proximity to a bike route.

1229.03 Drainage Standards

(1) Applicability

The standards of this section shall apply to all development in the City.

(2) Drainage Design

- (A) No development will be approved unless there is an outlet for all storm water. Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. It may be necessary to direct surface water to a drainage ditch, stream or existing storm system which has the capacity to carry the flow. No natural drainage course shall be altered and no fill, buildings or structures shall be placed in, on or over it, unless provision is made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of an existing surface drainage course for the purpose of maintaining, protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.
- (B) If the same is across private property, a right-of-way or easement must be obtained by the subdivider or developer in the name of the City, as reviewed and approved by the Planning Department and the City Engineer. These rights-of-way or easements should be shown on the plat, site plan or construction plans, as applicable. A copy of the recorded easement shall be furnished to the Planning Department.
- (C) Storm sewer laterals will be provided as directed by the City Engineer for each (house) lot on a street having a curb and gutter.

(D) Drainage System Requirements

The design criteria for the drainage system shall be based on the State of Ohio Department of Transportation design policy and the criteria established by the City Engineer's office. This criteria shall apply to development along existing roads as well as those requiring new roads to be constructed. This criteria shall be available upon request from the City Engineer's office.

1.) Road Drainage System

The road storm drainage system shall serve as the local drainage system. It shall be designed to carry roadway, adjacent land and residential or commercial development storm water drainage, as applicable. To prevent excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible.

2.) Off-Road Drainage System

The design of the off-road drainage system shall include the watershed affecting the development and shall be extended to a watercourse or ditch adequate to receive the storm drainage.

(E) Stormwater Management Requirements

- 1.) The design and construction of stormwater management facilities shall require the review and approval of the City Engineer in accordance with the technical criteria described in the County of Summit Stormwater Management Program Guidelines as referred to by the City.
- 2.) Allowable types of stormwater management facilities include, but are not limited to:
 - a.) Retention ponds
 - b.) Detention basins
 - c.) Underground storage tanks
 - d.) Rooftop storage areas

- e.) Parking lot storage areas
 - f.) Infiltration/recharge ditches
 - g.) Swales/screening areas
- 3.) All project sites or development areas required to implement stormwater management practices and facilities shall, at a minimum, limit the peak rate of discharge from the project site or development area to the downstream receiving watercourse as follows:
- a.) Stormwater management measures shall be required to maintain the post development peak discharge at a level equal to or less than the predevelopment peak discharge rate for a twenty-four hour duration, two-year frequency storm event; and
 - b.) Stormwater management facilities shall be designed to control the volume, timing and rate of flows.
 - c.) Velocity reduction devices must be placed at all outlet points, where necessary, to provide a non-erosive flow velocity to the receiving watercourse. The City Engineer may waive these requirements if the characteristics of the receiving watercourse, project site or development area are such that this type of control would be contrary to accepted engineering practice or detrimental to the environment.
- (F) Wetlands
- Wetlands will be identified on the improvement drawings. If they are going to be changed in any manner, the developer must contact the U.S. Army Corps of Engineers. The Summit Soil and Water Conservation District has a copy of the Wetland Resource Maps for Summit County and the City of Green. The Summit Soil and Water Conservation District will point out such wetlands in its review of the preliminary plan. If a U.S. Army Corps of Engineers permit is required, the permit number shall be shown on the final plat.
- (3) Drainage System Design and Protection
- (A) Flood Hazard
- If any portion of the land within a subdivision is subject to flooding (flood plains from the Federal Flood Plain Map), sewer overflow, elevations, or other hazards, due consideration shall be given to such problems in the design of the subdivision, and the flood plain must be shown on the improvement plans and plat.
- (B) Dams or Basins (Embankments)
- Copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the City Engineer for approval. The developer or his or her engineer shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies.
- (C) Protection of Drainage Systems
- 1.) The subdivider shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the City Engineer as shown by calculations made in accordance with the policy of the State of Ohio, Department of Transportation, and the subdivision drainage criteria of the City Engineer.

- 2.) In all cases, any drainage facilities within a subdivision shall be in a stable condition, free from either erosion or sedimentation and/or other debris. Any damage resulting from erosion, scour, silting of drainageways or blockage of storm drainage systems on and off the development, caused by the construction, shall be corrected at the developer's expense.

(D) Drainage Outlets

Where the City Engineer finds it necessary to clean, alter or reconstruct a natural drainage course or storm sewer system outside the development boundary to provide a storm water outlet, or to prevent damage to other properties due to an increased or accelerated flow, the outlet shall be provided and constructed at the expense of the developer and in accordance with plans and specifications approved by the City Engineer.

(E) Drainage Drawings

The developer's engineer shall make a complete study of the drainage area contributing to the development and submit copies of all data and calculation sheets to the City Engineer for review and approval.

(4) Drainage Easements

Where a subdivision is traversed by a drainageway, a storm sewer or drainage easement conforming substantially to the lines of such drainageway shall be provided. The easement shall be a minimum of 20 feet, or as the City Engineer and the PZC may require.

1229.04 Lot Layout and General Site Regulations

(1) Blocks

(A) Residential Block Lengths

The long dimension of a residential block shall not exceed 1,500 feet.

(B) Commercial or Industrial Blocks.

Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading facilities.

(C) Pedestrian Walkways (Crosswalks)

- 1.) Pedestrian walkways not less than ten feet wide, or of such greater width as is deemed necessary by the Planning Department, shall be required across streets where the Planning Department or the City Engineer determines that pedestrian access to schools, playgrounds, shopping centers, transportation and other community facilities is necessary.

- 2.) Paving, fencing and other improvements may be required by the PZC.

(2) Lots

(A) Conformity to Dimensional Standards

The lot size, width and depth, and the minimum building setback lines, shall, as a minimum, conform to this Code.

(B) Access to Public Streets

The subdivision of land, whether as a major or minor subdivision, shall provide each lot with eighty-five feet of continuous frontage on a dedicated street. This standard may be reduced to fifty feet by the PZC for lots fronting on a permanent cul-de-sac or other curved street frontages (e.g. knuckles).

(C) Double Frontage Lots

- 1.) Lots shall be laid out so that there are no double frontages, except:
 - a.) Where extreme conditions in elevation prevent access to the lot from one of the streets; or
 - b.) Where it is necessary to separate residential lots from major arterial thoroughfares.
- 2.) Where double frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfares shall be deeded to the City Council, as approved by the Mayor, by resolution or ordinance pursuant to the City of Green Charter. The plat shall state that there shall be no right of access across such reserve strip. The Planning Department may require that a decorative six-foot high solid board fence or masonry fence be constructed or that a ten-foot wide planting screen be provided.

(D) Construction on Two or More Lots

When a building is proposed to be constructed on two or more adjacent recorded lots or tracts of land, such lots shall be combined and the new legal description or replat document depicting one lot shall be recorded.

(E) Access to Public Thoroughfares

No building shall be erected on a lot which does not abut on at least one public thoroughfare, or at least one private road built in accordance with public thoroughfare standards and specifications, except upon presentation to Council of evidence of the existence of a cash bond sufficient to ensure construction of said thoroughfare or private road.

(F) Visual Obstructions

On a corner lot, no visual obstruction of living or non-living material in excess of two feet in height is permitted within a thirty-foot radius from the intersection of the road rights-of-way.

(3) Lot Lines

Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow municipal, township and county boundary lines rather than cross them.

(4) Lot Depth

No lot depth shall exceed four and one-half times the lot width or be less than one and one-half times the lot width at the minimum building setback line unless otherwise exempted. The lot width shall be measured at the minimum building setback line.

(5) Public Facilities and Open Space

(A) Public Facilities

The design of subdivisions should provide for parks, playgrounds, or other sites for public use as required by the PZC. There shall be a time period of not more than six months during which the developer and public agency can agree upon compensation to the developer and the quantity of property needed for a public facility. If an agreement is not reached within this six-month period, the property will be returned to its original design. If there is an adopted land use and thoroughfare or comprehensive plan for the area, such public facilities shall conform to such plan.

(B) Natural Features

The developer is encouraged to give consideration to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine groves of trees.

(6) Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utilities using the easement. It shall be the subdivider or developer's responsibility to determine appropriate easement widths as required by the utility company.

1229.05 Parking, Loading, and Stacking Regulations

(1) Purpose

The purpose of this section is to prevent and alleviate the congestion of public streets, to minimize the detrimental effects of vehicular use areas on adjacent properties, and to promote the safety and welfare of the public by establishing minimum requirements for parking and loading areas.

(2) Applicability

Off-street parking, loading, and stacking facilities shall be provided in conformity with this section as a condition precedent to occupancy of a residential, business, industrial or recreational use, and at any time a building, structure or use of land is enlarged, expanded or increased in capacity or use.

(3) Rules for Computations

The following rules shall apply when computing parking, loading, or stacking spaces:

(A) On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements.

(B) Multiple Uses

Unless otherwise noted or approved as part of a shared parking agreement, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

(C) Fractions

When a measurement of the number of required spaces results in a fractional number, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number.

(D) Area Measurements

- 1.) Unless otherwise specifically noted, all square footage-based standards shall be computed based on gross floor area of all floors in a nonresidential building.
- 2.) Up to 20 percent of the total gross floor area may be excluded from the calculation if the floor area is used for storage, packaging of merchandise, or maintenance.

(E) Occupancy- or Capacity- Based Standards

- 1.) For the purpose of computing requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of spaces.
- 2.) In hospitals, bassinets shall not be counted as beds.
- 3.) In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining applicable requirements.

(F) Unlisted Uses

- 1.) Upon receiving an application for a use not specifically listed in the schedules below, the Planning Department shall apply the standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size, and intensity of use.
- 2.) If the Planning Department determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE).

(4) Parking Space Requirements

- (A) Table 1229-1 defines the number of parking spaces required for each use within Green.
- (B) A minimum of five spaces is required for any use other than a single family dwelling or two-family dwelling unless approved as a conditional use pursuant to Section 1224.08: Conditional Use Permit.
- (C) Whenever the parking requirements of Table 1229-1 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with this Code, the PZC may approve a reduction in required spaces.

