Chap. 1100. Subdivision and Zoning Fees.

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- Chap. 1107. Design Standards.
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- Chap. 1131. Amendment.
- Chap. 1135. Districts Establishment and Purpose.
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- Chap. 1137. District Regulations.
- Chap. 1139. Supplementary District Regulations.
- Chap. 1140. Landscape Requirements.
- Chap. 1141. Off-Street Parking and Loading Facilities.
- Chap. 1143. Signs.
- Chap. 1144. Design Review.
- Chap. 1145. Planned Unit Development.
- Chap. 1147. Mobile Home Parks.
- Chap. 1149. Family Care and Group Homes.

**Drawings**
CODIFIED ORDINANCES OF MARYSVILLE

PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1100
Subdivision and Zoning Fees

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</tbody>
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CROSS REFERENCES
Subdivision approval procedure - see P. & Z. Ch. 1105
Zoning permits - see P. & Z. Ch. 1125

1100.01 SUBDIVISION FEES.
The following fees and charges shall be set for subdivision, zoning and engineering matters. These fees shall apply to all site development larger than one (1) acre in area whether public or private. Such fees shall also apply to areas outside the corporation limits that are connected to Marysville Utility Systems.

Division of Planning and Engineering

Preapplication Site Plan Review:
- Residential $ 0.00
- Commercial 0.00

Flood Plain Inquiry Response:
- Written request 50.00
- Flood Plain Development Review 300.00

Preapplication Rezoning Review:
- Commercial 0.00
- Residential 0.00
Lot Split (Subdivision without plat) 100.00
Lot Line Adjustment Review Applications 50.00
   Rezoning application review/Zoning Code amendment 500.00

Plan Filing and Review Fees:
   Comprehensive Plan/amendment or addition $500.00
   Design Review Board for Exterior Plan Review $250.00
   PUD/sketch plan review 500.00
   PUD development plan review $1,000.00 for 10 acres or less, plus 50.00 for each additional 5 acres or portion thereof over 10 acres
   PUD/minor revision 500.00
   Sketch plan 200.00
   Preliminary plat review 200.00 plus $50.00 per acre
   Final plat review 400.00 plus $50.00 per lot
   Amendment to approved final plat 500.00
   Construction plans or combination site/utilities plan $200.00 plus $80.00 per sheet
   Grading plan 200.00 plus $80.00 per sheet
   Erosion and sediment control plan 200.00 plus $80.00 per sheet
   Stormwater management Plan 200.00 plus $80.00 per sheet
   Lot grading/plan review and inspection 80.00
   Right-of-way plan review and inspection 140.00
   Street vacation review 500.00 plus costs
Public improvement (1) 8.00% of the first one million dollars ($1,000,000) of estimated costs of improvements.
Inspection and water line and sanitary sewer inspection (2) 4% of the estimated costs of improvements greater than one million dollars ($1,000,000) but less than two million dollars ($2,000,000).
for private sites, excluding single family home

(3) 2% of the estimated costs of improvements greater than two million dollars ($2,000,000).
(4) If actual cost of the inspection exceeds the inspection fees outlined in 1-3, applicant is responsible for additional cost.
(5) All projects must be completed within 24 months of plan approval.
(6) Projects may be phased, however inspection fees for each phase will be calculated separately.

Private street dedication 1,300.00 plus cost
review

Private waste disposal 130.00/residential
review 360.00/nonresidential

Annexation petition 2,500.00 plus actual cost processing over $2,500

Damaged light pole repair Actual cost (including materials)

Engineering reinspection service 60.00

(Ord. 22-11. Passed 7-28-11.)

1100.02 ZONING FEES.
The following fees and charges shall be set for zoning matters:

Planning and Zoning Code $35.00

Residential zoning certificate:
Single family dwelling 50.00
Multi-family dwelling 50.00 per unit
Accessory buildings 25.00
Residential alterations 25.00
Nonresidential zoning certificate 200.00 plus $2.00 per 100 square feet
Change of use 50.00
Temporary use 50.00
Certificate of compliance 50.00
    Appeal 250.00
    Variance (Zoning Districts: R-4, R-5, OR, BR, B-1, B-3, TOC, HMD, M-1, M-2, SD-1)
    Variance (Zoning Districts: A-R, ER, SR, R-1, R-2, R-3)
    Conditional use permit 250.00
Seasonal business review 50.00 initial application
    25.00 renewal fee. (Plus 500.00 refundable bond)
Sign plan review/permits 50.00
    Signs-ID and business (permanent)
    Signs-Information, Open & Closed No Fee
    Signs-all other (permanent and temporary) 50.00
    Sign variance 150.00
Contractor Signs 50.00 for signs over 4 square feet
Portable Sidewalk Signs 50.00
Late Submittals Double fee
(Ord. 58-14. Passed 7-10-14.)
Temporary Certificate of Occupancy - Residential and Commercial 150.00
(Ord. 31-16. Passed 9-26-16.)
Zoning Verification Letter 50.00
(Ord. 32-16. Passed 9-26-16.)
Miscellaneous Zoning Permits

Storage building 25.00
Decks 25.00
Swimming pools 25.00
Fences 25.00
Sidewalk 20.00
Curb cut 20.00

Late Submittals Double fee
Reinspection fee 50.00
Resubmission fee 25.00
Payment in lieu of open space dedication 1,000.00

Per residential dwelling unit 500.00 for first 3,000 square feet and $.07 per square foot above 3,000 square feet
Nonresidential

Weed abatement 500.00 plus contracted cost of mowing

Parking Lot Alteration/Expansion 100.00/lot or facility

Sexually oriented business license 100.00

Certificate of Appropriateness Fast Track applications reviewed by the Zoning Inspector will be $50.00 with the exception of portable sidewalk signs where there will be no Fast Track application fee. Applications requiring Design Review Board review:

Residential
Demolition 100.00

Nonresidential
New construction 150.00
Demolition 150.00
100.00

Additions/remodeling 25.00

Signs

(Ord. 58-14. Passed 7-10-14.)
1100.03 PAYMENT IN LIEU OF OPEN SPACE DEDICATION.

The payment in lieu of dedication as called for in Section 1107.16 shall be required in the amount of one thousand dollars ($1,000) per residential dwelling unit or five hundred dollars ($500.00) for the first 3,000 square feet of a nonresidential unit, and $0.07 per square foot for each square foot above 3,000 square feet. Deposits shall be placed in a Parkland Development Fund at the time of final plat approval or at the time of issuance of a zoning permit, whichever comes first. This fee does not apply to residential accessory buildings.

(Ord. 22-11. Passed 7-28-11.)
CHAPTER 1101
Title and Definitions

1101.01 Title.

1101.02 Definitions.

CROSS REFERENCES
Plat and subdivision defined- see Ohio R. C. 711.001
Zoning Code definitions- see P. & Z. 1123.01
Family care, group homes defined- see P. & Z. 1149.02

1101.01 TITLE.
These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the City of Marysville, Ohio," and shall hereinafter be referred to as "these regulations." 
(Ord. 6-02. Passed 2-28-02.)

1101.02 DEFINITIONS.
(a) Interpretation of Terms or Words. Words in these Subdivision Regulations are used in their ordinary English usage. Certain terms or words used herein shall be interpreted and defined as follows and wherever used in these regulations shall have the meaning indicated in this section. "Shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as expressing that the application of such criterion or standard is desired and essential unless commensurate criteria or standards are achieved. All words used in the singular include the plural, the masculine includes the feminine and the neuter, and the present tense includes future tense, unless the context clearly indicates the contrary.
"Block" means a piece or parcel of land entirely surrounded by public streets or highways, railroad rights of way, parks, streams or other bodies of water or a combination thereof.

"Capital improvements program" means a proposed schedule of future public improvement projects and major equipment purchases listed in order of priority, with cost estimates and anticipated means of financing each project for a specified time period. All major projects and purchases requiring public funds over and above the operating expenses for the replacement or initial acquisition of the community's physical assets are included. (Ord. 6-02. Passed 2-28-02.)

"Community facilities" means existing, planned and proposed parks, playgrounds, schools and other public lands and buildings located within the City of Marysville. (Ord. 8-12. Passed 2-23-12.)

"Comprehensive plan" means the plan or plans adopted by the City of Marysville, as may be amended, indicating the general locations recommended for principal streets, major thoroughfares, parks, public buildings, zoning districts, other public open spaces and public building sites, character and extent of community development or other physical aspects of urban and rural planning.

"Developer" means any person, subdivider, partnership, owner or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land.

"Development" means the improvement of a tract or parcel of land, which results in an alteration of land or vegetation.

"Development agreement" contains the following components:
A. Summary and Affidavit.
B. Preliminary Development Plan.
C. Final Development Plan.
D. Restrictive Covenants.
E. Attachments.

"Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

"Engineer" means any person licensed to practice engineering in the State of Ohio and more specifically, a civil engineer as referred to in these regulations.

"Flood plain" means the portion of a river or creek valley adjacent to the drainage channel which is periodically covered with water when the river or creek overflows its banks during flood stage.

"Improvements" means any additions to the natural state of the land which increases its value or utility, including pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, landscaping and other appropriate facilities or plantings.
A. "Site improvements" means the improvements made to the land outside the exterior limits of a structure or structures.
B. "Public improvements" means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.
(12) "Legal holiday" as used herein means the following days:
A. The first day of January, known as New Year’s day.
B. The third Monday in January, known as Martin Luther King day.
C. The third Monday in February, known as Presidents day.
D. The Friday preceding Easter, known as Good Friday.
E. The day designated in the "Act of June 28, 1968", Stat. 250, 5 U.S. C. 6103, as amended, for the commemoration of Memorial day (Last Monday in May)
F. The fourth day of July, known as Independence Day.
G. The first Monday in September, known as Labor day.
H. The eleventh day of November, known as Veterans day.
I. The fourth Thursday in November, known as Thanksgiving day, and the Friday afterward.
J. The twenty-fifty day of December, known as Christmas day.
K. Any day appointed and recommended by the governor of this state, the president of the United States or the mayor of the City of Marysville as a holiday.

If any day designated in this section as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

(13) "Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership and/or for building purposes or development, having fixed boundaries and designated on a plat or survey together with the required open spaces and having frontage on a public street or a private street. (Ord. 6-02. Passed 2-28-02.)