Table 1229-1 Required Number of Parking Spaces

Use	Required Parking Spaces
Residential Uses	
Nursing homes and assisted living facilities	1 space per 3 beds
Housing reserved for older adults (65 years or older)	1 space per bed
Multi-family dwellings	2 spaces per dwelling unit
Open space subdivisions	2 spaces per dwelling unit [1]
Single –family dwellings	2 spaces per dwelling unit [1]
Two-family dwellings	2 spaces per dwelling unit [1]
NOTE: [1] A minimum of one parking space shall be located within an attached or detached parking garage.	
Commercial and Office Uses	
Amphitheaters, auditoriums, stadiums, theaters, and other places of assembly	1 space per 3 fixed seats or 1 space per 2 persons of maximum occupancy, whichever is greater
Automotive body repair or automotive repair and service	3 spaces per 1,000 square feet of floor area, excluding service bays, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Automotive car washes	2 spaces per washing bay (washing bay may not be counted as a parking space).
Automotive fuel sales	4 spaces per 1,000 square feet of floor area, excluding service bays, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space).
Automotive rental or sales	10 spaces per 1,000 square feet of indoor floor area, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Banquet halls	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater
Bars and taverns	15 spaces per 1,000 square feet or 1 space for each 4 seats, whichever is greater
Bed and breakfast establishment	2 spaces for the owner or operator, plus 1 space for each bedroom rented to the public
Kennels	2 spaces for drop-off and pick-up of animals
Day care centers	1 space for every 4 students
Financial institutions	4 spaces per 1,000 square feet
Funeral homes	1 space per 50 square feet
Garden store, nurseries, or greenhouse	4 spaces per 1,000 square feet of indoor sales area, plus 1 space per 1,000 square feet of greenhouse or net outdoor sales
Health and fitness centers	5 spaces per 1,000 square feet
Hotels and motels	1 space per room or suite
Medical or dental offices	5 spaces per 1,000 square feet
Offices	3 spaces per 1,000 square feet
Outdoor displays, sales or storage	1 space per 750 square feet
Personal service establishments	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Pool or billiard hall	10 spaces per 1,000 square feet
Restaurants	15 spaces per 1,000 square feet or 1 space for each 4 seats, whichever is greater
Retail and service commercial uses	4 spaces per 1,000 square feet
Self-storage facilities	1 space per 20 storage units
Social clubs and fraternal organizations	1 space per 3 fixed seats or 1 space per 2 persons of maximum occupancy, whichever is greater

Table 1229-1 Required Number of Parking Spaces

Use	Required Parking Spaces
Theaters	1 space per 3 fixed seats or 1 space per 2 persons of maximum occupancy, whichever is greater
Veterinarian clinics	4 spaces per 1,000 square feet
Wireless telecommunication structures	1 space per structure
Industrial Uses	
Distribution facilities, truck terminals, and warehouses	2.5 spaces per 1,000 square feet
Light or heavy industrial or manufacturing uses	2 spaces per 1,000 square feet
Warehousing or storage	1 space per 1,500 square feet
Institutional/Public/Recreational Uses	
Ballfields	20 spaces per field
Bowling alley	4 spaces per bowling lane
Religious places of worship	1 space per 3 fixed seats in the main assembly room or 1 space per 3 persons of occupancy, whichever is greater
Cemetery	1 space per 4 seats in a chapel or place of assembly
Colleges, universities and other higher educational facilities	1 space for each 5 classroom seats plus 1 space for each auditorium seat
Elementary or middle/junior schools	3 spaces per classroom or 1 space for every 3 seats in auditoriums or assembly halls, whichever is greater
Golf courses	8 spaces per hole
Golf driving ranges or miniature golf courses	2 spaces per tee
Hospitals	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet
Indoor recreational facility	2 spaces per 1,000 square feet
Libraries, museums and galleries	3 spaces per 1,000 square feet
Clubs	10 spaces per 1,000 square feet or 1 space per 2 persons, whichever is greater
Parks or playgrounds not otherwise specified	1 space per 10,000 square feet of park or playground area
Racquetball, handball and tennis courts	5 spaces per court
Senior high schools	1 space per 5 students of capacity
Skating rinks	5 spaces per 1,000 square feet
Swimming pool	20 spaces per 1,000 square feet of pool area
Tennis courts	4 spaces per court
Volleyball courts	15 spaces per court

(D) Company Vehicle and Equipment Parking

Additional parking spaces shall be required for company vehicles and equipment. Parking facilities required for customer and employee parking shall not be used for storage of company vehicles and equipment, including but not limited to, company trucks, landscaping equipment, etc. Exceptions may be granted if:

- 1.) The applicant can demonstrate that the storage will occur only during non-peak hours for customer demand;
- 2.) The vehicles are stored in an area which is appropriately screened from the public street; and
- 3.) The storage area is approved by the PZC on the site plan.

(5) Stacking Space Requirements

(A) Applicability

All nonresidential uses with drive-through facilities shall be subject to the stacking space requirements of this section.

(B) Minimum Number of Stacking Spaces

The number of required stacking spaces shall be as provided for in Table 229-2; See Figure 1229.05-1 for illustration of stacking spaces:

Table 1229-2: Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane/service window)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window
Restaurant	8	Pick-Up Window
Full Service Automotive Wash	7	Washing Bay
Self-Service Automotive Wash	4	Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	A minimum of 6 spaces per lane or window.	

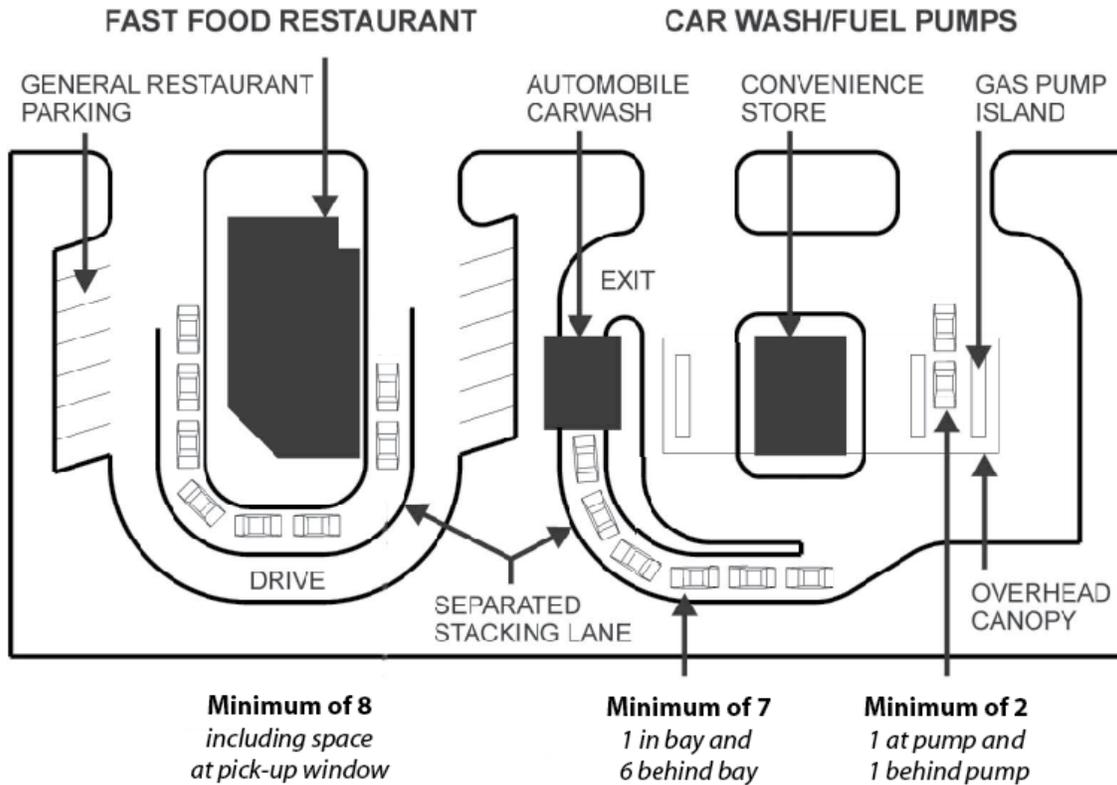


Figure 1229.05-1: Illustration of stacking space requirements.

(C) Design and Layout

- 1.) Drive-up facilities shall be located on that part of a site which is most distant from or most screened from existing or planned abutting sensitive uses (such as residences or offices) on abutting properties, except where existing uses are nonconforming. Where site conditions necessitate locating a drive-up facility near to a sensitive use, the area between the uses shall be heavily screened as directed by the PZC.
- 2.) Drive-up facilities, their stacking areas, and routes of access shall be located so as to not interfere with vehicles or pedestrian movement on the public street or within the site. Stacking areas for drive-up facilities shall not be the sole or primary site egress route. Stacking areas shall not utilize parking or aisles required for access to parking.
- 3.) Drive-up facilities which utilize microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses. Hours of operation shall be as approved by the PZC.
- 4.) Stacking spaces shall be a minimum of ten feet by 20 feet in size.
- 5.) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.
- 6.) Stacking spaces shall be separated from other internal driveways by surface markings. Raised medians may be required where deemed necessary by the PZC for the purpose of traffic movement and safety.

(6) Loading Space Requirements

(A) Applicability

All nonresidential uses with structures with a gross floor area in excess of 8,000 square feet shall be subject to the off-street loading requirements of this section.

(B) Number of Off-Street Loading Spaces Required

Off-street loading spaces shall be provided in accordance with the schedule set forth in Table 1229-3, Off-Street Loading Requirements and shall not conflict or overlap with any areas used for parking.

Table 1229-3 Off-Street Loading Requirements	
Gross Floor Area of Structure (square feet)	Number of Required Loading Spaces
0-8,000	0
8,001-50,000	1
50,001-100,000	2
100,001-200,000	3
200,001-400,000	4
Each additional 200,000	1

(C) General Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

- 1.) Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- 2.) Loading facilities for receipt or shipping of equipment, material, or waste shall be located on rear or side facades of a building which are not visible from a public street or from an existing or planned residential area.
- 3.) No required loading space shall be less than 12 feet in width or 40 feet in length or have a vertical clearance of less than 14 feet.
- 4.) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Division shall approve access to and from loading spaces.
- 5.) Loading areas shall not create additional curb cuts unless approved by the PZC.
- 6.) All loading areas shall be clearly marked and distinguishable from parking spaces.
- 7.) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

- 8.) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.
- (7) Design of Vehicular Use Areas
- All vehicular use areas, including off-street parking, loading, and stacking areas, shall meet the following provisions unless otherwise provided for in this Code.
- (A) General Guidelines for Vehicular Use Areas
- 1.) Parking facilities shall be designed for storage of customer and employee vehicles in a manner suited to the nature of the use and its vehicular impacts, including the number and frequency of visits, length of visits, and vehicle types.
 - 2.) Parking facilities shall be designed with adequate locations for storage of plowed snow.
 - 3.) Parking facilities shall be designed to facilitate cleaning of pavement and to minimize locations where litter and other waste collects.
 - 4.) Parking facilities shall be designed to comply with all specific standards and guidelines of this Code, but applicants shall seek to minimize the amount of pavement required to comply, and no provision of this Code shall be interpreted to require the construction of paved areas not deemed necessary by the PZC for the functioning of the use and its parking facility.
 - 5.) Parking facilities shall be equipped with waste containers sufficient in location, type, and volume for customer use.
 - 6.) Parking and loading areas shall be lighted to allow for safe movement of both vehicular and pedestrian traffic.
 - 7.) Where parking is not provided near the main entrance of a building, space(s) shall be provided for drop off/pick up of a person with mobility limitations. Special attention to this need shall be given where frequent drop offs/pick-ups are likely, such as medical facilities and restaurants. Such drop off/pick up sites may be located in drives, provided that they do not unduly interfere with movement into or out of the site from the street.
 - 8.) Buildings and uses which involve frequent loading of bulky merchandise by customers (for example, grocery stores or building supply stores), shall provide adequate drive up loading spaces and corrals for the collection of any shopping carts. The location and design of cart corrals shall be as approved by the PZC.
 - 9.) Site elements shall be designed to provide safe and speedy access for police, fire, and emergency medical service.
- (B) Location and Setback Requirements
- 1.) Vehicular use areas shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Subsection 1229.05 (8) (C).
 - 2.) Vehicular use areas shall be located, to the maximum extent feasible, in the rear or on the side of buildings.

3.) Location of Off-Street Residential Parking Spaces

- a.) For any residential use or parcel, off-street parking shall be prohibited in the front yard with the exception of driveways providing access from the street to the parking area.
 - b.) Within ten feet of the right-of-way, the maximum width of the driveway for a single-family or two-family use shall be 24 feet.
- 4.) No part of a vehicular use area designed for five vehicles or more shall be closer than five feet from the side and rear lot line of any lot in a non-residential district unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.
- 5.) Vehicular use areas shall be set back from the edge of buildings to provide for sidewalk and landscape treatments in front of the building.
- 6.) There shall be a minimum ten-foot front yard buffer area beginning at the right-of-way line of any street. The area within such buffer yard shall be landscaped in accordance with Subsection 1229.07 (6): Front Yard Landscaping, and maintained in good condition.
- 7.) All vehicular use areas for five vehicles or more shall be screened on any side that adjoins or faces a property in any residential district. Such screening shall consist of a solid masonry wall or solid fence of not less than four and not more than six feet in height. A tight screen of hardy evergreen shrubbery of not less than four feet in height may be used as an alternative to the solid masonry wall or solid fence. For uses or properties subject to Section 1229.07: Landscaping and Screening, the more restrictive landscaping, screening, or buffering shall apply.
- 8.) No entrance to or exit from a vehicular use areas designed for five vehicles or more shall be closer than 50 feet to the right-of-way line of intersecting public streets or signalized intersection. See Figure 1229.05-2.