(13-A) "Lot Line Adjustment" means a process that is used to change property lines of existing parcels for the purpose of combining two (2) or more adjacent parcels into one (1) parcel, alter and/or correct the boundary between two (2) or more parcels, or reconfigure the shape of parcels, without creating any additional parcels. (Ord. 22-13. Passed 6-27-13.)

(14) Lot Split. See Minor Subdivision.

(15) "Maintenance bond" means an agreement in the form of a surety bond by a subdivider, or developer with the City, for the amount so determined by the City to assure that public roads and facilities are maintained between time of completion by developer and formal acceptance of dedication by City Council.

(16) "Major thoroughfare and streets plan" means the "The Thoroughfare Plan and Transportation Study", as approved by City Council as Ordinance. This plan indicates the general location of proposed freeways, arterials, and collector roadways within the corporate limits.

(17) "Minor Subdivision" means a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, that may be submitted to the authority having approving jurisdiction of plats under the provisions of Ohio R. C. 711.05, 711.09 or 711.10 for approval without plat.

(18) "Mobile home subdivision" means a subdivision as defined in this section in which three or more mobile homes used for habitation are parked, including any roadway, building, structure, vehicle or enclosure used or intended for use therein.
"Monuments" means permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

"Net acre" means land area which excludes all street, utility and railroad rights of way, and waterways.

"Owner" means any individual, firm, association, syndicate, copartnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

"Pad" means a building site prepared by artificial means, including grading, excavation or filling, or any combination thereof.

"Parcel" means a specific part of a larger acreage of land.

"Performance bond or surety bond" mean an agreement by a subdivider or developer with 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 subdivider's agreement.

"Plan."
A. "Construction Plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications, and standard drawings.
B. "Development Plan" means a plan which shows the existing ground and the proposed improvements on a tract or parcel of land in enough detail to establish the scope of the improvements, their relationship to the tract and surrounding tracts and to establish the development's compliance with, or to identify the variations from, these regulations.
C. "Erosion and Sediment Control Plan" means a plan which shows the methods to be used to control the erosion of the site being developed, and to control the sedimentation downstream of the site being developed.
D. "Grading plan" mean a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.
E. "Landscaping plan" means a plan which shows the landscape improvements for the development in accordance with the requirements of the planning and zoning code.
F. "Phasing plan" means a detailed plan, submitted by the developer at the time of preliminary plat or preliminary development plan outlining the phasing of a development project, including the extension of roadways and utilities through out the site proposed for development.
G. "Plat plan" means a survey plan or survey plat plan of tract or parcel of land made by a surveyor registered in the state of Ohio showing public dedications, property lines, lot lines and such other information as is required herein.
H. "Preliminary development plan" means a plan which shows the existing grounds and the concept of the improvements on the tract or parcel of land to provide a basic understanding of the development.
I. "Site plan" means a plan which shows information concerning all the site improvements, their relationship to each other, and the final shape and configuration of the site with improvements.
J. "Sketch plan" means a conceptual drawing submitted prior to the preparation of the preliminary plat (or subdivision plat in case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with planning commission as to the form of the plat and the objectives of these regulations.

K. "Utility plan" means a plat that shows the location of existing and proposed utilities.

(26) "Planned unit development" means a large-scale development, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standard restrictions such as lot sizes and setbacks. The procedure for approval of such development contains requirements in addition to those of the standard subdivisions, such as building design principles and landscaping plans.

(27) "Plat" means the map, drawing or chart on which the developer's plan of subdivision is presented to the City Planning Commission for approval and, after such approval, to the County Recorder for recording.

(28) "Plat, final" means the final map, drawing or chart made by a surveyor registered in the State of Ohio, and supplementary information, based upon the approved preliminary plat, in which the subdivider's plan is presented to the City Planning Commission for approval and which, if approved, will be certified and submitted to the Recorder of Union County.

(29) "Plat, preliminary" means the preliminary map, drawing or chart, and supplementary information, on which the layout and design of a proposed subdivision is submitted to the City Planning Commission for consideration and tentative approval.

(30) "Setback" means a line established by the Subdivision Regulations and/or Zoning Ordinance or resolution, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as may be provided in such Codes.

(31) "Storm Water Design Manual". The most current copy of the "Storm Water Design Manual", which provides guidelines for developing proper and adequate storm water collection and disposal facilities will be on file in the office of the City Engineer. The Storm Water Design Manual is that manual prepared by the Mid-Ohio Regional Planning Commission.

(32) "Street" means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. "Expressway" or "freeway" means a thoroughfare which carries relatively large volumes of traffic at a relatively high speed over long distances. Expressways are usually multi-lane highways for through traffic with all crossroads separated in grade and with full control of access.

B. "Major arterial street" or "principal arterial street" means a throughway which carries through traffic, usually intra-city, on a continuous route. Major arterial streets will have no curb parking and will have no curb parking and will use of marginal access roads.
C. "Minor arterial street" means a throughway which carries crosstown traffic from several neighborhoods, thereby servicing several residential collector streets.

D. "Collector streets" means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which carries traffic from local streets to arterial highways, including principal entrance streets of residential developments and primary circulation routes within such development.

E. "Local street" means a street primarily for providing access to residential, commercial or other abutting property.

F. "Cul-de-sac" mean a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

G. "Alley" mean minor ways used primarily for vehicular service access to the back or side of properties abutting on other streets.

H. "Marginal access streets" means a local street parallel and adjacent to an arterial highway, providing access to abutting properties and protection from the major street or arterial highway.

I. "Dead-end street" means a street or a portion of a street with only one vehicular traffic outlet.

J. "Half-street" means a street or a portion of a street with only one-half of the width paved and having proper right of way. Usual access at edge of subdivision where the centerline is also the plat boundary.

The comprehensive plan gives additional guidance on street classification and definitions.

(33) "Subdivider" means any individual, owner, developer, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

(34) "Subdivision" means:

A. The division of any parcel of land shown as a unit or as contiguous units on or before January 1, 1976 into two or more parcels, sites or lots, any one of which is less than five acres for the purposes, 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 easement of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

B. 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; 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.

C. Minor Subdivision. See Minor Subdivision.
(35) "Surveyor" means any person registered to practice surveying as defined by the Surveyor's Registration Act of the State of Ohio.

(36) "Sewers, central or group" means a publicly approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

(37) "Sewers, on-site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(38) "Tract" means a continuous expanse of land.

(39) "Working day" means the days occurring Monday through Friday, excluding legal holidays. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on the weekend or a legal holiday, the act may be done on the next succeeding day that is not the weekend or a legal holiday.

(40) "Zoning Ordinance" means the zoning regulations of the City of Marysville. (Ord. 6-02. Passed 2-28-02.)
CHAPTER 1103
Scope and Jurisdiction

1103.01 Administration.  1103.05 Public hearing.
1103.02 Policy.  1103.06 Amendments.
1103.03 Jurisdiction.  1103.07 Separability.
1103.04 Relation to other laws.

CROSS REFERENCES
Planning Commission- see CHTR. Sec. 9.03.01
Planning Commission powers and duties- see Ohio R.C. 713.02, 713.06
Zoning Code administration- see P. & Z. Ch. 1129
Amendments- see P. & Z. Ch. 1131

1103.01 ADMINISTRATION.
These regulations shall be administered by the Marysville City Planning Commission, hereinafter referred to as "City Planning Commission."
(Ord. 6-02. Passed 2-28-02.)

1103.02 POLICY.
The City considers the subdivision of land and subsequent development of the subdivided plat as subject to control of the City pursuant to provisions stated in the purpose. Land to be subdivided shall of such character that it can be used safely for building purposes without danger to health or peril from fire, flood and other danger, and land shall not be subdivided until all available improvements and public facilities as called for in these regulations exist or their construction is guaranteed by bonding. The existing and proposed improvements shall be reviewed in relation to all applicable City plans.
(Ord. 16-09. Passed 5-14-09.)

1103.03 JURISDICTION.
These regulations shall be applicable to all subdivisions of land within the City limits as provided in Ohio R. C. 711.09. The City Planning Commission shall have the power of review and final approval of the plats. (Ord. 6-02. Passed 2-28-02.)
1103.04 RELATION TO OTHER LAWS.
The provisions of these regulations shall supplement any and all laws of the State, ordinances of the City, any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose, policy and scope of these regulations, and any easements, covenants or any other private agreement or restrictions. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions, ordinances, agreements or restrictions, the most restrictive or that imposing the higher standards shall govern. (Ord. 6-02. Passed 2-28-02.)

1103.05 PUBLIC HEARING.
The City Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to acting on a preliminary plat of subdivision, hold a public hearing thereon at such time and upon such notices as the Commission may designate. (Ord. 6-02. Passed 2-28-02.)

1103.06 AMENDMENTS.
The City Council may, after public hearing, amend or supplement these regulations. Notice shall be given of the time and place of such hearing by publication in at least one newspaper of general circulation published in the area or City thirty days prior to holding of such hearing. The amendment or amendments shall be on file in the office of the City Planning Commission and Council for public examination during the thirty days. (Ord. 6-02. Passed 2-28-02.)