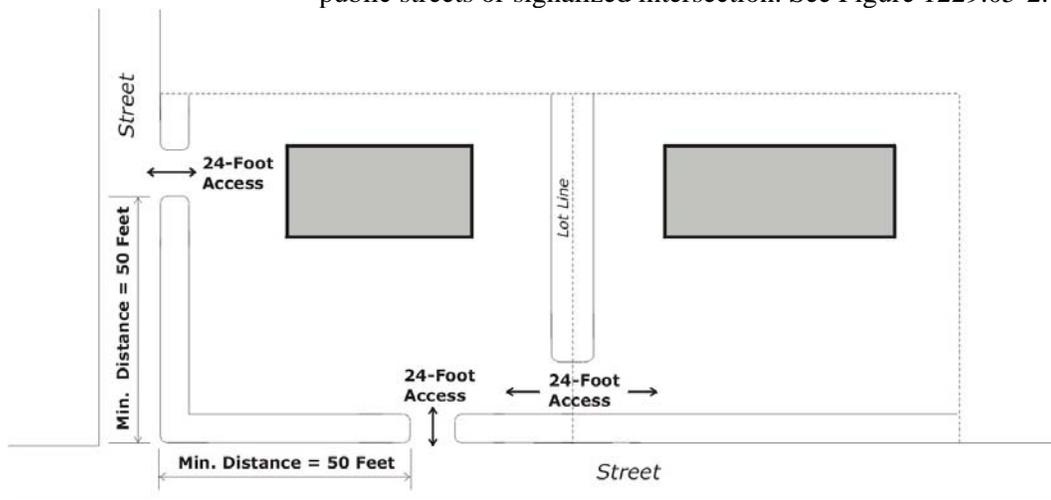


Figure 1229.05-2: Illustration of vehicular use access.

(C) Access

- 1.) Adequate access to a public street, easement, or shared access to an adjacent property shall be provided for each parking space with a driveway width of at least 24 feet, but no wider than 40 feet, at the property line for all multi-family dwellings and nonresidential uses. See Figure 1229.05-2.
- 2.) All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way (See Figure 1229.05-3). This distance may be reduced to ten feet for access from a secondary street when the lot is a corner lot with access to two public streets.



Figure 1229.05-3: Ingress and egress into parking areas.

- 3.) Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- 4.) To the maximum extent feasible, all uses shall provide paved, concrete, or paved pedestrian linkages to existing trail systems, parks, schools, adjacent developments, and mass transit stations or stops. Such pedestrian linkages shall be a minimum of five feet in width.
- 5.) To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- 6.) Lots having 250 feet or less of public street frontage shall be permitted one, two-way access drive or a pair of one-way drives.
- 7.) Lots having more than 250 feet of public street frontage shall be permitted two, two-way access drives or a pair of one-way drives. The minimum spacing shall be determined by the layout of the project, subject to site plan review.

- 8.) Shared access may be provided, and is encouraged, provided that a legal shared access agreement is submitted and approved by the City Law Director that provides for the rights of the respective parties to use the shared access drives. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the access will be properly maintained during the life of the development.

(D) Design Standards

- 1.) The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 1229-4 and Figure 1229.05-4.
- 2.) Alternative design: Parking stalls may be designed at 10' in width x 18' in length. Use of this alternative design shall be for the purpose of conserving hard surface area, not to maximize the number of parking stalls on a site and is permitted with the following conditions:
 - a.) Green space in addition to the minimum site requirement shall be provided on the site in the amount of 20 SF per 10' x 18' parking stall proposed. This is the difference in area between 10' x 20' and 10' x 18' parking stalls. The number of 10' x 18' stalls proposed shall not exceed the maximum number of 10' x 20' stalls that would meet the impervious surface area ratio of the site.
 - b.) Requests for variances shall not be permitted for impervious surface area ratio if 10' x 18' parking stalls are proposed.
 - c.) The 10' x 18' stall size shall apply to all parking configurations shown in Table 1229-4, with the exception of parallel parking, and shall meet all applicable provisions of this code.
 - d.) Requests for the use of any parking stall that is less than 10' in width shall require a variance and the provision of additional on-site green space. The required amount of such green space shall be determined by taking the difference in land area of the proposed stall and a standard 10' x 20' (200 sq ft) stall. No variances shall be permitted for impervious surface area ratio when any stall less than 10' in width is proposed.

Table 1229-4: Parking Area Dimensions				
Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"	Parking Stall Length (Feet) "C"
0 – Parallel	12	20	10	24
30 – 53	13	20	10	20
54 – 75	18	22	10	20
76 – 90	22	22	10	20

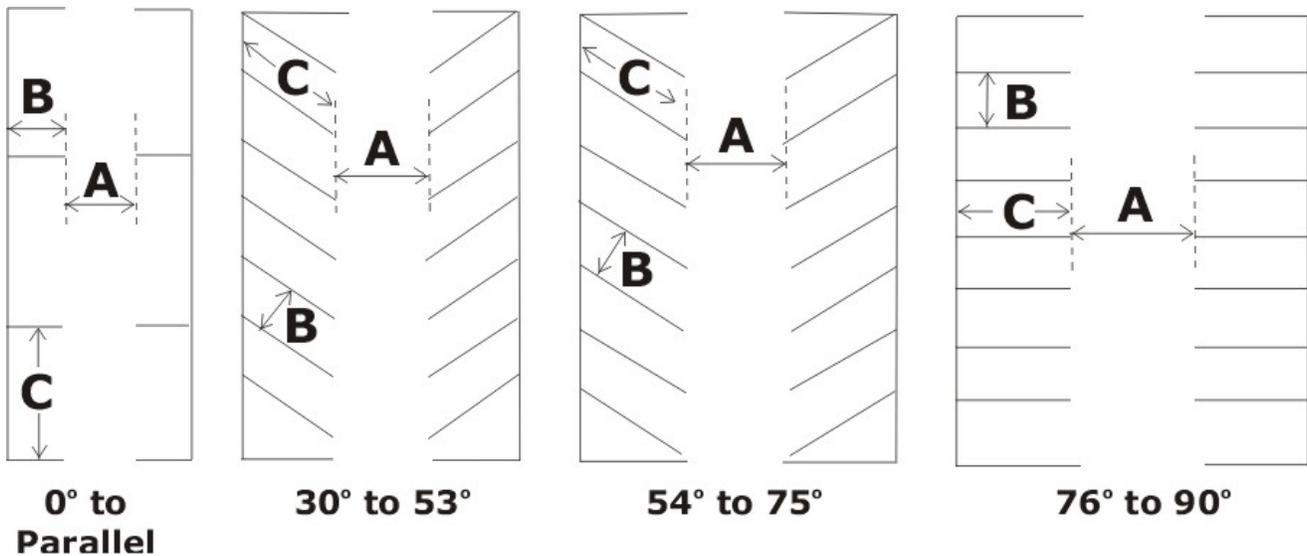


Figure 1229.05-4: Parking space dimensional requirements.

3.) Maneuverability Areas

The following provisions shall be followed to maintain efficient maneuverability:

- a.) Turn Around Area. Where more than three parking spaces are served by a single driveway, a turnaround area shall be provided, or other provisions made, to permit cars to exit the parking lot without backing onto any street or sidewalk. See maneuvering aisle widths in Table 1229-4 and Figure 1229.05-4.
- b.) Back-Up Area. Each parking space shall be provided with a sufficient back-up area so as to permit egress in one maneuver, consisting of one backward and forward movement. See maneuvering aisle widths in Table 1229-4 and Figure 1229.05-4.

4.) Surface

- a.) All vehicular use areas shall be constructed of hard surfaced bituminous concrete or asphalt, free from dust and so drained that surface waters therefrom are not permitted to discharge over or onto public sidewalks, roadways or other premises.
- b.) Exceptions to paragraph (a) above shall be that:
 - i.) Off-street parking areas, driveways, and aisles for residential uses on lots larger than one acre in area; and
 - ii.) Pavers that allow for grass to grow through them may be permitted as part of a permitted landbanked parking area as described in Subsection 1229.05 (8)(A).

5.) Continuous Curbs

- a.) Continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a minimum height of six inches and a minimum width of six inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuverability areas that are not protected by wheel stops. Exceptions may be made where a curb cut provides for drainage or stormwater management. See Figure 1229.05-5.
- b.) Continuous curbs shall be required along all parking areas facing a street right-of-way.
- c.) Continuous curbs shall be required to surround parking areas in all business districts for parking lots with 20 or more parking spaces.
- d.) Wheel stops shall not be used when a continuous curb is provided.

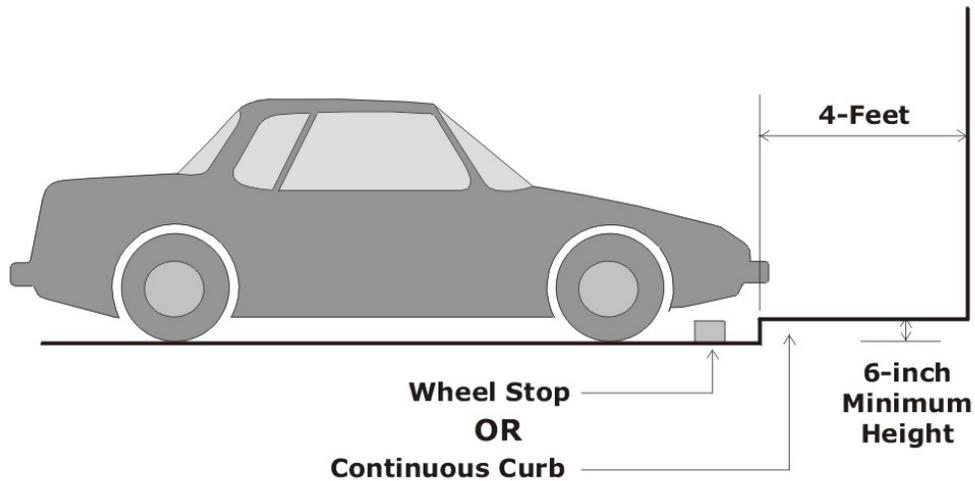


Figure 1229.05-5: Wheel stop or continuous curb placement.

6.) **Wheel Stops**

Each wheel stop shall be a singular block of reinforced concrete, stone or other durable material with a minimum height of six inches, a minimum width of six inches and a minimum length of eight feet. Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached up to two feet from the rear edge of the parking space. See Figure 1229.05-6.

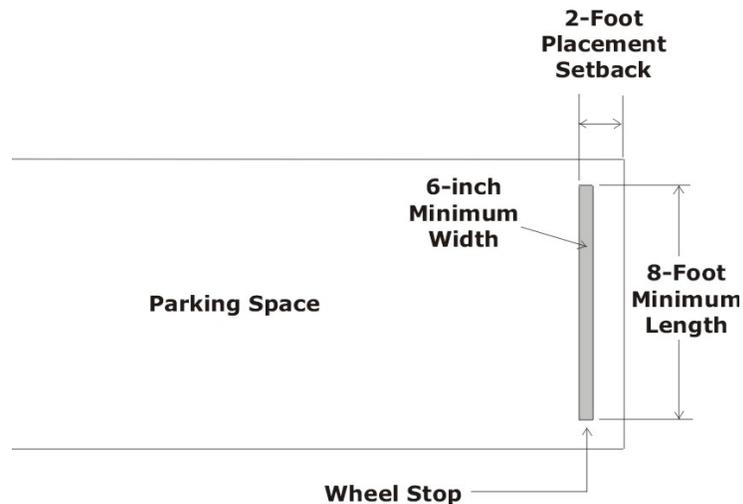


Figure 1229.05-6: Wheel stop placement.

7.) Placement

Wheel stops and/or continuous curbs shall be located a minimum of four feet from any structures, buildings, walls, or plant material to prevent a vehicle from driving onto the landscaped area or hitting any structure or plant material at the edge of a parking area with the exception of where the area is an open grass area with no landscaping. See Figure 1229.05-5.

8.) Striping

- a.) The individual parking spaces (stalls) shall be striped according to the approved layout of the parking area.
- b.) Striping shall be maintained in a clearly visible condition.

(E) Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

(F) Walkway Connections to Public Sidewalks

- 1.)** Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
- 2.)** The pedestrian connections shall be constructed of asphalt, concrete, or of hard surface pavers.
- 3.)** The pedestrian connection may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.
- 4.)** The pedestrian connection shall have a minimum width of three feet.

(G) Fire Code

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by the City and as approved by the City of Green Fire Division.

(H) Maintenance of Vehicular Use Areas

All vehicular use areas shall be provided with satisfactory access to a street, easement, shared access road, or alley by means of a solid and dust free driveway that meets the requirements of this section. All vehicular use areas shall be developed and maintained in accordance with the provisions of this section.

(8) Alternative Parking

The following are permitted methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

(A) Landbanked Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavers provided that the parking and unpaved areas complies with the following standards and is authorized by the PZC. See Figure 1229.05-7.

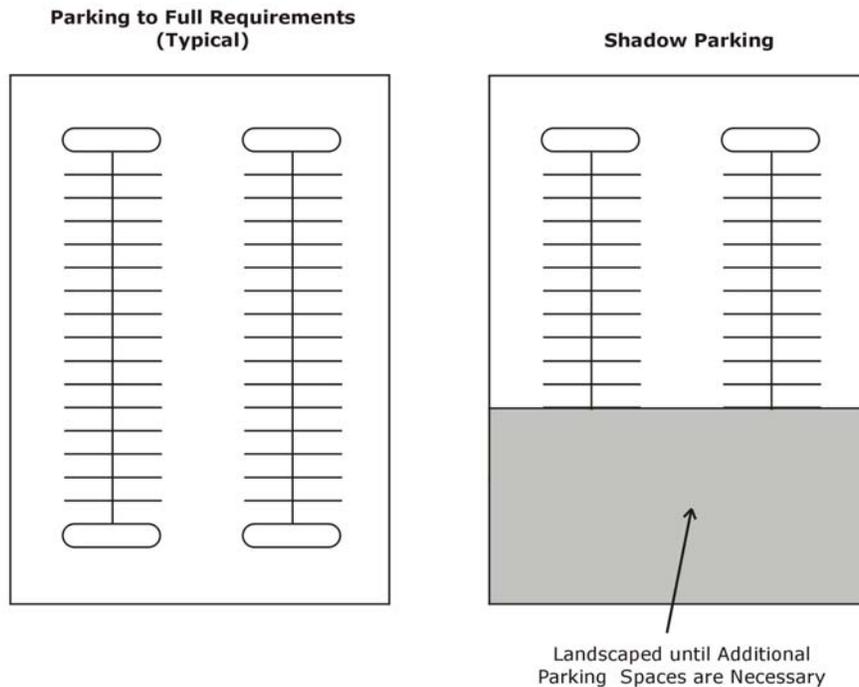


Figure 1229.05-7: Example of landbanked parking.

- 1.) The site plan shall denote the location and layout of that portion of the parking area that currently is deemed unrequired. The plan shall indicate that the “landbanked” parking spaces will be constructed according to this Code in the event that the Planning Department determines at any time that all or any portion of this parking is necessary.
- 2.) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- 3.) At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this Code.

- 4.) The owner shall initiate construction of the approved "future" parking area(s), as identified on the approved site plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Planning Department identifying that such parking is determined to be necessary.

(B) Shared Parking

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following standards and is authorized by the PZC.

- 1.) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- 2.) Shared parking shall not account for more than 25% of the required parking spaces as established in Table 1229-1.
- 3.) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
 - a.) A sufficient number of spaces are provided to meet the highest demand of the participating uses;
 - b.) The uses are located adjacent to each other;
 - c.) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Division, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
 - d.) The shared parking spaces will not be located in excess of 200 feet from the uses they are intended to serve;
 - e.) A legal shared parking agreement is submitted and approved by the City Law Director which provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
 - f.) The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the Summit County Fiscal Officer and recorded in a manner as to encumber all properties involved in the shared parking agreement.
 - g.) No zoning permit will be issued until proof of recordation of the agreement is provided to the Zoning Division.

(C) Off-Site Parking

Off-site parking is not encouraged, however, a portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards and is authorized by the PZC.

- 1.) Off-site parking shall be reviewed as a conditional use by the PZC.
- 2.) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
- 3.) No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- 4.) Off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by PZC.
- 5.) The off-site parking that is proposed to be used shall exist prior to the agreement and shall be associated with an existing use.
- 6.) Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- 7.) In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
- 8.) An off-site parking agreement shall be submitted and approved as to form by the City Law Director. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- 9.) The off-site parking agreement approved by the City Law Director shall be filed with the application for a zoning permit and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.
- 10.) Final inspection to authorize occupancy shall not be granted until proof of recordation of the agreement is provided to the Zoning Division.
- 11.) Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

- (9) Storage of House Trailers, Recreational Vehicles, Campers and Boats
 - (A) A house trailer, recreational vehicle, camper or boat, provided it is portable, may be stored on a zoning lot, provided that such structure is located in the rear and/or side yard no less than ten feet from the rear and side lot lines on a hard surface and provided that such structure has no connections to any electrical, telephone, water, gas or fuel oil source.
 - (B) A house trailer, recreational vehicle, camper or boat shall not be used as a dwelling, office or other business structure, or for storage of any material, except as may be permitted in this section as a temporary construction trailer.
 - (C) In a residential district, no more than one vehicle trailer or boat exceeding twenty feet in length shall be stored outdoors on a lot.
- (10) Commercial Vehicles in Residential Districts

No commercial vehicle shall be permitted on a lot in any residential district, except that an occupant shall be permitted to park one truck not exceeding three-fourths of a ton capacity that is used in connection with said occupant's livelihood, provided that such truck is wholly enclosed within a garage.

1229.06 Signs

- (1) Purpose
 - (A) The purpose of this section is to promote the general health, safety and welfare of the residents of the City and maintain high property values by:
 - 1.) Providing reasonable, yet appropriate, conditions for identifying businesses or services rendered in nonresidential zoning districts;
 - 2.) Controlling the size, location, and design of permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings;
 - 3.) Eliminating any conflict that would be hazardous between business or identification signs and traffic control signs and devices;
 - 4.) Ensuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
 - 5.) Reducing sign clutter.
 - (B) In establishing the objectives in division (A) of this section, the City has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in the City is excessive and unduly distracting to motorists and pedestrians, creates a traffic hazard and, in some places, reduces the effectiveness of signs needed to direct the public. As the appearance of the City is marred by the excessive number, oversized and poorly designed signs, both business and residential property values are adversely affected. Therefore, the number of such distracting signs ought to be reduced and signs permitted shall conform to the standards of this Code in order to reduce these effects. All signs not conforming with the provisions of this section are declared a nuisance. It is further declared that the regulations contained in this section are the minimum regulations necessary to abate the nuisance(s) and to achieve the purposes of this Code.

(2) Applicability

A zoning permit is required to erect any sign (except as otherwise provided in this subsection), and no permit shall be issued until such signs have been reviewed according to the following:

- (A) The PZC shall have the responsibility to review and make decisions on free-standing signs.
- (B) The Zoning Division shall have the responsibility to review and make decisions on attached signs, directional signs, and temporary signs.
- (C) The Zoning Division shall authorize the issuance of a permit for such sign when the Zoning Division determines that the sign complies with all provisions of this section. The Zoning Division may refer the decision on any of the above signs to the PZC for consideration if the Zoning Division determines that the sign, as proposed, is more appropriately the responsibility of the PZC.
- (D) For multi-tenant buildings in business or industrial districts, and for individual buildings located in business and industrial parks, the PZC may approve with the development plans for new buildings, or at the time a specific sign request is made for a tenant identification sign in an existing building, basic sign parameters as to the location, size and style of each tenant sign, and authorize the Zoning Division to specifically approve the subsequent individual tenant signs upon specific application when such proposed signs comply with the parameters established by the this Code.

(3) Calculating Sign Area and Height

(A) Sign Area

- 1.) For a sign that is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area dimensions shall include the entire portion within such background or frame.
- 2.) For a sign comprised of individual letters, figures or elements on a wall or similar surface, or an irregularly shaped free-standing sign, the area of the sign shall encompass a regular geometric shape, or a combination of regular geometric shapes, which forms or approximates the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprises all the display area, including the space between the elements.
- 3.) The sign area shall include the frame, but shall not include the pole or other structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display surface or device.

(B) Clearance from Electrical Lines

Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions of the National Electrical Code, as revised.

(C) Double-Faced Signs

- 1.) A freestanding sign shall have no more than two display surfaces.
- 2.) Display surfaces may be arranged back-to-back and parallel to each other or in a "V" shape.
- 3.) A "V"-shaped sign is permitted, provided that it does not exceed ten feet in height from the average grade, it has identical display surfaces in terms of size, color and copy and its display surfaces do not exceed a ninety-degree angle to each other.

(D) Height for Freestanding Signs

The height of a sign shall be measured from the average grade under the sign to the top of the highest element of the sign or support structure.

(E) Determination of Building and Tenant Frontage

The length of the building or unit of the building which faces the principal street, or the length of the wall of the building or unit which contains the main entrance to the uses therein, shall be considered the building frontage. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length. Only one exterior wall of any business shall be considered its frontage. The portion of a building which is owned or leased by a single tenant shall be considered a building unit. The length of a unit is that portion of the building so occupied by a single activity and calculated proportionally in the same manner as the building frontage.

(4) General Sign Standards

In addition to ensuring compliance with the numerical standards of this section, the PZC, when approving signs, shall consider the proposed general design, arrangement, texture, material, colors, lighting, placement and appropriateness of the proposed sign in relationship to other signs and other structures, both on the premises and in the surrounding area, and approve only signs which are consistent with the intent, purposes, standards and criteria of this section. Specific standards for determining the appropriateness of the sign shall include, but not be limited to, the following:

- (A) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in this Code.
- (B) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture.
- (C) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (D) All signs shall be made, constructed and erected in a professional and workmanlike manner and with materials which are durable for the intended life of the sign.
- (E) Signs shall be placed at the grade approved by the PZC.
- (F) Signs in the Right-of-Way; Obstructing Vision or Traffic
 - 1.) No signs shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs, City identification signs, and directional signage as permitted in this section.

- 2.) No sign or other advertising structure as regulated by this section shall be erected:
 - a.) At the intersection of streets in such a manner as to obstruct free and clear vision; or
 - b.) At any location where, by reason of the position, shape or color, it may interfere with traffic, obstruct the view of traffic, or be confused with the use of words such as “stop,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

(G) Illumination

The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.