1103.07 SEPARABILITY.
If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid. (Ord. 6-02. Passed 2-28-02.)
CHAPTER 1104
Development/Subdivision Regulations and Required Improvements

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<td>1104.01</td>
<td>Purpose. The purpose of this chapter is to define types of development and establish the requirements for developing property in the City. The goal is to develop well planned, attractive and functional neighborhoods. (Ord. 17-09. Passed 5-14-09.)</td>
</tr>
<tr>
<td>1104.02</td>
<td>Definitions. The definitions of Chapter 1101 shall be used in this chapter. (Ord. 6-02. Passed 2-28-02.)</td>
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<tr>
<td>1104.03</td>
<td>Types of developments. For the purpose of establishing requirements and procedures for submission of materials to the City, developments are grouped into two types of development. Land can be developed as:</td>
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<td>(a) A Subdivision, as defined in Section 1101.02(a)(35), or</td>
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<td>(b) The development of, or alteration to, an existing lot including a minor subdivision pursuant to Section 1105.23. This definition does not include the construction of one or two family dwellings on lots that are reflected on an approved final plat, as described in 1104.03(a). (Ord. 17-09. Passed 5-14-09.)</td>
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<tr>
<td>1104.04</td>
<td>Required improvements. An owner who desires to develop any land shall provide and pay the entire cost of the following improvements needed to develop such land:</td>
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<td>(a) Streets and parking areas, graded and paved, including drainage structures, bridges, and when required sidewalks and curbing;</td>
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<td>(b) Sanitary sewers, including manholes, inlets and all the appurtenances;</td>
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<td>1104.05</td>
<td>Plan filing and review fee.</td>
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<td>1104.06</td>
<td>Required submissions and general procedure.</td>
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<td>Obligations of the owner, construction guarantees, violations of provisions.</td>
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<td>1104.99</td>
<td>Penalty.</td>
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(c) Water distribution system including lines, services, valves, fire hydrants, and all appurtenances;
(d) Storm sewers including manholes, inlets and all the appurtenances;
(e) Monuments and stakes as required in Chapter 1109;
(f) Street signs designating the name of each street at each intersection within the development. Street signs shall conform to the standards established by the City;
(g) Street lighting including poles, underground conduits and appurtenances at intersections and along the street are required;
(h) Landscaping;
(i) Traffic control devices including signals and regulatory, guide and warning signs, including posts and supports, lane line stripping, and directional arrows, and traffic signals, where required, to be located as directed by the City;
(j) All other improvements shown on the plans and as required and approved by the City Planning Commission. (Ord. 17-09. Passed 5-14-09.)

1104.05 PLAN FILING AND REVIEW FEE.
Subdivision Fees shall be collected in accordance with the Subdivision Fee Schedule as established in Chapter 1100 of the Planning and Zoning Code and in force on the date the fees are due and payable. (Ord. 9-12. Passed 2-23-12.)

1104.06 REQUIRED SUBMISSIONS AND GENERAL PROCEDURE.
The following are required for each type of development.
(a) The Subdivision of land with plat shall require:
   (1) Pre-application meeting (1105.03)
   (2) Sketch Plan (1105.04)
   (3) Preliminary Plat (1105.05-1105.12)
   (4) Engineering Plans to include:
      A. Construction and Utility Plan (1107.021)
      B. Grading Plan (1109.13)
      C. Erosion and Sediment Control Plan (1109.13)
      D. Street tree plan (Section 1140.07(d))
   (5) Final plat (1105.13 - 1105.21)
(b) The development of or alteration to an existing lot or the minor subdivision of land without plat in conjunction with the development of the land shall require:
   (1) Development Plan to include:
      A. A site and/or Utility Plan.
      B. Grading Plan.
      C. Erosion and Sediment Control Plan.
      D. Landscape Plan (as required in Chapter 1140).
      (Ord. 17-09. Passed 5-14-09.)
1104.07 OBLIGATIONS OF THE OWNER, CONSTRUCTION GUARANTEES, VIOLATIONS OF PROVISIONS.

In consideration of the approval of the Construction and Utility Plans, or when there are no public improvements, the site and/or utility plans, the owner of the land being developed shall be subject to the following regulations:

(a) No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started until the owner has obtained the necessary approval of the plans required in Section 1107.021, and when required, the subdivision plat has been filed with the Union County Recorder.

(b) No conveyance shall be made for any lot or parcel smaller in frontage or area than indicated on the plat.

(c) All construction work and materials used in connection with site and public improvements shall conform to the requirements of the City, shall be observed as required by the City representative when being installed, and shall be installed at no expense to the City.

(d) The City Engineer shall be notified in writing three (3) working days before any construction is to begin.

(e) The owner shall hold the City free and harmless from any and all claims which might originate by virtue of the development of the subject premises or the conduct of the owner, its agent or employees relative to said development including, but not limited to, any and all claims for damages of every nature whatsoever or for injunctive relief emanating from the construction and improvements or resulting from the construction and improvements of said developed area. The owner shall defend, at his/her own cost and expense, any suit or action brought against the City by reason thereof. The owner acknowledges that the owner or its agents or employees are knowledgeable developers who have utilized said knowledge and skill in developing the subject premises and though conforming to local regulations and ordinances of the City, owner is relying solely on his/her expertise or the expertise of his/her developer in developing the subject premises; and the owner is not relying on any skill or expertise of the City, its agents or employees in preparing the developed area in accordance with sound engineering and development practices.

(f) All improvements and utilities will be satisfactorily installed within two years from the date of approval of the final plat, as required herein or within such time schedule as presented and approved by the City Planning Commission.

(g) Upon filing of the plat or easements for public improvements, the construction of the public improvements shall be guaranteed by filing with the City evidence satisfactory to the City of one of the following:

(1) A performance bond made out to the City of Marysville equal to one hundred twenty percent (120%) of the estimated construction cost of the public improvements, with the provision that the bond proceeds shall be used to cover the cost of contractors, subcontractors, laborers, and other costs to the City of Marysville to complete the project upon default by the owner;

(2) A certified check made out to the City of Marysville equal to one hundred percent (100%) of the estimated construction cost of the public improvement; or
Subject to the approval of the City Law Director and Finance Director, a Certificate of Deposit or an irrevocable Letter of Credit made out to the City of Marysville, equal to one hundred percent (100%) of the estimated construction cost of the public improvements. Such Certificate of Deposit or irrevocable Letter of Credit shall be in effect for a period not less than three years or until the construction is accepted by the City.

All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements.

During construction and prior to acceptance of any public improvement, the owner shall remove or cause to be removed such dirt and debris and foreign matter from all public rights-of-way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature for the development, within twenty-four hours after being notified by the City that such removal is required. Such removal shall be done to the satisfaction of the City.

A development agreement shall be executed in such form and on such terms and conditions as approved by the City administration and the City Law Director.

No person or owner shall violate any of the regulations established in these Development Regulations and upon violation the City shall have the right to:

1. Stop all work on the Project forthwith upon the City having posted a notice to stop work at the development site.

2. Continue any unfinished work or replace any unaccepted work to a point that any public improvements do not appear to create a health or safety hazard or create maintenance or repair expense to the City because of their state of completion by:
   A. Holding the bonding company responsible for all actual expenses incurred, including engineering, legal and construction expenses, plus interest as defined in subsection (g)(1) hereof, from the date of default by the owner and/or his/her contractor or representatives, to the date the City receives reimbursement for all expenses incurred, or
   B. Using the certified check, or proceeds thereof, or proceeds of the Certificate of Deposit or the letter of credit.

(Ord. 17-09. Passed 5-14-09.)

1104.99 PENALTY.

Whoever violates any provision of Chapter 1104 shall be fined not more than one thousand dollars ($1,000). A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The enforcement of the fines described herein shall be separate and distinct from the exercising of any City right described in Section 1104.07. In addition to the remedies set forth herein, the City shall have the right to pursue any other remedies provided to it in a court of law or equity. (Ord. 6-02. Passed 2-28-02.)
**CHAPTER 1105**
Subdivision Approval Procedure

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**CROSS REFERENCES**

Plat and subdivision defined- see Ohio R.C. 711.001
Plat and contents- see Ohio R.C. 711.01 et seq.
Engineer to approve plats- see Ohio R.C. 711.08
Platting in unincorporated territory- see Ohio R.C. 711.10
Definitions - see P. & Z. 1101.02
Construction of improvements - see P. & Z. Ch. 1109
Required statements forms- see P. & Z. Ch. 1115
Planned unit development- see P. & Z. Ch. 1145

**1105.01 GENERAL PROCEDURE.**
Whenever any subdivision of land is proposed and before any sale for any part thereof or permits for construction are granted, the subdividing owner shall apply for and secure approval of the proposed subdivision in accordance with the following procedure:
1105.02 PLANNING AND ZONING CODE

(a) Major Subdivisions.
(1) Preapplication meeting (Section 1105.03)
(2) Sketch plan (Section 1105.04)
(3) Preliminary plat (Sections 1105.05-1105.12)
   A. Construction and utility plans (Chapter 1107)
   B. A grading plan (Section 1109.13)
   C. An erosion and sediment control plan (Section 1109.13)
   D. Street Tree plan (Section 1140.07)
(4) Final plat for each development phase (Sections 1105.13-1105.21)

(b) Minor Subdivisions (lot split). (See Sections 1105.22 and 1104.06(b))

(c) The preliminary plat shall be submitted for the entire subdivision or development. (Ord. 18-09. Passed 5-14-09.)

1105.03 PREAPPLICATION MEETING REQUIRED.

The subdivider shall meet with the Director of Administration and/or his/her designated representative(s) prior to submitting the sketch plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with existing plans (i.e., comprehensive plan, thoroughfare plan, etc.) the capital improvements program, the zoning regulations, the drainage, sewerage, and water systems for the City and to become acquainted with the Planning Commission's requirements. At this meeting the subdivider and the Director of Administration or his/her designated representative(s) shall discuss details regarding proposed streets, parks, playgrounds, school sites and other planned developments. The schedule of fees, as set forth in Chapter 1100 will also be discussed. (Ord. 10-12. Passed 2-23-12.)

1105.04 SKETCH PLAN REQUIRED.

(a) Applications for review by the Planning Commission for Sketch Plan:
(1) Shall be filed with the City on forms provided by the City;
(2) Shall include all required supplemental information;
(3) Shall be submitted by the application deadline as established by the City;
(4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
(b) The staff shall review submitted materials for completeness and shall:
   (1) Place the sketch plan on the next appropriate agenda; or
   (2) Reject the application and return the fee to the subdivider with an itemization of deficiencies.

(c) At the Planning Commission meeting the Planning Commission shall review the content of the sketch plan and shall:
   (1) Approve the sketch plan in principle;
   (2) Discuss the deficiencies with the developer and allow the developer an opportunity to return on the next regularly scheduled meeting with a revised plan to be provided to the Director of Administration or his/her designated representative by an agreed upon deadline; or
   (3) Disapprove the sketch plan.

1105.041 NOTIFICATION TO THE BOARD OF EDUCATION.
Before preparing and submitting a preliminary plat for a residential subdivision or a subdivision which contains residential living units, to the Director of Administration or his/her designated representative, the subdivider shall also give notice, by way of the City, to the Board of Education of the Marysville Exempted Village School District, of the proposed subdivision. Such notice shall contain the proposed location of the subdivision and a copy of the sketch plan, to ascertain the Board's desires as to the location of school sites within the subdivision. The Board of Education may communicate its desires to the Commission within 45 days after receipt of the proposed sketch plan described above.
(Ord. 18-09. Passed 5-14-09.)