(H) Message Changes

- 1.) Changeable copy may be included as part of the sign message. Changeable copy may be in the form of manually-operated reader boards or electronic message centers. The maximum height limit shall be twelve inches on electronic message copy, and a limit of 50 percent of the total signage may be used for changeable copy with manually-operated copy. All free-standing signage featuring electronic message centers shall be ground-mounted with a maximum height of ten feet, not to exceed 30 square feet per sign face (including the message portion). Such signage may be expanded to a maximum of 50 square feet per sign face when located on a corner or large lot pursuant to Subsection 1229.06(8)(B)(6).
- 2.) Electronic message centers shall be legible and shall not move or flash in such a manner (i.e. in speed or intensity) so as to be a distraction or disturbance to passing pedestrians or motorists or to adjacent residential districts.
- 3.) Applicants should consider providing a certain percentage of time to be allotted to community/civic related messages.
- 4.) Electronic message centers are not permitted as stand-alone entities and must be incorporated with a free-standing identification sign.
- 5.) Electronic message centers with commercial messages shall be limited to sign copy only (text only) and shall not include any graphics unless it is completely stationary and does not move or change.
- 6.) No moving or flashing parts are permitted on any sign within the City.

(I) Address Signs

All proposed free-standing identification signs shall incorporate the site or building address number, in a legible manner, to assist the general public and emergency response personnel. The area of such address number shall not be calculated toward the total permitted sign face area of the sign.

- (J) Required Landscape Area for Signs
 - 1.) Unless otherwise provided in this section, all permanent freestanding signs shall be located in a landscaped area with a minimum area equal to the total sign area.
 - 2.) The landscape area for permanent freestanding signs shall consist of shrubs, flowers, and/or ground cover. This area shall be in addition to any landscape or screening areas required in Section 1229.07: Landscaping and Screening.
- (5) Prohibited Signs

The following types of signs are prohibited in all districts:

 - (A) Abandoned Signs
 - 1.) Any sign existing that no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of six months shall be deemed abandoned.
 - 2.) Such a sign shall be removed by the owner, agent, or person having the beneficial use of the building or structure within 30 days after notification to the owner from the Zoning Division.
 - 3.) All signs shall be in conformance with Subsection 1229.06 (10): Maintenance.
 - (B) No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention for commercial or advertising purposes except where otherwise permitted in this section;
 - (C) Air activated graphics or balloons used for commercial or advertising reasons shall not be permitted except where otherwise permitted in this section;
 - (D) No persons shall erect any additional attractions devices or objects, or continue in the operation of such signs for the purpose or result of which is to attract attention to a business or business services and/or which serves to divert the attention of the public whether such devices or objects are stationary, mobile, or otherwise revolve, rotate, or move;
 - (E) Signs shall not be placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;
 - (F) Signs imitating or resembling official traffic or governmental signs or signals;
 - (G) No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter;
 - (H) Signs that consist of lights that revolve or flash are prohibited in all districts with the exception of electronic information signs;
 - (I) Bench signs;
 - (J) Snipe signs;
 - (K) Graffiti;
 - (L) Roof signs;
 - (M) Off-premises sign.

(6) Signs Not Requiring a Zoning Permit

The following sign types shall be exempted from zoning permit requirements but shall be in conformance with all other requirements of this section:

- (A) State, Federal, institutional, or other patriotic flags.
- (B) Any sign authorized by a governmental agency may be installed as provided by applicable law;
- (C) One non-illuminated nameplate in a residential zoning district, or planned residential district, with a maximum sign area of 2 square feet
- (D) Commemorative plaques placed by recognized historical or park agencies;
- (E) Mailbox identification when such is an integral part of such mailbox;
- (F) Warning signs including “no hunting,” “no trespassing,” “keep off grass,” “no dumping,” or signs of a similar nature provided that they do not exceed four square feet in area.
- (G) Garage sale signs (which term shall include the terms "yard sale," "porch sale," "house sale," "toy sale" or similar terms) in a house, garage or yard provided:
 - 1.) There is a maximum of two signs on the property holding the sale;
 - 2.) The signs shall not be displayed more than two days in advance of the sale;
 - 3.) All signs must be removed on the last day of the sale; and
 - 4.) The signs shall not be placed in the public right of way or on utility poles.

(7) Signs Permitted in Residential Zoning Districts

The following signs may be permitted in an R-R, R-1, R-2, or for residential uses in a PD District.

(A) Permanent Signs

Permanent ground-mounted signs for a subdivision, multi-family dwelling development, public/institutional use, or commercial enterprise permitted in a residential zoning district (bed and breakfast, kennel, riding stable, etc.) provided that the sign meets the following requirements:

- 1.) The sign(s) must be reviewed and approved by the PZC through the site plan review process.
- 2.) One permanent free-standing sign may be permitted at each entrance to the subdivision, development, or use unless otherwise approved by the PZC.
- 3.) The sign shall be a ground mounted sign;
- 4.) The sign shall be set back a minimum 15 feet from the public right-of-way and 20 feet from any adjacent property lines.
- 5.) The sign face does not exceed 20 square feet in area on a single side. The total sign face area may be distributed into two signs at each entrance as approved by the PZC.
- 6.) No such sign or any portion of the structure shall exceed eight feet in height;
- 7.) The sign may only be illuminated through external lighting; and

- 8.) The applicant obtains a zoning permit for the sign after PZC approval.
- 9.) Additional signs may be authorized by the PZC through the subdivision review process or as part of a planned development.
- 10.) For multi-family dwelling developments or institutional uses, the PZC may approve greater sign areas than specified above if it determines that, because of the large size of the facility or its site, the proposed larger sign will be consistent with the objectives, intent and criteria of this section.

(B) Temporary Signs

1.) Temporary Signs Not Requiring a Permit

Up to two temporary signs may be permitted at any given time on any one parcel. These temporary signs may be displayed for an unspecified amount of time provided:

- a.) These signs do not contain any commercial messages except for the sale or leasing of the property on which the sign is located;
- b.) The temporary signs shall not exceed 6 square feet in sign area;
- c.) The signs shall be set back a minimum of 30 feet from the right-of-way and 20 feet from all lot lines; and
- d.) The signs so not exceed four feet in height.

2.) Temporary Signs in Residential Districts

Temporary signs may be permitted with a zoning permit.

- a.) One temporary sign may be displayed on a vacant site or for a project that is under development provided that the sign area does not exceed 32 square feet in area for a new subdivision or 20 square feet for development on a single-family lot. Such signs shall be removed within 30 days of the completion of the development or construction project.
- b.) One temporary sign may be displayed on site used for public or institutional uses under the following provisions:
 - i.) The temporary sign shall be displayed for not more than 30 days per zoning permit, and not to exceed 90 days per year
 - ii.) There shall be a limit of one sign per parcel and such sign shall not exceed 32 square feet per side with a maximum of two sides;
 - iii.) The sign shall not be illuminated unless authorized by the BZA through the variance process;

(8) Signs Permitted in Nonresidential Zoning Districts

The following signs may be permitted in all zoning districts except the R-R, R-1, and R-2 Districts and except for residential uses in the PD Districts.

(A) Maximum Area of All Permanent Signs

- 1.) The maximum sign area for all permanent signs in a nonresidential district shall be equal to two square feet per each lineal foot of building or tenant frontage.

- 2.) The maximum area for all permanent signs shall include the sum of the areas of all free-standing (ground or pole mounted) signs, directional signage, and attached signage provided that window signs that occupy less than ten percent of the window area shall be exempt from this calculation.
 - 3.) **Additional Allowances in Business and Industrial Districts**
 - a.) For any use which is on a corner lot or has a customer entrance facing a parking lot (when such parking lot does not face the main street), the maximum allowable area for signs may be increased for each such additional frontage.
 - b.) The increase for each such frontage shall be equal to 40 percent of the allowable sign area if the additional frontage is considered the principal frontage. However, no sign area on any bonus frontage shall exceed one square foot per linear foot of frontage.
- (B) Free-Standing Identification Signs
- 1.) Free-standing signs are only permitted when the principal building is set back from the street right of way a minimum of 25 feet and the parcel has a minimum lot frontage of 100 feet.
 - 2.) One free-standing sign with a maximum area of 40 square feet per sign face, or 30 square feet per sign face if "V"-shaped, is permitted per project or development. The free-standing signs can be ground-mounted or pole-mounted.
 - 3.) The maximum height of all free-standing signs shall be 16 feet.
 - 4.) **Bonus for Free-standing Signs on Large Lots**
 - a.) The allowable area of any free-standing sign may be increased by ten square feet of sign area for every 100 lineal feet of lot frontage, or fraction thereof, greater than 300 lineal feet.
 - b.) The total allowable sign area of free-standing signs, according to the provisions of this section, may be distributed to one free-standing sign for each 250 feet of the lot frontage, or fraction thereof.
 - c.) The maximum area of a single free-standing sign shall, however, in no case exceed sixty square feet per sign face.
 - d.) Notwithstanding the provisions of this section, the total allowable sign area for all signs shall comply with Subsection 1229.06 (8)(A) above.
 - 5.) No portion of any free-standing sign shall be closer to the street right of way than a distance equal to the height of the sign or ten feet, whichever is greater. A free-standing sign shall also be a minimum of 90 feet from any residential zoning district and a minimum of ten feet from any side property line.
 - 6.) One additional free-standing sign may be permitted for a corner lot, provided:
 - a.) The corner lot has a total frontage, on both street frontages, of at least 300 feet;
 - b.) The second free-standing sign is clearly located to provide identification along the secondary street;

- c.) The total area of both free-standing signs shall not exceed 70 square feet;
 - d.) Two signs may only be utilized when spaced a minimum of 200 feet apart as measured along the street right of way; and
 - e.) The two signs may be aggregated into a single sign at the corner, provided that the area of the single free-standing sign face shall not exceed 60 square feet if arranged back-to-back, and 50 square feet if arranged in a "V"-shape.
- 7.) All free-standing signage featuring electronic message centers shall be ground-mounted with a maximum height of ten feet, not to exceed 30 square feet per sign face (including the message portion). Such signage may be expanded to a maximum of 50 square feet per sign face when located on a corner or large lot pursuant to Subsections 1229.06 (8)(A)(3) or 1229.06 (8)(B)(4).
- 8.) When a free-standing sign is permitted on a site with more than one tenant, it is the property owner's responsibility to determine if the allowable area shall be devoted to the identification of the building or the project, be a directory for a select group of tenants, or all tenants, in the project, or be for project identification or a tenant directory in combination.
- (C) Directional Signage
- Directional signage shall be permitted as follows:
- 1.) Directional signage shall be permanent and ground-mounted with a maximum height of three feet;
 - 2.) The sign may be located within 10 feet of the intersection of a public street and a private driveway or within a vehicular use area but not within the right-of-way;
 - 3.) The signs may not exceed 4 square feet in area.
- (D) Attached Signage
- 1.) Attached signage shall include all types of signage that are attached to the principal building including wall signs, window signs (over the ten percent allowed by Section 1229.06 (8)(A)(2)), projecting signs, fascia signs, awning signs, canopy signs, and marquee signs.
 - 2.) Awnings, canopies, fascia, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.
 - 3.) Attached signs shall not extend more than 18 inches from the building as measured from the face of the building.
 - 4.) Projecting signs shall provide a minimum clearance of eight feet when projecting over a sidewalk or other right-of-way.

(E) Temporary Signs in Nonresidential Districts

1.) Temporary Signs Not Requiring a Permit

One temporary sign may be permitted at any given time on any one parcel. This temporary sign may be displayed for an unspecified amount of time provided:

- a.) The sign does not contain any commercial messages except for the sale or leasing of the property on which the sign is located;
- b.) The temporary sign shall not exceed 32 square feet in sign area;
- c.) The sign shall be set back a minimum of 20 feet from the right-of-way and 20 feet from all lot lines;
- d.) The signs shall not exceed 10 feet in height; and
- e.) If the lot is a corner lot, there may be one additional sign on the secondary frontage provided it meets the same standards as identified above and there is a minimum separation of 200 feet as measured along the street right-of-way line.