1105.05 PRELIMINARY PLAT REQUIRED.
After the sketch plan approval in principle, the subdivider shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Sections 1105.06 through 1105.12.
(Ord. 18-09. Passed 5-14-09.)

1105.06 APPLICATION FOR PRELIMINARY PLAT APPROVAL.
Application for review by the Planning Commission for Preliminary Plat:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;
(c) Shall be submitted by the application deadline as established by the City;
(d) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
(Ord. 26-14. Passed 5-22-14.)
1105.07 PRELIMINARY PLAT FORM.
The preliminary plat shall be drawn at a scale of not less than one inch equals one hundred feet, and shall be on one or more sheets 24 inches by 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. (Ord. 18-09. Passed 5-14-09.)

1105.08 PRELIMINARY PLAT DEVIATION.
A request of any proposed deviations and variances from the Planning and Zoning Code must be submitted with the preliminary plat per Section 1113.06. (Ord. 27-14. Passed 5-22-14.)

1105.09 RESERVED.
(EDITOR'S NOTE: This section is reserved for future legislation.)

1105.10 FILING OF PRELIMINARY PLAT.
The preliminary plat shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. The date of acceptance will be deemed to be the date of filing. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete, the application and fee shall be returned to the applicant with an itemization of deficiencies.

Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall:
(a) Forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation.
(b) Place the preliminary plat submittal on the next appropriate Planning Commission agenda. (Ord. 18-09. Passed 5-14-09.)

1105.11 PRELIMINARY PLAT APPROVAL.
Within 60 days of the acceptance of the preliminary plat by the Director of Administration or his/her designated representative, the City Planning Commission shall, after receipt of reports from such officials and agencies as appropriate (see Section 1105.10(a)), determine whether the preliminary plat shall be approved, conditionally approved or disapproved. The preliminary plat shall not be approved unless the Planning Commission finds that:
(a) All the provisions of the applicable Zoning Code, these regulations and other codes of the City are complied with;
(b) The subdivision can be adequately served with public facilities, schools, transportation facilities and services suitable in the circumstances; and
(c) All land intended for building sites can be used safely and without endangering the health and safety of the residents by peril from floods, erosion, bad drainage, swamp or marsh lands, inadequate water supply or transportation facilities, or adverse school impact pursuant to Section 1107.03 of the Planning and Zoning Code.
Approval or conditional approval of the preliminary plat shall not constitute approval of the final plat, nor shall it grant the subdivider the right to construct improvements, but shall be an endorsement of the layout and intent of the proposal, and shall govern the preparation of the final plat.

If disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.

(Ord. 18-09. Passed 5-14-09.)

**1105.111 CONSTRUCTION AND UTILITY PLAN REQUIREMENTS.**

(REPEALED)

(EDITOR’S NOTE: Former Section 1105.111 was repealed by Ordinance 18-09, passed May 14, 2009.)

**1105.12 APPROVAL PERIOD.**

(a) The approval of the preliminary plat shall be effective for a maximum period of twelve months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations, or changes in the Zoning Ordinance provided that a final plat is filed within this period.

(b) The approval of the Planning Commission shall be null and void for all undeveloped portions of a development as shown on the preliminary plat:

1. If a final plat has not been submitted to the Planning Commission for the first phase of development within twelve months of the preliminary plat approval or on the schedule as established in the approval of the preliminary plat.

2. If a final plat has not been submitted to the Planning Commission for the next phase of development within twelve months of the approval by the City of a preceding phase of development or on a schedule as established in the approval of the previous final plat, or

3. The City Planning Commission, upon demonstration in writing of extenuating circumstances may at their discretion grant extensions of the 12 month approval period. Granting of such extensions may result in additional bond being required.

4. If the time limits stated in subsections (b)(1) or (b)(2) hereof have been exceeded and no time extension has been granted per subsection (b)(3) hereof by the Planning Commission.

(c) All phases occurring after the original approval period, as described in this section, shall be in conformance with the current zoning standards in effect at the time of filing.

(Ord. 18-09. Passed 5-14-09.)
1105.13 FINAL PLAT REQUIRED.
(a) The subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision only after:
(1) The drawings and specifications of the improvements required in Chapter 1107 and 1109 are approved by the Director of Administration or his/her designated representative.
(2) A developers agreement in such form and such terms as are required by the City is signed. (Ord. 18-09. Passed 5-14-09.)
(3) The subdivider has furnished a performance bond to the City in the amount of one hundred twenty percent (120%) of the estimated construction cost of the ultimate installation of the improvements or for the amount of the estimated construction cost of the uncompleted improvements. The bond shall assure the City that the subdivider shall faithfully perform and complete the work of constructing such improvements in accordance with these regulations. Before the bond is accepted, it shall be approved by the Director of Administration or his/her designated representative. Cash deposit, letter of credit or other instrument may be provided in lieu of a bond when approved by the Director of Administration or his/her designated representative. The term of the bond shall state: "This obligation shall remain in full force and effect until termination in writing by the City of Marysville, Ohio". Release of the performance bond shall be in accordance with Section 1113.04. Inspection of Construction of Public Improvements fees shall be collected pursuant to Chapter 1100 prior to construction. (Ord. 11-12. Passed 2-23-12.)

(b) The final plat shall have incorporated all changes in the preliminary plat required by the City Planning Commission. It shall conform to the preliminary plat except for minor technical adjustments or corrections that do not significantly change the preliminary plat as approved. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time. (Ord. 18-09. Passed 5-14-09.)

1105.14 APPLICATION FOR FINAL PLAT APPROVAL.
Application for review by the Planning Commission for Final Plat:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;
(c) Shall include an original tracing (as set forth in Section 1105.16);
(d) Shall be submitted by the application deadline as established by the City;
(e) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application. (Ord. 28-14. Passed 5-22-14.)
1105.15 REGULATIONS GOVERNING IMPROVEMENTS.
No construction shall be permitted prior to the approval of the final plat.
(Ord. 18-09. Passed 5-14-09.)

1105.16 FINAL PLAT FORM.
The final plat shall be drawn at a scale of not less than one inch equals 100 feet, and shall be on one or more sheets 24 inches by 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. The subdivider shall also submit one copy of the final plat legibly drawn in India ink on Mylar or other materials of equal permanence.
(Ord. 18-09. Passed 5-14-09.)

1105.17 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1105.18 RESERVED.
(EDITOR'S NOTE: This section is reserved for future legislation.)

1105.19 RESERVED.
(EDITOR'S NOTE: This section is reserved for future legislation.)

1105.20 FILING OF FINAL PLAT.
The final plat shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. The date of acceptance will be deemed to be the date of filing. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete, the application and fee shall be returned to the applicant with an itemization of deficiencies.

Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall:
(a) Forward copies of the final plat to such officials and agencies as may be necessary for the purpose of study and recommendation;
(b) Place the final plat submittal on the next appropriate agenda.
(Ord. 18-09. Passed 5-14-09.)

1105.21 FINAL PLAT APPROVAL.
Within 60 days of the acceptance of the final plat by the Director of Administration or his/her designated representative, the City Planning Commission shall, after receipt of reports from such officials and agencies as appropriate (See Section 1105.20(a)), determine whether the final plat shall be approved, conditionally approved or disapproved. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat.
1105.211 CONSTRUCTION OF IMPROVEMENTS.
In no event shall the completion of the final plat improvements exceed two years from the date of the final plat approval.
(Ord. 18-09. Passed 5-14-09.)

1105.22 TRANSMITTAL OF ORIGINAL TRACINGS AND COPIES.
When the final plat has been approved by the City Planning Commission, the following steps shall be followed in subsequent order:
(a) Prior to beginning of any construction, the original signed tracings shall be returned to the subdivider, for filing with the County Recorder.
(b) After original tracings are recorded, return recorded tracing to the City Engineer.
(c) Upon completion of construction of all public infrastructure, the subdivider shall have transmitted to the City Engineer the construction and utility plans prepared under Chapters 1107 and 1109. The original tracings shall be revised to reflect asbuilt conditions upon the completion of the infrastructure for the project or each of its phases. A maintenance bond shall also be required as set forth in Section 1113.04. After the one year maintenance period, the final original tracing of the final plat shall be forwarded to City Council for dedication of public infrastructure.
(d) Once City Council accepts the public infrastructure for dedication, the final original tracings shall be returned to the subdivider for filing with the County Recorder.
(Ord. 18-09. Passed 5-14-09.)

1105.23 MINOR SUBDIVISIONS (LOT SPLITS).
(a) The Director of Administration or his/her designated representative should be consulted as to the purpose and effects of Minor Subdivisions (Lot Splits). An application to proceed with a minor subdivision must be obtained. Approval without a plat of the proposed minor subdivision may be granted by the Director of Administration for those subdivisions within the corporation limits if the proposed division of a parcel of land meets all of the following conditions:
(1) The proposed subdivision is located along an existing public street or road and involves no opening, widening or extension of any street or road; and
(2) No more than five lots are involved after the original parcel has been completely subdivided; and
(3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations including frontage on a public road; and
(4) The property has been surveyed and a sketch and legal description of the property is submitted with the application; and
(5) The property has been approved by the Board of Health for sewage disposal if a public sewer is not available.
(b) If approval is given under these provisions, the Director of Administration, shall within seven days after submission approve such proposed division and, upon presentation of a conveyance for such parcel, shall stamp "Approved by the City of Marysville Director of Administration: no plat required" and the Director of Administration shall sign the conveyance. (Ord. 23-13. Passed 6-27-13.)

1105.24 LOT LINE ADJUSTMENT.
(a) The Director of Administration or his/her designated representative should be consulted as to the purpose and effects of Lot Line Adjustments. An application to proceed with Lot Line Adjustments must be obtained. Approval without a plat of the proposed adjustment may be granted by the Director of Administration for those subdivisions within the corporation limits if the proposed division of a parcel of land meets all of the following conditions:
   (1) The proposed adjustment does not create any additional lots; and
   (2) The proposed adjustment does not create a non-conforming lot; and
   (3) The proposed adjustment does not cause any structures, driveways, etc., to become non-conforming; and
   (4) The property has been surveyed and a copy of the survey and legal description of the property is submitted with the application, including area map showing adjacent properties.

(b) If approval is given under these provisions, the Director of Administration, shall within seven days after submission approve such proposed division and, upon presentation of a conveyance for such parcel, shall stamp "Approved by the City of Marysville Director of Administration: no plat required" and the Director of Administration shall sign the conveyance. (Ord. 24-13. Passed 6-27-13.)
CHAPTER 1107
Design Standards

1107.01 General statement.
1107.02 Conformity to development plans and zoning.
1107.021 Construction and utility plan requirements.
1107.03 Suitability of land.
1107.04 Street design.
1107.05 Horizontal alignment.
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1107.09 Special street types.
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1107.18 Commercial and industrial subdivisions.
1107.19 Flood areas.

CROSS REFERENCES
Inspection of streets and acceptance - see Ohio R.C. 711.09
Marking flood areas - see Ohio R.C. 1521.14
Conservancy districts, purpose- see Ohio R.C. 6101.04
Districts established- see P. & Z. Ch. 1135
District regulations- see P. & Z. Chs. 1137, 1139
Off-street parking- see P. & Z. Ch. 1141

1107.01 GENERAL STATEMENT.
The regulations in Sections 1107.02 through 1107.17, shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses.
The City Planning Commission has the responsibility for reviewing the design of each future subdivision throughout its design development. The Commission shall confirm that all of the requirements of Sections 1107.02 through 1107.17 are met.
(Ord. 19-09. Passed 5-14-09.)
1107.02 CONFORMITY TO DEVELOPMENT PLANS AND ZONING.

The arrangement, character, extent, width, grade and location of all streets or roads shall conform with the City's thoroughfare plan. Streets or roads or any parts thereof contained in the adopted plans shall be dedicated to the public for street purposes by the subdivider/developer. Streets or roads not contained in the aforementioned plan shall conform to the recommendation of the City Planning Commission, based upon the design standards set forth in this chapter. In addition, no final plat of land within the area in which an existing resolution or ordinance including the Marysville Zoning Ordinance and the capital improvements program is in effect shall be approved unless it conforms with such resolution or ordinance.

When developing along one side of an existing or planned street or roadway which is included in the City's thoroughfare plan or an approved preliminary development plan, the subdivider/developer shall be responsible for sidewalk, curb, pavement widening to thoroughfare width on his or her side, all necessary adjustments to existing pavement, extensions of water main and sanitary sewer as deemed necessary by the City Engineer, and storm drainage for the street in accordance with current design standards as set forth by the City Engineer. As determined by the City Planning Commission, the subdivider/developer shall also be responsible for installation of street trees, landscaping and buffering along existing streets which may abut their development.

(Ord. 19-09. Passed 5-14-09.)

1107.021 CONSTRUCTION AND UTILITY PLAN REQUIREMENTS.

All drawings and specifications shall be prepared by a registered professional engineer.

(a) Construction Plans. Based on the preliminary plat and required changes relating thereto, the subdivider shall cause to be prepared a set of construction plans. Construction plans shall be prepared for all public sanitary sewers, water lines, streets, street lights, pavement, sidewalks and storm sewers which are proposed for construction. All construction plans and specifications shall be approved in advance by the City Engineer, before submittal of the final plat to Planning Commission for approval. The plan shall:

1. Contain information on the sanitary sewer and the water line plans and shall conform to the requirements of the City of Marysville Specifications.
2. Be made on linen, mylar or other accepted material, sizes 24 inches by 36 inches, with a one-inch border on the left and a one-half inch border around the balance of the sheet.
3. Show the relationship between the proposed work and the existing topography conditions. Both the existing conditions and proposed work shall be shown in both plan and profile on the same sheet and in sufficient detail to clearly show all work to be done.
4. Contain general notes and a summary of estimated quantities.
5. Be made in ink and a title block shall be included in the lower right hand corner of each sheet except on the title sheet. Spaces shall be provided on the first sheet for the approval signatures of the City Mayor, City Engineer and the Public Service Director.
6. Show on the first sheet for the plans a location map, development title, required signature spaces, standard drawing lists and index when required.
7. Show the routing of construction traffic to the development and within the development shall be included.

Additional information:
Supplemental specifications may be submitted as separate documents on eight and one-half by eleven inch paper or may be added onto the plans.
(b) Site and Utility Plans. Site and/or Utility Plans may be prepared in lieu of Construction Plans for any development that does not require a plat or for any portion of a development that does not involve installing public improvements.

The plans shall:

1. Show the horizontal and vertical location of the utility and site improvements in sufficient detail to fully describe the improvements.
2. Show the existing topography and utilities for the land being developed, as well as enough of the adjacent lots or area to show what effect the proposed improvements will have on the existing utilities and adjacent lots or area.
3. Include a location map, development title, scale, north arrow and references to the City development standards and requirements.
4. Be at a scale of one inch equals fifty feet or larger.
5. Show all site improvements for any development.

(Ord. 19-09. Passed 5-14-09.)

1107.03 SUITABILITY OF LAND.

(a) If the City Planning Commission finds that land proposed to be subdivided is deemed unsuitable for subdivision development due to flooding, bad drainage, swamp or marsh lands, inadequate water supply, schools, transportation facilities or other such conditions which may endanger health, life or property; and if from investigations conducted by the public agencies concerned it is determined that in the best interests of the public then the land should not be developed for the purpose proposed.

(b) The Commission may approve the land for subdivision if adequate methods are advanced by the subdivider for clearly meeting or resolving the existing problems and/or problems that will be created by the development of the land.

(Ord. 19-09. Passed 5-14-09.)

1107.04 STREET DESIGN.

The arrangement, character, extent, width, grade and location of all streets shall conform to the thoroughfare plan of the City or subsequent amendments thereof, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall provide ease of circulation within the subdivision, but the minor streets shall be so laid out that their use by through traffic will be discouraged. The subdivider shall provide within the boundaries of the subdivision plat, by dedication, the necessary right of way for the widening, continuance or alignment of such streets in conformity with the thoroughfare plan.

(Ord. 19-09. Passed 5-14-09.)

1107.05 HORIZONTAL ALIGNMENT.

(a) The radius of curvature on the centerline of streets shall comply with standards that are approved by the City Engineer and shall not be less than the following:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Radius of Curvature</th>
</tr>
</thead>
<tbody>
<tr>
<td>arterial street</td>
<td>500 feet</td>
</tr>
<tr>
<td>collector street</td>
<td>300 feet</td>
</tr>
<tr>
<td>local street</td>
<td>150 feet</td>
</tr>
</tbody>
</table>
(b) When there is an angle of deflection of more than one degree between two centerline tangent sections of a street, a curve of adequate radius shall connect them. Between reverse curves a minimum tangent of 100 feet shall be introduced. Minimum horizontal visibility, measured on the centerline, shall conform to the Ohio Department of Transportation's regulations in effect on the date of the approval of the preliminary plat. Where sight distance problems or other engineering requirements make it imperative, the pavement adjustment shall include the replacement on as much as the entire existing pavement as required by the City Engineer. (Ord. 19-09. Passed 5-14-09.)

1107.06 VERTICAL ALIGNMENT.

All changes of grade shall be connected by vertical curves of a minimum length in feet equal to twenty times the algebraic difference in the rate of grade for arterials and industrial streets; for collector and local streets, fifteen times. Minimum vertical visibility shall conform to the Ohio Department of Transportation's regulations in effect on the date of the approval of the preliminary plat. Where sight distance problems or other engineering requirements make it imperative, the pavement adjustment shall include the replacement of as much as the entire existing pavement as required by the City Engineer. (Ord. 19-09. Passed 5-14-09.)

1107.07 RIGHT-OF-WAY AND PAVEMENT WIDTHS.

(a) The street or road right-of-way widths shall not be less than the following:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Right-of-Way Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>expressway</td>
<td>*</td>
</tr>
<tr>
<td>major arterial street</td>
<td>100 feet</td>
</tr>
<tr>
<td>minor arterial street</td>
<td>80 feet</td>
</tr>
<tr>
<td>collector street</td>
<td>70 feet</td>
</tr>
<tr>
<td>local street</td>
<td>60 feet</td>
</tr>
<tr>
<td>marginal access</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

* Subject to Ohio Department of Transportation specifications.

(b) Where there are unusual topographical or other physical conditions, the City Planning Commission may require greater widths for rights of way.

(c) On-street parking shall be determined by roadway widths (measured from face of curb to face of curb). No roadway shall be constructed to a width of less than 29 feet. Parking requirements shall be as outlined below:

- > 29' - 34' pavement - parking on one side of street only. Parking shall not be permitted on the same side of the street as the fire hydrants.

- 34' + pavement - subject to determination by City Engineer.

Developers shall be responsible for the installation of the required signage. (Ord. 19-09. Passed 5-14-09.)
1107.08 STREET GRADES.
(a) Street or road grades shall not exceed the following:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>major arterial street</td>
<td>4%</td>
</tr>
<tr>
<td>minor arterial street</td>
<td>6%</td>
</tr>
<tr>
<td>collector street</td>
<td>8%</td>
</tr>
<tr>
<td>local street</td>
<td>8%</td>
</tr>
</tbody>
</table>

(b) No street grade shall be less than .5 percent, and in no case shall a street grade be more than three percent within 100 feet of an intersection.

(Ord. 19-09. Passed 5-14-09.)

1107.09 SPECIAL STREET TYPES.
The following requirements shall apply to special street types:
(a) Cul-de-sac streets shall not exceed 600 feet in length and shall have a minimum length of 160 feet unless the Planning Commission finds that exceptional topographical or other physical features exist. The closed end shall be a paved turnaround having a minimum radius of fifty feet to the outer pavement edge and a radius of sixty feet to the right-of-way line. Pavement shall cover all area within the outer pavement edge. However, cul-de-sac streets with a radius of eighty feet or greater may have an open space in the center for landscaping, so long as maintenance responsibilities of such open space are provided by adjacent property owners or the developer through deed covenants.

(b) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround satisfactory to the Commission in design, maintenance and removal is provided. Temporary dead-end streets longer than 200 feet shall not be permitted.

(c) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

(d) Where a subdivision adjoins an arterial street, a marginal access street may be required to control access to the arterial from lots fronting on it. Access is controlled in the interest of public safety and to maintain the design capacity of the street system. A planting strip having a minimum width of twenty feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The City Planning Commission, before approving the minimum width for a planting strip, shall take into account the physical location of major public utility lines as they relate to the existing and potential development along both sides of the highway.