2.) Temporary Signs Requiring a Zoning Permit

The following temporary signs may be permitted with only after applying for and receiving a zoning permit.

- a.) One temporary sign may be displayed on a vacant site or for a project that is under development provided that the sign area does not exceed 32 square feet in area and 10 feet in height. The sign shall be removed within 30 days of the completion of the development or construction project.
- b.) Temporary promotional signs, banners, pennants or flags (other than institutional, State, Federal or other patriotic flags) intended to promote or advertise special events shall be reviewed by the Zoning Division and may be denied if considered excessive.

(9) Special Sign Districts

- (A) There is herein established a special sign district as illustrated in Figure 1229.06-1.

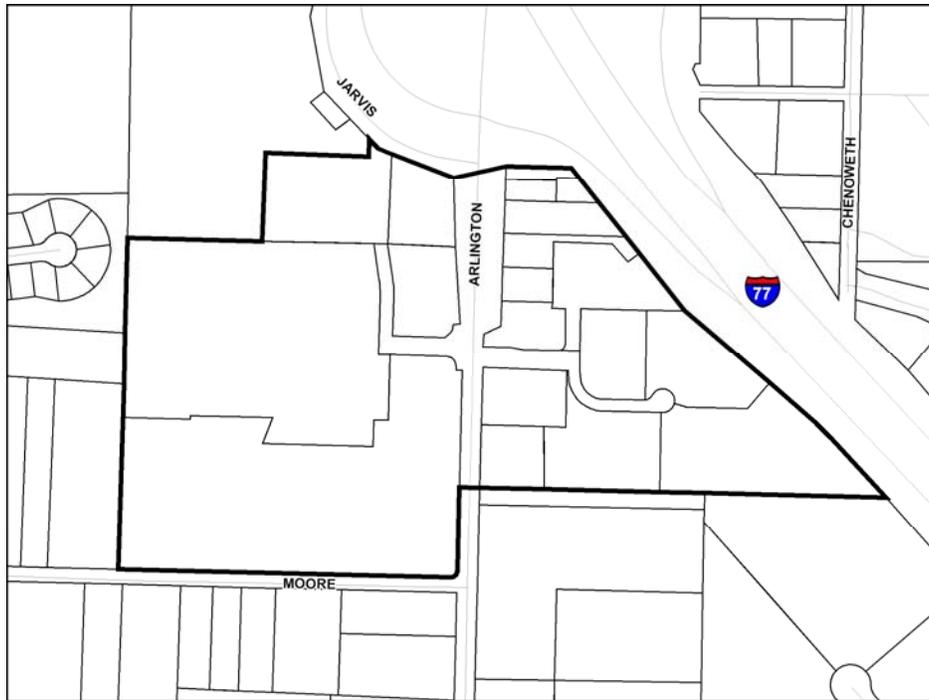


Figure 1229.06-1 – Special sign district

- (B) Freestanding signs in this special sign district may exceed the sign height provided for in the underlying zoning district but shall in no instance exceed 45 feet in height.
 - (C) The maximum sign area shall be 120 square feet, per sign face.
 - (D) Signs in the special district shall be setback 15 feet from the right-of-way or property line.
 - (E) Electronic message centers shall meet the standards as outlined in this section for electronic message centers, but in no case shall be permitted on freestanding signs intended for highway visibility.
- (10) Maintenance
- (A) The owner of the property on which the sign is located is required to maintain the sign in a condition fit for the intended use and in good repair.
 - (B) A sign in good repair shall be free of peeling or faded paint, shall not be stained, shall not show uneven soiling or rust streaks, shall not have chipped, cracked, broken or bent letters, panels or framing, shall not otherwise show deterioration, and shall comply with all other applicable maintenance standards of the City.
 - (C) If the sign is deemed by the Zoning Division to be in an unsafe condition, such sign shall be considered an unsafe structure, and all applicable codes for the repair and removal of such sign shall be adhered to.
 - (D) Whenever any sign, either conforming or nonconforming to this section, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or any payment of fees, provided that there is no alteration or enlargement to the structure or the mounting of the sign itself, and that the sign is accessory to a legally permitted or nonconforming use.

- (11) Alteration and Removal of Nonconforming Signs
- (A) Consistent with the purposes of this Code, every graphic or other sign in violation of any provision of this section shall only be removed, altered, or replaced so as to conform to the provisions of this section and this Code, and any sign which, on the effective date of this Code, or any amendment thereto, does not comply with the regulations provided in this section and this Code, shall be deemed nonconforming.
 - (B) Nonconforming signs shall be removed, and any subsequent modification or replacement (excluding routine maintenance pursuant to Subsection 1229.06 (10): Maintenance) shall conform to all requirements of this section:
 - 1.) When more than 50 percent of the value of the sign has been destroyed or been removed;
 - 2.) When the use for which the nonconforming sign is accessory is vacant for 90 consecutive days; or
 - 3.) Following five years from the date of the adoption of this section, or five years from the date of any amendment to this section, which made the sign nonconforming.
 - (C) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this section, except:
 - 1.) When the existing use has new ownership which results in a change of the name of the use or the business on the property;
 - 2.) When the space is reoccupied by a similar use, and the new occupant requires no external building or site renovation; and
 - 3.) When such replacement sign pursuant to Subsection 1229.06 (11)(A) or (B) above may be accomplished without any alteration or change to the structure, framing, erection or location of the sign, unless such changes conform to this section.

1229.07 Landscaping and Screening

- (1) Purpose
- It is the purpose of this section to promote and protect the public health, safety and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs and other plants within the City. The intent of this section is to promote this purpose by:
- (A) Protecting property values and the quality of life;
 - (B) Protecting of residents and visitors through proper buffering and screening;
 - (C) Mitigating against erosion and sedimentation;
 - (D) Enhancing the appearance of public and private areas; and
 - (E) Ensuring planting, maintenance, and restoration of vegetation.
- (2) Applicability
- (A) This section shall apply to new development and any expansion or change of use that requires landscaping or screening as required by this section.
 - (B) Single-family dwellings and two-family dwellings shall be exempt from the provisions of this section.

(C) Nonconforming Sites and Uses

Whenever an existing nonconforming site or use is subject to site design review, those parts of the site where buffers and screens are required shall be brought into conformance to protect the abutting uses.

(3) Landscaping Materials and Design Standards

(A) Landscaping and Screening Design Guidelines

- 1.) Landscape plans shall be an integral part of the site design, accenting and taking advantage of natural grades, drainage patterns, views, microclimates and other elements of the site and improvements. Landscape plans shall provide screening and buffering of conflicting uses, identification of site and building entries, and direction of movement through the site, in addition to aesthetic enhancement.
- 2.) Landscape plans shall specify a mixture of plant types at various scales and heights, including trees, shrubs, low shrubs, and groundcover. The design and installation of beds for perennials and annual flowers and foliage shall be encouraged.
- 3.) Landscaping areas in parking lots shall be designed with a mixture of trees and shrubs. Planting areas in parking lots and near drives shall be designed to protect plants from damage by vehicles and plowed snow.
- 4.) Site and building entrances shall be accented by landscaping.
- 5.) Use of native plants and hardy, low maintenance plants appropriate to the local climate shall be encouraged.

(B) Responsibility for Installation of Landscaping Materials

Landscaping and screening shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "owner").

(C) Existing Landscape Material

- 1.) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this section in whole or in part.
- 2.) Where existing vegetation is proposed to be retained as a "natural buffer or screen," or as part of the landscaping, the nature and condition of the existing vegetation shall be shown to be acceptable to the satisfaction of the PZC in terms of hardiness and ability to buffer through all seasons of the year. Supplementing natural buffers with additional landscaping plants, fences, and walls may be required.

(D) Topography, Grading and Drainage

- 1.) Site design which is sensitive to and works with natural grades of the land, in the interest of maintaining the natural appearance of the landforms and minimizing erosion and maintenance costs, shall be encouraged.
- 2.) Sites shall be designed to protect natural watercourses and to minimize siltation and erosion.

- 3.) Stormwater detention and retention facilities shall, wherever feasible, be creatively integrated into the design of a site to reduce the extent of stormwater facilities and to provide aesthetic value and interest.

(E) Landscaping Materials

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval PZC through the site plan review process.

1.) **Walls and Fences**

- a.) When walls or fences are used to fulfill screening requirements, they shall be detailed on the site plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the screening requirements of this section.
- b.) Walls and fences shall be designed to orient the best, or most aesthetic side, away from the subject lot so the best side faces the adjacent lots.

2.) **Plants**

Plant materials used in conformance with these provisions shall conform to the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be plants as bare root as well as balled and burlapped or from containers.

a.) **Deciduous Trees**

Deciduous trees shall have a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this section shall be used to create a dense screen.

b.) **Evergreen Trees**

Evergreen trees shall be a minimum of six feet in height at the time of planting. When used for screening, evergreen plantings shall be planted at a maximum distance of 15 feet on center to provide an effective screen.

c.) **Ornamental Trees**

Ornamental trees shall have a minimum height of five feet or a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.

d.) **Shrubs and Hedges**

Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective screen of at least five feet within a period of four years after planting.

e.) **Grass and Ground Cover**

- i.) Grass shall be planted in species normally grown in permanent lawns in Summit County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass areas shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75 percent complete coverage after two growing seasons.
- ii.) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

f.) **Earth Mounds**

- i.) Earth mounds may be used as a screening requirement, however, differences in natural elevation between areas requiring a screen does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:
- ii.) Earth mound shall conform with the grading requirements of the City Engineer.
- iii.) The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Division to ensure that proper erosion control and prevention practices are utilized.
- iv.) Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.
- v.) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- vi.) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- vii.) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- viii.) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the screening requirement.

(F) Easements

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the owner of the easement.

(4) Screening between Districts

(A) Screening Types

The following screening types are hereby established:

1.) Type A Screen

Type A screens are intended to provide visual screening. A Type A screen is a solid fence or wall with a minimum height of six feet. A fence or wall may be used to create the opaque screen provided that at least 50 percent of the length of the fence or wall along each property line is landscaped on the outside of the fence or wall, or evergreens are used in lieu of 50 percent of the fence or wall. The spacing of the landscaping must comply with Subsection 1229.07 (4)(C). All fencing and walls shall be setback 15 feet from the lot line separating the less restrictive zoning district to allow for maintenance of the applicable yard.

2.) Type B Screen

Type B screens are intended to provide partial visual screening and to provide aesthetically pleasing delineation of boundaries between zoning districts. A Type B screen is a densely planted screen which need not be opaque for its entire length. At least 50 percent of the length of the screen along each property line must be opaque. The remaining 50 percent of the length of the screen along each property line may contain any combination of small shrubs or larger plants that comply with Subsection 1229.07 (4)(C). A mound built in accordance with Subsection 1229.07 (3)(E) may be used instead of shrubs.

3.) Type C Screen

A Type C screen is intended to separate functions, such as streets, sidewalks, and parking; to provide pleasing visual effects, and to provide areas to serve environmental functions. A Type C screen is a less dense planting than Type A or Type B, and may include deciduous plants. At least 50 percent of the length of the screen must be planted with large or medium trees, and the remaining 50 percent of the screen length may be any combination of shrubs, excluding dwarf shrubs, that will comply with Subsection 1229.07 (4)(C). A mound built in accordance with Subsection 1229.07 (3)(E) may be used instead of shrubs.

(B) Screening Requirements

Screening between zoning districts is required in accordance with Table 1229-5. When more than one zoning abuts the property to be landscaped, the more restrictive of the screen types shall apply.

Table 1229-5: Side and Rear Yard Screening Types Between Zoning Districts											
	District	Subject Property Zoning									
		R-R	R-1	R-2	B-1	B-2	B-3	B-4	B-5	I-1	PD
Adjacent Zoning District	R-R			C	A	A	A	A	A	A	C
	R-1			C	A	A	A	A	A	A	C
	R-2				A	B	A	A	A	A	B
	B-1			B					B	B	A
	B-2			B	C		C	C	C	C	B
	B-3			B					C	C	B
	B-4			A							A
	B-5			A						C	A
	I-1			A							A
	PD				A	A	A	A	A	A	

(C) Screening Standards

- 1.) When fences or walls are used to fulfill requirements for Type A, B, or C screens, the maximum length of each continuous fence or wall segment without landscaping shall be 50 feet. Longer segments must be provided with landscaping in accordance with this section along the outside of a wall or fence, or planting meeting the screen type requirements in lieu of a fence or wall segment.
- 2.) Dwarf shrubs and ground cover may be planted on the outside of a fence or wall, but these will not count toward the screening requirement.
- 3.) If evergreens are used to fulfill the requirements for an opaque screen, total opacity and a minimum height of six feet shall be required within three years after issuance of a use and occupancy permit. If the planting does not meet these requirements within three years, additional plantings or a fence or wall meeting these requirements shall be constructed and landscaped as required under this section.
- 4.) Each 50-linear-foot segment of screening, including plantings on the outside of a wall or fence as described in this section shall contain landscaping equivalent to two large trees. For purposes of this section, the following are considered equivalent and may be used in any combination which achieves at least the minimum amount required:
 - a.) Two large trees with a maturity height of 40 feet or taller.
 - b.) Three medium or small trees with a maturity height of less than 40 feet.

- c.) Ten large shrubs with a maturity height of one foot or larger.
 - d.) Fifteen medium or small shrubs with a maturity height of less than one foot.
 - 5.) Berms or mounds may be used to fulfill screening requirements provided they meet the requirements of Subsection 1229.07 (3)(E).
 - 6.) No proposed building addition, structure, merchandise display, parking area or any similar feature shall be located in front of or within a required screen. Notwithstanding the above, a driveway entrance may cross a required screen.
 - 7.) Required screens must be installed on the subject property, within the required setback. The minimum width of the screened area is ten feet. The soil in each screen area must be covered by trees, shrubs, grass, ground cover, landscape gravel, or mulch.
 - 8.) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
 - 9.) Whenever, because of unusual size, topography, shape of the property, location of the property or other unusual conditions, the strict application of the requirements of this subsection would result in significant degradation of the site or adjacent properties, the requirement may be varied or waived by the PZC, provided that such variance or waiver shall not be detrimental to the public health, safety or welfare, or to the orderly development of the area.
- (5) **Landscaping of Vehicular Use Areas**
All development subject to site plan review shall include the following required landscaping for parking lots.
- (A) **Minimum Interior Landscaping Requirements**
For parking areas designed to accommodate 20 or more vehicles, a minimum of five percent of the land area within the parking area shall be appropriately designed with landscaped areas and planted islands in accordance with this section.
 - (B) **Landscape Island Locations**
 - 1.) Landscape islands shall be located at the end of each parking row with a minimum size of 140 square feet for single loaded parking rows, and a minimum size of 280 square feet for double loaded rows;
 - 2.) The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.
 - (C) **Planting Requirements**
 - 1.) Plantings for interior landscaping shall be provided at a rate of two trees and six shrubs per 15 parking spaces or fraction thereof.

- 2.) Each individual landscaped island shall include a minimum of one tree, and two shrubs.
 - 3.) The trees and shrubs shall be distributed throughout the parking lot islands to decrease the appearance of a single expanse of pavement and to create a canopy effect.
 - 4.) The trees should be of a variety to provide the shade canopy and have a clear trunk height of at least six feet.
 - 5.) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch. Plants in this category may not interfere with visibility. All plants must be living, thriving, and assuming their intended form.
- (D) Additional Plantings along Public Streets
- Whenever parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public street, landscaping, in addition to the required interior landscaping, shall be required between the street and the parking lot. Such landscaping shall be a minimum height of 3.5 feet, located adjacent to the parking lot and shall be placed to effectively obscure a minimum of 50 percent of the parking area.
- (6) Front Yard Landscaping
- In all districts, every part of a front yard shall be open to the sky, unobstructed except for parking areas and signs as permitted and regulated in the district regulations and sign regulations, and shall be landscaped according to the following minimum requirements.
- (A) The entire depth and length of the front yard (except as provided above) shall be permanently protected from soil erosion with grass, trees and shrubs.
- (7) Screening of Service Structures
- All development subject to site plan review shall include the following required screening for loading areas and service structures.
- (A) Screening shall consist of an opaque wall or fence, six feet in height, or dense vegetative planting which effectively obscures 100 percent of a loading area when adjacent to residential districts or visible from a public street.
 - (B) Loading facilities shall be designed to minimize impacts upon existing or planned uses on abutting properties. Greater amounts of screening shall be required where the frequency or nature of loading is greater than typical. Extension of building walls is encouraged to effectively surround, screen, and screen loading areas. Where the height of solid screening cannot screen loading areas from view of adjacent tall buildings, additional screening shall be provided with trees.
 - (C) Rubbish areas and dumpsters shall be housed in a wholly enclosed structure, or completely screened from any parking area or street right of way by a vision-obscuring fence or plant material.

- (8) Maintenance
 - (A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be 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 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 20 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 facade. No uninterrupted length of any facade 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 facade visible from a public street or oriented to an adjoining residential district shall be a finished facade. 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; and/or
- 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 signage.

(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 subsections of this section.

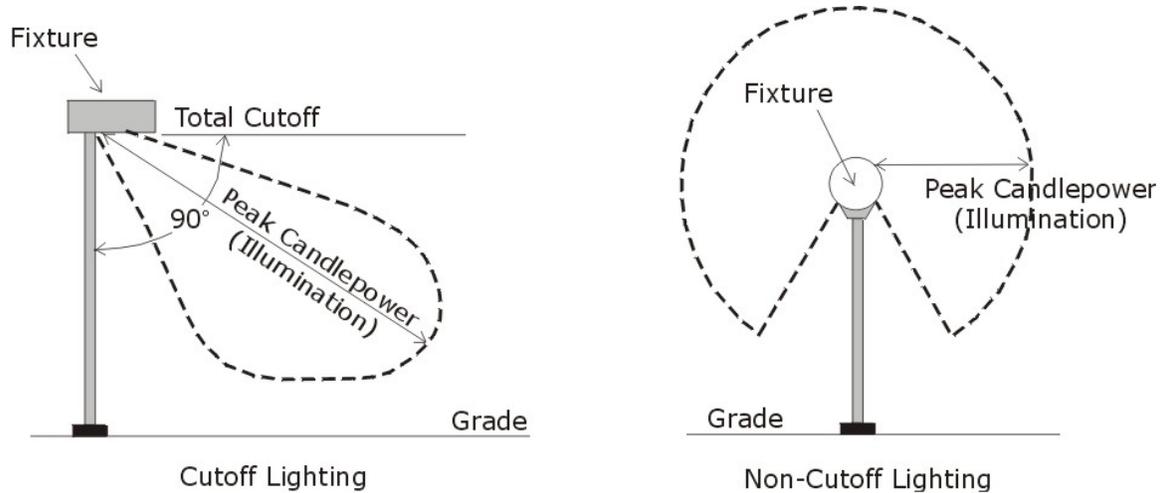


Figure 1229.12-1: Examples of cutoff lighting types.

(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**
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:
- (A) 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.
 - (B) 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.
 - (C) 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.
 - (D) 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 (Section 1229.12 (6): Standards for Outdoor Storage Areas) .
 - (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; and
 - 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; and
 - (E) All outdoor storage areas shall be screened from view of the public right-of-way by a six-foot fence in conformance with Section 1229.12 (4): General Standards, 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 Subsection 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 PZC 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:

Table 1229-6: Width of Riparian Setback	
Average Percent 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 and 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 PZC. 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 of 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 affect 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% 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 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; and
 - 3.) Prior to any request for a land disturbance permit, to allow the City 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.

Chapter 1230: Violations and Penalties

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.

Chapter 1231: Definitions and Rules of Construction

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:

- (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

Abutting or Adjacent

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Accessory Building, Structure, or Use

A building or use that is detached from the 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.

Accessory Dwelling Unit

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.

Adult Arcade

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.

Adult Bookstore or Adult Video Store

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:

- 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
- Instruments, devices or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity;
- Live performances which are characterized by the exposure of specified anatomical area or by specified sexual activities; or
- 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.

Adult Family Home

A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Adult Group Home

A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Adult Motion Picture Theater

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.

Adult Theater

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.

Agricultural – Animal Husbandry and Keeping of Livestock

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.

Agricultural – Raising of Crops

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.

Alley

A public or private way which affords only secondary means of access to abutting properties.

Appeal

A request for review of an administrative interpretation or decision made in relation to this Code.

Applicant

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.

Application

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.

Architect

An individual or firm registered in the State of Ohio to practice in the field of architecture.

Assisted Living Facility

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.

Automotive Body Repair

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

Automotive Car Washes

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Automotive Fuel Sales

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.

Automotive Rental

A facility where new or used cars, motorcycles, and other light load vehicles are leased or rented.

Automotive Repair And Service

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.

Automotive Sales

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.

Banquet Hall

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.

Bars and Taverns

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.

Basement

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.

Bed And Breakfast Establishment

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.

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.

Best Management Practices (BMPs)

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.

Buffer or Bufferyard

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.

Building

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.

Building Height

The vertical distance of a building as measured pursuant to Section 1227.01: Measurements, Computations, and Exceptions.

BZA

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.

Canopy Tree

A deciduous tree with an expected height of at least 35 feet at maturity.

Cemetery

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.

Centralized Sewage System

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.

City Council

The seven member Council of the City of Green.

City Engineer

The City of Green Engineer, or a designee, appointed to serve in the role of the engineer.

Clearing

The act of clear cutting and/or removing of trees and vegetation, which result in the exposure of raw land.

Co-location

The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Message

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.

Community Center and Clubhouses

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.

Condominium

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.

County

Summit County, Ohio.

County Board of Health

The Summit Board of Health of the Summit County General Health District.

Damaged Or Diseased Trees

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.

Day Care Center

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.

DBH

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.

Deck

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.

Density

The quotient of the total number of dwelling units as divided by total area of the site.

Density, Gross

The total number of dwelling units as divided by the gross area of a site (including public right-of-way, easements, etc.).

Density, Net

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.

Developer

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.

Development

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.

Distribution Facilities, Truck Terminals, and Warehouses

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.

Domestic Animal

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.

DRB

The City of Green Design Review Board

Drive-Through Facility

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway

A private way, other than a street or alley that provides access to one lot of record for the use of vehicles and pedestrians.

Dwelling

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.

Dwelling Unit

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.

Dwelling, Multi-Family

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.

Dwelling, Single-Family

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwelling, Two-Family

A building design for or used exclusively for the residential purposes by two families or housekeeping units.

Easement

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

Educational Facilities

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.

Educational Facilities, Higher

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.

Engineer

Any person registered to practice professional engineering by the State Board of Registration as specified in Ohio R.C. 4733.14.

Entry Drive

The part of an access drive or driveway leading to a vehicular use area.

EPA

The Environmental Protection Agency and includes the Ohio EPA.

Erosion

The wearing away of the land surface by the action of wind, water, gravity, or other natural processes.

Erosion Control Plan

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.

Evergreen Shrub

A shrub that remains green throughout the year.

Evergreen Tree

A tree that remains green throughout the year with an expected height of at least 40'.

Excavation

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.

Family

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.