(e) (1) Public alleys shall not be approved in residential districts, except where justified by extreme conditions.

(2) Alleys may be acceptable in commercial and industrial districts if other provisions cannot be made for adequate service access. When required, alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of twenty feet.

(Ord. 19-09. Passed 5-14-09.)
1107.10 STREET INTERSECTIONS.
The following regulations shall govern the design and layout of street intersections unless stricter requirements are deemed necessary by the City Engineer:

(a) Streets shall be designed to intersect at ninety degrees. Streets shall remain in the right angle of intersection for 100 feet beyond the point of intersection. Deviation from ninety degrees shall be at the approval of the City Engineer.

(b) Where a proposed subdivision abuts or contains an existing or proposed arterial street, the number of intersections with the arterial shall be kept to a minimum and shall not be located less than 1,000 feet apart, measured from center line to center line. Intersections of local streets with local or collector streets shall not be located less than 150 feet apart; intersections of collector streets with collector streets shall not be located less than 200 feet apart. Intersections of any street with arterial streets shall be located not less than 1,000 feet apart.

(c) Intersections involving junctions of more than two streets shall be prohibited.

(d) Pavement and right of way radius at intersections shall be not less than:
   (1) Local and marginal access streets - 25 feet.
   (2) Arterial and collector streets - 35 feet.

(e) Safe sight distances shall be provided at all intersections. Earth banks and vegetation (including trees) shall be removed, as deemed necessary, in connection with the grading of the public right of way to assure safe sight distances. A safe sight distance shall be assured by allowing that no sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty feet distant from the intersection of the street lines.

(Ord. 19-09. Passed 5-14-09.)

1107.11 STREETS FOR COMMERCIAL AND INDUSTRIAL SUBDIVISIONS.
Streets serving commercial and industrial developments and accessory parking areas shall be planned as to not connect with or generate traffic into residential areas unless recommended by the City Engineer with approval from the Planning Commission. The intersections of driveways from parking areas with arterial or collector streets shall comply with the City's Access Management Policy. Streets shall be planned to be extended to the boundaries of any adjoining land except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.
(Ord. 19-09. Passed 5-14-09.)

1107.12 RESERVED.
(EDITOR'S NOTE: Section 1107.12 is reserved for future legislation.)

1107.13 BLOCKS.
(a) The following regulations shall govern the design and layout of blocks:
   (1) The arrangement of blocks shall be such as, to conform to the street planning criteria set forth in Sections 1107.04 through 1107.12, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Subdivision Regulations or the zoning regulations and to provide for the required community facilities.
(2) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, shall be approved by the Commission when properly designed and located and when the maintenance of interior public spaces is covered by agreements.

(3) No block length shall be longer than 1,500 feet nor less than 500 feet.

(4) Where blocks are over 900 feet in length, a public access easement not less than ten feet in width with a paved surface at or near the halfway point shall be required, if necessary, to provide proper access to schools, recreational areas, shopping centers and other facilities. Maintenance of the public access easements shall be the responsibility of the Home Owners or Property Owners Association. All sidewalks shall be constructed according to the City Standard Construction Drawings. (Ord. 19-09. Passed 5-14-09.)

1107.14 LOTS.
The following regulations shall govern the design and layout of lots:

(a) The lot arrangement and design shall be such that all lots shall provide satisfactory building sites, properly related to topography and the character of surrounding development.

(b) All lots shall conform to or exceed the requirements of these regulations or the zoning district in which they are located.

(c) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout.

(d) Through lots shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial streets.

(e) No corner lot shall have a width at the building line of less than seventy-five feet, in order to allow proper setback lines from both streets.

(f) Every lot shall abut on a public street, and narrow reserve strips of land which are intended by the owner of a plat to prevent access to streets or the extension of sewer, water or storm drain lines from one plat to another are prohibited.

(g) No lots shall be formed or building permitted at the closed end of a temporary or stub-end street which would tend to prevent the appropriate extension of such road or street into an adjoining territory. (Ord. 19-09. Passed 5-14-09.)

1107.15 EASEMENTS.
Easements at least twenty feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, water mains and storm sewers. Easements at least ten feet in width centered along rear or side lot lines shall be provided wherever necessary for gas mains and electric lines, unless otherwise requested by the respective utility company. Easements shall also be provided as required along every water course, drainage channel or stream within a subdivision. All plats shall contain a restriction requiring that no structures, plantings, etc. will be permitted in the easement area. (Ord. 19-09. Passed 5-14-09.)
1107.16 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES.

(a) It is the purpose of this section to provide necessary authority to the Planning Commission to require developers and builders of individual residences and commercial buildings to share in the cost of obtaining land and developing parks, recreational facilities and open spaces. Public health, safety and welfare require at least ten acres of such land per 1,000 population, developed with the combination of facilities determined by the Parks and Recreation Commission to meet national standards tempered by specific needs of the community.

At the option of the Planning Commission, a developer will be required to provide any one of the following or a combination thereof:

1. Dedicate a portion of the land to be developed and construct amenities as requested;
2. Pay a fee in lieu of such land dedication; and/or
3. Develop a park or recreation area per specifications approved by the Planning Commission.
4. Reservation of land.

Specifics for each of these options follow.

(b) Dedication.

1. Land dedicated shall be at a minimum at the rate of ten acres per 1,000 population. Population of the area to be developed shall be estimated by using 2.6 people per multifamily dwelling unit and 3.6 people per single family unit. (Ord. 19-09. Passed 5-14-09.)
2. Where a park or playground which is shown on an official map or in a City plan for future use, such as a comprehensive plan, is located in whole or in part in the proposed subdivision, the Planning Commission may require the dedication of such area within the subdivision or payment in lieu thereof as provided in subsection (c) hereof. If the Planning Commission requires dedication, the developer will be required to install amenities as requested. In no case shall the total cost to install the amenities for any or all parks within the development exceed one-half of the amount set forth in Chapter 1100 and calculated using the total number of residential units represented on the preliminary plat. (Ord. 12-12. Passed 2-23-12.)

(c) Payment in Lieu of Dedication.

1. The Planning Commission may require payment in lieu of dedication when such payment would better fit the overall recreational plans and needs of the community. (Ord. 19-09. Passed 5-14-09.)
2. This payment in lieu of land shall be made to the City in the amount set forth in Chapter 1100, and shall be payable at the time of final plat approval or at the time of issuance of a zoning permit if no plat is required. Deposits shall be placed in a Parkland Development Fund and used only for purchase, development and improvement of parks, recreational facilities and public open space. (Ord. 12-12. Passed 2-23-12.)

(d) Construction. Parks or recreation areas shall be constructed by the developer per specifications approved by the Planning Commission. Appropriate deed restrictions are necessary for maintenance of the parkland and to ensure that the land will always be used for recreational use. These areas shall be maintained by the Home Owners Association (HOA) or the Property Owners Association (POA).
(e) Reservation. Where other parks, schools or public sites are shown on a map or in a City plan for future use, or are deemed necessary by the Planning Commission, and the developer has already met his minimum dedication requirements, then the Planning Commission may require the reservation of such land. The reservations shall not exceed three years. The appropriate public official shall be notified of such reservation before the preliminary plat is approved and may comment upon the location shown. If, at the end of the three-year reservation period, commencing from the preliminary plat approval date, the public body does not initiate, in writing, the purchase of such land, then the owner may develop the property for his own use in accordance with these Subdivision Regulations.
(Ord. 19-09. Passed 5-14-09.)

1107.17 DEVELOPMENT ALONG RAILROAD AND LIMITED ACCESS HIGHWAYS.
Industrial, commercial and/or residential building sites along railroads and limited access highways shall be of sufficient size to ensure suitable depth for such building development and uses. Streets or roads serving such development along railroads and limited access highways shall be so located as to not interfere with possible future construction of grade crossing or grade separation bridges of perpendicular streets. In residential developments a buffer strip at least twenty-five feet in depth in addition to the normal lot required shall be provided along railroads and limited access highways. This strip shall be designated for screening only and suitable plantings provided.
(Ord. 1026-78. Passed 7-13-78.)

1107.18 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS.
Commercial and industrial subdivisions shall be subject to all the requirements of these regulations that are appropriate to the planning of all subdivisions as well as additional standards required by the Planning Commission. When imposing additional standards upon nonresidential subdivisions, the Planning Commission shall: consider the suitability of the area in regard to the type of development; consider special requirements for street, sewers and other requirements; make efforts to protect existing or proposed residential areas from nuisance by requiring suitable lot dimensions with permanently landscaped buffer strips when necessary.
(Ord. 19-09. Passed 5-14-09.)

1107.19 FLOOD AREAS.
In order to protect the health, safety and general welfare of the people, the City Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding, as determined and illustrated in the current effective flood insurance rate maps (FIRM) as published by the Federal Emergency Management Agency, or other recognized documents or authorities. If the subdivision in whole or a -portion thereof is located in flood area, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as required by Chapter 1313.
(Ord. 19-09. Passed 5-14-09.)
CHAPTER 1109
Construction of Improvements

1109.01 Construction initiation. No construction shall be permitted prior to the approval of the final plat.
(Ord. 20-09. Passed 3-18-09.)

1109.02 Construction procedure and materials. The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under City inspection, and in no event shall the completion of the final plat improvements exceed two years from the date of the final plat approval. Inspection costs shall be borne entirely by the subdivider according to the fee schedule to be determined as outlined in Section 1113.05. Materials and Specifications shall meet the requirements and shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the Ohio Department of Transportation and the "Standard Construction Drawings of the City of Marysville".
(Ord. 20-09. Passed 3-18-09.)

1109.03 Monuments. 

1109.04 Street improvements. 

1109.05 Street width. 

1109.06 Street specifications. 

1109.07 Street curbs and gutters. 

1109.08 Water supply improvements. 

1109.09 Sewage treatment. 

1109.10 Drainage improvements. 

1109.11 Storm sewers and storm water drainage. 

1109.12 Culverts and bridges. 

1109.13 Surface water, erosion and sediment control. 

1109.14 Electric, gas, street lighting, telephone and CATV improvements. 

1109.15 Sidewalks. 

1109.16 Driveways. 

1109.17 Street name and traffic signs and pavement markings. 

1109.18 Trees. 

1109.19 Extra-size and off-site improvements. 

1109.20 Off-site extensions. 

1109.21 Extensions to boundaries.

CROSS REFERENCES
Cornerstones and permanent markers- see Ohio R. C. 711.03, 711.14
Cable television systems- see BUS. REG. Ch. 721
Definition- see P. & Z. 1101.02(a)(10)
Regulations governing improvements- see P. & Z. 1105. 15
1109.03 MONUMENTS.
Monumentation shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Center marked concrete monuments with a one-half inch reinforcement rod running full length, at least thirty-six inches long and at least six inches in diameter with an identification cap shall be used at the intersections of subdivision boundary lines, unless otherwise authorized by the City Engineer; iron pin or iron pipe monuments at least three-quarters of an inch in diameter and at least thirty inches long shall be used at all other points. All monuments within the construction area shall be set after construction is completed whenever there is a possibility of their being disturbed during construction.
(Ord. 20-09. Passed 3-18-09.)

1109.04 STREET IMPROVEMENTS.
All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these regulations.
(Ord. 1026-78. Passed 7-13-78.)

1109.05 STREET WIDTH.
(a) Minimum street pavement widths shall conform to the City of Marysville Standard Specifications. Where pavement widths greater than those specified are deemed necessary by the City Engineer because potential growth would cause extension and greater use of the street, then the developer shall provide a greater than minimum pavement width. The reimbursement to the developer for the extra width of the street shall be made in accordance to procedures established by the City Administration with the approval of Council. It is the intent of these Subdivision Regulations that future benefitting developers shall reimburse the original developer, or the City if the City participated in the financing of the original oversizing of the street.

(b) In cases where pavement widths greater than the minimum set forth in Section 1107.07 are deemed necessary by the City Engineer to serve existing development or traffic flows, the City shall bear the extra cost of providing the greater width required.
(Ord. 20-09. Passed 3-18-09.)

1109.06 STREET SPECIFICATIONS.
Street subgrade, base course and surface course materials and construction standards shall follow the minimums as set forth in the “Standard Construction Drawings” of the City as provided by the City Engineer.
(Ord. 1026-78. Passed 7-13-78.)
1109.07 STREET CURBS AND GUTTERS.
Curbs and gutters shall be required on all residential, commercial and industrial streets of proposed subdivisions. Curbs and gutters shall be constructed in conformance with the current volume "Construction and Material Specifications" of the Ohio Department of Transportation and the City of Marysville Standard Specifications.
(Ord. 20-09. Passed 3-18-09.)

1109.08 WATER SUPPLY IMPROVEMENTS.
The following requirements shall govern water supply provisions:
(a) Where a public water supply, in the determination of the City Engineer, is reasonably accessible or required because of pollution problems, the subdivision shall be provided with a complete water distribution system, built in conformance with the standards of the City Water Department. Public water distribution and public wells system shall meet the requirements of the Ohio Environmental Protection Agency, as cited in the current laws and regulations.
(b) Where a public water supply is not available or not required, the current regulations of the Union County Health Department shall be followed.
(c) The size of water lines shall not be based solely on present needs, but rather on the contemplated population density and land uses of the area to be served. When oversized water lines are deemed necessary by the City Engineer because of potential growth, to avoid dead end lines, or to assure flow and pressure to the area, the developer shall provide sizes of water lines greater than necessary for a singular subdivision. The reimbursement to the developer for the extra size of the water lines shall be made in accordance with the procedures established by the City Administration with the approval of Council. It is the intent of these Subdivision Regulations that future benefitting developers shall reimburse the original developer, or the City, if the City participated in the financing of the original oversizing of the water lines.
(Ord. 20-09. Passed 3-18-09.)

1109.09 SEWAGE TREATMENT.
The following requirements shall govern sanitary sewage disposal treatment:
(a) For areas within the corporation limits, where an adequate public sanitary sewer system, in the determination of the City Engineer is reasonably accessible, public sanitary sewers shall be installed to adequately serve all lots. The developer shall extend laterals from the public system to the lot line; Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and City standards.
(b) All laws, regulations and guidelines set forth by the Union County General Health District at the time of this enactment shall be followed and any future laws, regulations and guidelines deemed necessary for the protection of public health shall be followed as they become effective. The Union County Health Department shall conduct such inspections of individual sewage treatment systems as provided by law and shall have the authority and responsibility of enforcing these regulations.
1109.10 DRAINAGE IMPROVEMENTS.

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, ditches or retention basins, as determined by the City Engineer in accordance with the City of Marysville Standard Specifications to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. In cases of open drainage ditches, there shall be provided a storm water easement or drainage right of way of sufficient width to adequately handle potential maximum flows with access from a public street or ROW for the purpose of maintenance. Drainage ditches, whenever possible, should be constructed with landscaped banks. All storm drainage facilities within the subdivision shall connect to an adequate drainage outlet. Sound engineering practice considering local physical conditions or innovative techniques in variance with the City of Marysville Standard Specifications may be acceptable if approved by the City Engineer.

1109.11 STORM SEWERS AND STORM WATER DRAINAGE.

(a) Where an adequate public storm main is reasonably available, the subdivider shall construct a storm sewer system and connect with such storm sewer main. The subdivider shall also extend laterals from the public system to the lot line of each lot. If such storm sewer systems are not accessible, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing residential lots less than 15,000 square feet in area and in all commercial and industrial districts, underground storm sewer systems shall be constructed to service all street and parking lot storm water runoff and be conducted to an approved outfall.

(b) The size of storm sewers shall not be based solely on present needs, but rather on the contemplated density of the drainage basin. The reimbursement to the developer for the oversized portion of the storm sewer line shall be made in accordance to procedures established by the City Administration, with approval of Council. It is the intent of these Subdivision Regulations that future benefitting developers shall reimburse the original developer, or the City if the City participated in the financing of the original oversizing of the storm sewer. Storm drainage, including drain tile around basements shall not be permitted to discharge into any sanitary sewer facility.

(Ord. 20-09. Passed 3-18-09.)
1109.12 CULVERTS AND BRIDGES.
Where natural drainage channels intersect any street right of way, it shall be the responsibility of the subdivider to have satisfactory bridges and culverts constructed. Minimum requirements shall be observed as follows:

(a) All culverts shall extend across the entire right-of-way width of the proposed street or as determined by the City Engineer. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be twelve inches. Depending on existing drainage conditions, head walls, additional right of way or easements may be required for maintenance.

(b) Driveway culverts shall have a minimum length of thirty feet. The diameter shall be subject to the determination of the City Engineer. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

(c) Bridges shall be constructed according to current ODOT standards or as approved by the City Engineer. No work shall commence until approval is received from the City Engineer.

(Ord. 20-09. Passed 3-18-09.)

1109.13 SURFACE WATER, EROSION AND SEDIMENT CONTROL.
The following requirements will promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City. An Erosion and Sediment Control Plan must be submitted to and approved by the City Engineer and reported to the Planning Commission before any land disturbing activity takes place. Such plan shall follow the guidelines set forth in the policies of the City. It shall further incorporate the following controls:

(a) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. Scale of this map shall be no smaller than 1" = 100', unless prior approval has been obtained.

(b) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development on the site. Depending on the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

(c) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, buildings, final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(d) No area shall be allowed to go into the winter season without vegetative or mulch cover. Permanent seeding shall be applied by September 30. Temporary seeding may be applied through October 30. A heavy mulch layer or another method that does not require germination to control erosion shall be placed at the close of the construction season.

(e) Provisions for maintenance of the control facilities, including easements, and estimates of the cost of maintenance. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures.
1109.14 ELECTRIC, GAS, STREET LIGHTING, TELEPHONE AND CATV IMPROVEMENTS.

Electric service, gas mains, street lighting and telephone service shall be provided within each subdivision. Whenever CATV services are reasonably accessible and available, they shall be required to be installed within the area. Telephone, electric power, street lighting and CATV wires, conduits or cables shall be required to be constructed underground. All electric, gas, street lighting, telephone and CATV installations shall be subject to the approval of the City Engineer. (Ord. 20-09. Passed 3-18-09.)

1109.15 SIDEWALKS.

(a) Concrete sidewalks, or asphalt bike path/walking paths as determined by the Planning Commission, shall be installed on both sides of all new streets.

(b) All sidewalks shall be extended to connect with existing walks or to the boundaries of the subdivision if existing walks are not accessible. Sidewalks shall be constructed according to the minimums set forth in the "Standard Construction Drawings" of the City and shall conform to the appropriate City plan.

(Ord. 20-09. Passed 3-18-09.)

1109.16 DRIVEWAYS.

Residential driveways shall be not less than three feet from the side lot line and non-residential driveways shall not be less than four feet from the side lot line. Both shall be constructed according to the standards set forth in the "Standard Construction Drawings" of the City.

(Ord. 20-09. Passed 3-18-09.)

1109.17 STREET NAME AND TRAFFIC SIGNS AND PAVEMENT MARKINGS.

(a) Street name signs, of a type in use throughout the City and approved by the City, shall be paid for by the developer at all locations designated by the City.

(b) Initial traffic signs including signs that regulate, warn or guide traffic for a new subdivision and as required by the City shall be paid for by the developer at all locations and for all types of traffic signs required by the City.

(c) Pavement markings which are necessary to regulate, control and direct the flow of pedestrian and/or vehicular traffic as required by the City shall be paid for by the developer at all locations and for all markings required by the City.

(d) Fees for street name and traffic signs and pavement markings shall be established by the Director of Administration and reviewed at least annually. Fees shall include cost of all materials and labor necessary to purchase and install the required signs.

(Ord. 20-09. Passed 3-18-09.)
1109.18 TREES.
The subdivider shall plant trees within the street right of way as required by Chapter 1140 and approved by the City Planning Commission. (Ord. 14-12. Passed 2-23-12.)

1109.19 EXTRA-SIZE AND OFF-SITE IMPROVEMENTS.
The utilities, pavements, and other land improvements as required shall be designed of extra-size and/or extensions provided as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage area in addition to the improvements required for the development of the proposed subdivision. (Ord. 1026-78. Passed 7-13-78.)

1109.20 OFF-SITE EXTENSIONS.
If streets or utilities are not available at the boundary of a proposed subdivision, and if the City Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights of way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land. (Ord. 1026-78. Passed 7-13-78.)