FEMA

The Federal Emergency Management Agency, the agency with the overall responsibility for administering the National Flood Insurance Program.

Fence

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.

Fence Height

The vertical distance from the existing/adjoining grade along the fence line to the top of the fence.

Fence, Decorative

A permanent structure designed primarily for aesthetic appeal and not intended or designed as a method of prohibiting entry to a property.

Final Plat

A final tracing of all or a portion of a subdivision in its complete survey information.

Financial Institution

An 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.

Flag

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood Insurance Rate Map (FIRM)

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.

Flood Insurance Study

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.

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.

- Base Flood shall mean the flood having a one percent change of being equaled or exceeded in any given year.
- 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.
- 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.
- 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.
- 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.

Floor Area, Gross

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.

Floor Area, Net

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.

Frontage, Building and Tenant

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.

Funeral Homes

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.

Garage

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.

Government Offices and Facilities

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.

Grade

Grade shall mean:

- For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- 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.
- 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.

Grading

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.

Grass

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.

Ground Cover

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.

Heavy Industrial Uses

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.

High Water Mark, Normal or Ordinary

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.

Historic Structure

Historic structure shall mean any structure that is:

- 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;
- 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;
- Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- 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.

Home Occupation

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.

Hospital and or Clinic

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.

Hotel and Motel

A building in which lodging, with or without meals, is offered for compensation and in which there are five or more sleeping rooms.

Household Pets

See "Domestic Animal."

Housekeeping Unit

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.

Impervious Surface

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.

Improvements

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.

Indoor Recreation and Entertainment Facilities

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.

Kennel

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.

Land Use

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.

Landscaping

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.

Law Director

The City of Green's Law Director

Libraries, Museums, Galleries, and Cultural Centers

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.

Light Industrial Use

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.

Light, Cutoff

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.

Light, Non-Cutoff

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.

Lighting, Outdoor

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.

Livestock

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.

Loading Area/Dock

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Long Range Land Use Plan

The City of Green Long Range Land Use Plan or any amendment thereto.

Lot Area

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

Lot Coverage

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.

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot Frontage

The dimension of a lot abutting a public street measured along the street right-of-way line.

Lot Line, Front

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.

Lot Line, Rear

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.

Lot Line, Side

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.

Lot Lines

The property lines bounding the lot.

Lot of Record

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.

Lot

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.

Lot Width

The horizontal distance between side lot lines measured at the required front setback or at the building line for any irregularly shaped lot.

Lot, Corner

A 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.

Lot, Double Frontage

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, Panhandle Or Flag

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land.

Lowest Floor

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.

Manufactured Home Park

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.

Manufactured Home

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".

Manufactured Home Subdivision

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.

Maximum Extent Feasible

The phrase “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.

Medical And Dental Offices

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.

Mineral Extraction

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.

Mobile Home

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.

Monument

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.

Nameplate

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.

Natural Succession

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.

New Construction

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.

Nonconforming Site Condition

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.

Nonconforming Use

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.

Nonconformities

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.

Noxious Weed

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.

Nude Model Studio

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.

Nudity

Nudity or a state of nudity shall mean:

- The appearance of a human bare buttock, an anus, genitals or an areola of a female breast; or
- A state of dress which fails to cover opaquely a human buttock, an anus, genitals or an areola of a female breast.

Nurseries and Greenhouses

A buildings and enclosures used for the cultivation and protection of plants.

Nursing Home

A boarding facility for the extended care of babies, children, pensioners or elderly persons who may be mentally or physically infirm.

Offices

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.

Official Filing

The submission of a preliminary or final plat of a major or minor subdivision, which meets all of the requirements prescribed by these Regulations.

Ohio Rapid Assessment Method

A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

Open Space

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.

Open Space Subdivision

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.

ORC

The Ohio Revised Code

Original Tract

A contiguous quantity of land held in common ownership, which has not been platted by the existing owner or owners.

Ornamental Shrub

A deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.

Ornamental Tree

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.

Outdoor Displays Or Sales

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.

Outdoor Storage

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.

Parking Aisle

The driveway or access drive by which a car enters and departs a parking space.

Parking Area

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.

Parking Space

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.

Parks, Playgrounds, and Recreational Facilities

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.

Passive Parks and Conservation Areas

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.

Pedestrian Walkways

A dedicated public right-of-way limited to pedestrian use.

Performance Bond Or Surety Bond

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.

Personal Service Establishments

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.

Planning Department

The City of Green Department of Planning

Pollution

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.

Pollution, Non-Point Source

Pollution that 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.

Pollution, Point Source

Pollution that is traceable to a discrete point or pipe.

Porch

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.

Preliminary Plan

A drawing of a major subdivision for the purpose of study, and which, if approved, permits proceeding with the preparation of the final plat.

Principal Building

The building containing the main or principal uses of the lot.

Public And Private Utility Services

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.

Public Safety/Service Facility

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.

Public Utility

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.

Public Way

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.

PZC

The City of Green Planning and Zoning Commission

Ramp

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.

Recreational Vehicle

Recreational vehicle shall mean a vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Religious Places Of Worship

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.

Research Facilities and Laboratories

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.

Restaurant

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

Retail And Service Commercial Uses

An establishment 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.

Right-of-Way

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.

Riparian Area

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.

Riparian Setback

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.

Roadside Stand

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.

Rowhouse or Townhome

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.

Sanitary Sewer

Sanitary sewer shall mean both centralized sewer, on-site septic systems, on-site wastewater disposal, and other approved wastewater disposal systems.

Satellite Dish

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Self-Storage Facilities

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.

Setback Line

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 also "Yard."

Sexually Oriented Business

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.

Sign

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks 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.

Sign Area

The entire area of the sign as measured according to Section 1229.06: Signs.

Sign Copy

Any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

Sign Copy Changes Or Message Changes

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.

Sign Face

The area or display surface used for the message.

Sign Height

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Sign, Abandoned

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.

Sign, Attached

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.

Sign, Awning

A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.

Sign, Bench

A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Canopy.

See “Sign, Awning.”

Sign, Directional

A sign directing or guiding traffic and parking on private property.

Sign, Electronic Information

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.

Sign, Freestanding

A sign that is mounted on a freestanding pole or other support so that the bottom of the sign copy area is five feet or more above grade.

Sign, Ground Mounted

Any sign placed upon or supported by the ground independent of any other structure.

Sign, Identification

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.

Sign, Marquee

See “Sign, Awning.”

Sign, Nonconforming

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.

Sign, Off-Premises

A sign that directs attention to a business, commodity, or service not exclusively related to the premises where the sign is located.

Sign, Projecting

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.

Sign, Roof

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.

Sign, Snipe

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.

Sign, Temporary

A nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.

Sign, Window

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.

Social Clubs And Fraternal Organizations

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.

Soil-Disturbing Activity

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.

Specified Anatomical Areas

Specified anatomical areas shall mean human genitals.

Specified Sexual Activities

Specified sexual activities shall mean any of the following:

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

Start of Construction

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.

Storm Water Pollution Prevention Plan (SWPPP)

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.

Storm Water Quality Treatment

The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

Stormwater Management

A plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion and flooding.

Story

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.

Stream

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.

Street, Arterial

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.

Street, Collector

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 that serve to terminate in that area.

Street, Cul-se-Sac

A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.

Street, Dead-End

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.

Street, Local

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.

Street, Local Collector

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.

Street, Private

A right-of-way that provides vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures, and is not dedicated.

Street, Public

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.

Street, Thoroughfares, Or Road

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.

Structural Alteration

Any change in the area or cubical content of a building.

Structure

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.

Subdivider

An individual, firm, association, corporation, trust or other legal entity, including their agents, commencing proceedings under these Regulations to subdivide land.

Subdivision

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.

Subdivision, Major

Any subdivision that does not meet the requirements of a minor subdivision.

Subdivision, Minor

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.

Substantial Damage

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.

Substantial Improvement

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:

- 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;
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- Any improvement to a structure which is considered new construction.

Surveyor

A person registered to practice professional surveying by the State Board of Registration as specified in Ohio R.C. 4733.14.

SWCD

The Summit County Soil and Water Conservation District, referred to as the Summit County SWCD.

Swimming Pool

A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

Telecommunications

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Temporary Event

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.

Temporary Storage in Portable Containers

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.

Theater

A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Thoroughfare Plan

Any mapped and/or written proposal for future road development of the City of Green and its affected area.

Trailer, House

See “Mobile Home.”

Trailer, Travel

See “Recreational Vehicle.”

Type-A Day Care Home

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.

Type-B Day Care Home

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.

Use

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.

Use, Principal

The primary or main use of any lot.

Use, Temporary

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 and may be subject to additional building and zoning requirements.

Variance

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.

Vehicle

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.

Vehicular Use Area

Any portion of land used for parking, ingress, egress, or vehicular circulation.

Veterinary Clinic

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.

Violation

The failure of a structure or other development to be compliant with this Code or plan as approved.

Watercourse

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.

Watershed

An area of land that drains into a particular watercourse, usually defined by topography.

Wetlands

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.

Wholesale Commercial Use

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.

Wireless Telecommunications Antenna

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.

Wireless Telecommunications Facility

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.

Wireless Telecommunications Tower

A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, and guyed and lattice construction steel structures.

Yard

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.

Yard, Front

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.

Yard, Rear

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.

Yard, Side

A yard between the main building and the side lot line of the lot extending from the front yard to the rear yard.

Zoning District

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.

Zoning Division

The City of Green Zoning Division.

APPENDIX A – Woody Plants Suitable for Riparian Areas

Flood Tolerance*	Shade Tolerance **	Common Name
High Flood Tolerance		
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)
Moderate Flood Tolerance *		
Calycanthus floridus	1	Common sweetshrub
Hypericum kalmianum	5	Kalm St. John's wort
Viburnum dentatum	2	Arrowwood viburnum
Xanthorhiza simplicissima	1	Yellowroot ***
Intermediate Flood Tolerance *		
Aesculus parviflora	2	Bottlebush buckeye ***
Aesculus pavia	2	Red buckeye ***
Cornus racemosa	2	Gray dogwood
Lindera benzoin	1	Common spicebush

APPENDIX A – Woody Plants Suitable for Riparian Areas
Section: 1231.02: Definitions

Flood Tolerance*	Shade Tolerance **	Common Name
Rosa setigera	4	Prairie rose
Campsis radicans	3	Trumpet creeper (vine)
Lonicera dioica	2	Limber honeysuckle (vine)
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardeni	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***
Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quercifolia	1	Oakleaf hydrangea ***
Mahonia aquifolium	1	Oregongrape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Vaccinium stamineum	2	Common deerberry
Low Flood Tolerance *		
Arctostaphylos uva-ursi	4	Bearberry
Cornus rogersiana	1	Roundleaf dogwood
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardeni	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***
Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quercifolia	1	Oakleaf hydrangea ***
Mahonia aquifolium	1	Oregongrape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Symphoricarpos albus	1	Common snowberry
Vaccinium stamineum	2	Common deerberry
No Flood Tolerance *		
Amorpha canescens	5	Leadplant ***
Ceanothus americanus	3	New Jersey tea
Comptonia peregrina	2	Sweetfern
Dirca palustris	1	Leatherwood
Hypericum frondosum	5	Golden St. John's wort
Juniperus communis	5	Common juniper
Juniperus horizontalis	5	Creeping juniper ***
Rhus aromatica	5	Fragrant sumac
Sambucus pubens	1	Scarlet elder

APPENDIX A – Woody Plants Suitable for Riparian Areas
Section: 1231.02: Definitions

Flood Tolerance*	Shade Tolerance **	Common Name
Symphoricarpos albus	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%.		
*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.		
<p>Notes:</p> <ol style="list-style-type: none"> 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. 		