1109.21 EXTENSIONS TO BOUNDARIES.
The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Planning Commission. (Ord. 1026-78. Passed 7-13-78.)

(NOTE: The next printed page is page 42A.)
CHAPTER 1110
Property Owners Association

1110.01 General purpose.
1110.02 Associations created; members; functions.
1110.03 Maintenance requirements for open space and easements.
1110.04 City of Marysville rights.
1110.99 Penalty.

1110.01 GENERAL PURPOSE.
The Property Owners Association (POA) represents the property owner(s) of a planned community. It is intended to be the vehicle for the community communication and for maintaining the common areas and services that exist for the benefit of each member of the association.
(Ord. 1-08. Passed 1-10-08.)

1110.02 ASSOCIATIONS CREATED; MEMBERS; FUNCTIONS.
(a) With the exception of platted property dedicated to the City, restricted open space, common areas, designated easements and reserves shall be held by the individual members of the Property Owners Association as tenants-in-common or shall be held in common ownership by a homeowners' association, condominium association, community association or other similar legal entity. Documents shall be submitted with the Final Plat which will ensure compliance with the following requirements:
   (1) Membership in the Association shall be mandatory for all purchasers of lots or units in the development.
   (2) The Association shall be capable of and responsible for maintenance, control and insurance of common areas, including restricted open space.
   (3) The Association shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the restricted open space.
   (4) The Association shall submit to the City Director of Administration by April 15th of each year an annual report detailing the Association's financial status and current officers with contact information.

   (b) A Property Owners Association is optional if no open space, common areas or reserves are created.
(Ord. 1-08. Passed 1-10-08.)
1110.03 MAINTENANCE REQUIREMENTS FOR OPEN SPACE AND EASEMENTS.

The ultimate owner of all restricted open space, common areas, designated easements and reserves shall be responsible for raising all monies required for operation, maintenance, or physical improvements to such areas through annual dues, special assessments, and/or valid and enforceable collection methods. The owner shall be authorized under appropriate restrictions and covenants, to place liens on the property of residents who fall delinquent in payment of such dues and assessments. In the event that the organization established to own, operate and maintain restricted open space, common areas, designated easements and reserves shall at any time after the establishment of the development fail to maintain such areas in reasonable order and condition in accordance with the Final Plat, such failure shall constitute a violation of both the Final Plat and this Zoning Ordinance.

(Ord. 1-08. Passed 1-10-08.)

1110.04 CITY OF MARYSVILLE RIGHTS.

(a) The City shall have the right to assess restricted open space, common areas, designated easements and reserves in the community for maintenance, update and expansion of utilities and facilities.

(b) If the City determines an area of non-compliance or concern for the health, safety and welfare of the development, the City shall issue a letter of noncompliance to the officers of record for the POA detailing the noncompliance, corrective action to be taken, and a date by which the corrections are to be completed.

(c) Upon completion of the requested work, the City will inspect the site and if the matter(s) of noncompliance have been corrected, the City will issue a letter stating the POA is in compliance as of that date.

(d) If the matter of noncompliance is not corrected on or before the date set forth in the letter of noncompliance, the City or its agent may perform the work necessary to bring the noncompliant conditions into compliance. The cost for this work and administration fees shall be billed to the officers of record of the POA for payment.

(e) If the payment is not received by the due date stated on the bill, the City may bill the individual property owners for the appropriate financial share of the cost and apply this cost to their utility bill in a manner deemed appropriate by the Director of Finance.

(Ord. 1-08. Passed 1-10-08.)

1110.99 PENALTY.

See Section 1125.99.

(Ord. 1-08. Passed 1-10-08.)
CHAPTER 1111
Mobile Home Subdivisions

1111.01 Design standards.  
1111.02 Streets.  
1111.03 Walkways.  
1111.04 Electric, gas, street lighting, telephone and CATV improvements.  
1111.05 Water and sewers.  
1111.06 Electricity.  
1111.07 Drainage.  
1111.08 Health requirements.  
1111.09 Recreation.  
1111.10 Landscaping.  
1111.11 Screening.  
1111.12 Mobile home stand.  
1111.13 Mobile home skirting.  
1111.14 Garbage and refuse.  
1111.15 Storm shelters.

CROSS REFERENCES
Cable television systems- see BUS. REG. Ch. 721
Mobile home subdivision defined- see P. & Z. 1101.02(a)(14)
Mobile home park defined- see P. & Z. 1123.01(b)(64)
Mobile home parks- see P. & Z. Ch. 1147

1111.01 DESIGN STANDARDS.
(a) The following design standards shall apply to mobile home subdivisions:
(1) The subdivisions shall contain a minimum of five acres.
(2) Each mobile home site shall have a clearly defined minimum area of 4,000 square feet, with a minimum lot width of forty feet, and a minimum depth of 100 feet. The minimum width of corner lots, however, shall be fifty feet.
(3) The subdivision shall have a minimum frontage of 250 feet. The ratio of width to depth shall not exceed one to five (1:5).
(4) A side yard on each side of the subdivision and a rear yard of thirty feet or more shall be provided around the edge of the mobile home subdivision. Such yards shall not be occupied by or counted as part of an individual mobile home site.
(5) There shall be a minimum clearance of twenty feet between the individual mobile homes.
(6) A maximum density shall not exceed six mobile homes per gross acre.
(Ord. 1026-78. Passed 7-13-78.)
1111.02 STREETS.
All mobile home subdivisions shall meet the street requirements and specifications of these regulations, Sections 1107.04 through 1107.12. All underground utilities, sanitary sewers and drainage structures installed in streets shall be constructed prior to the surfacing of such streets. (Ord. 1026-78. Passed 7-13-78.)

1111.03 WALKWAYS.
Walkways not less than three feet wide which may abut street pavement shall be provided from the mobile home sites to the service buildings and frontage street sidewalk. Sidewalk on the frontage street shall be required at not less than four feet and shall be extended to existing sidewalks or to the boundaries of the subdivision if walks are not accessible. Walkways and sidewalks shall be constructed according to standard City specifications. (Ord. 1026-78. Passed 7-13-78.)

1111.04 ELECTRIC, GAS, STREET LIGHTING, TELEPHONE AND CATV IMPROVEMENTS.
Electric service, gas mains, street lighting, telephone service shall be provided within each mobile home subdivision. CATV service shall be provided if so determined by Planning Commission in accordance with current City CATV ordinance. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric power, street lighting, and CATV wires, conduits or cables shall be required to be constructed underground. All electric, gas, street lighting, telephone, CATV installations shall be subject to the approval of the City or County Engineer, as the case may be. (Ord. 1026-78. Passed 7-13-78.)

1111.05 WATER AND SEWERS.
Each mobile home site shall be provided with a water outlet connected to the City or an approved water supply and a connection to the City or an approved central sanitary sewer system. (Ord. 1026-78. Passed 7-13-78.)

1111.06 ELECTRICITY.
Electricity, electrical outlets and wiring shall be according to the current provisions of the National Electric Code published by the National Fire Protection Association. (Ord. 1026-78. Passed 7-13-78.)

1111.07 DRAINAGE.
The subdivision shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water. (Ord. 1026-78. Passed 7-13-78.)

1111.08 HEALTH REQUIREMENTS.
The subdivision shall conform to all County and State Health Department requirements. (Ord. 1026-78. Passed 7-13-78.)

1111.09 RECREATION.
A safe, usable recreation area shall be conveniently located in each mobile home subdivision the size of which shall be determined at 1,000 square feet per household or mobile home. (Ord. 1026-78. Passed 7-13-78.)
1111.10 **LANDSCAPING.**

The subdivision shall be landscaped with lawns and plantings, including appropriate trees. (Ord. 1026-78. Passed 7-13-78.)

1111.11 **SCREENING.**

Mobile home subdivisions shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the City Planning Commission. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height may be situated. (Ord. 1026-78. Passed 7-13-78.)

1111.12 **MOBILE HOME STAND.**

Each mobile home site shall be developed with a mobile home stand of not less than ten feet by fifty feet and such mobile home stand shall not be less than ten feet from the mobile home site boundary. The mobile home stand shall be constructed of a minimum of six inches of concrete and provide at least two tie-down rings. (Ord. 1026-78. Passed 7-13-78.)

1111.13 **MOBILE HOME SKIRTING.**

Each mobile home placed in the mobile home subdivision shall be skirted entirely enclosing the bottom section, within ninety days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for skirting. (Ord. 1026-78. Passed 7-13-78.)

1111.14 **GARBAGE AND REFUSE.**

The storage and collection of garbage and refuse within the subdivision shall be conducted so as to create no health hazards. All garbage shall be stored in fly-tight, rodent-proof containers and shall be collected at least once weekly. (Ord. 1026-78. Passed 7-13-78.)

1111.15 **STORM SHELTERS.**

Mobile home subdivisions shall be required to provide a storm shelter for the protection of all residents. Storm shelters shall provide four square feet of floor area per resident, have sufficient ventilation, and have a generator of sufficient size to provide power for heat and light. Windows are permissible if provisions are made for their protection by shutters or other similar devices that are designed for immediate installation in the event of sudden emergency. The storm shelter may be used for recreational purposes, laundry facilities or other purposes. (Ord. 1026-78. Passed 7-13-78.)
CHAPTER 1113  
Enforcement and Penalty

1113.01 Recording of plat.  
No plat of any subdivision shall be recorded by the County Recorder of Union County or have any validity until such plat has received final approval in the manner prescribed in these regulations. In the event any unapproved plat is recorded, it shall be considered invalid and Council shall institute proceedings to have the plat stricken from the records of the County.  
(Ord. 1026-78. Passed 7-13-78.)

1113.02 Revision of plat after approval.  
No changes may be made to a plat after approval, except that minor technical adjustments or corrections that do not significantly change the plat as approved, may be made with the approval of the Planning Commission upon recommendation from the City Engineer.  
(Ord. 15-05. Passed 4-14-05.)

1113.03 Sale of land within subdivisions.  
No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.  
(Ord. 1026-78. Passed 7-13-78.)
1113.04 PERFORMANCE AND MAINTENANCE BONDS.

(a) Performance bonds are required as stated in Section 1105.13, to assure the proper authorities that completion of the improvements shall be made and that the improvements are in conformance with the standards established in these regulations. The Director of Administration should secure approval as to the form, sufficiency and execution of the bond from their appropriate legal counsel. The performance bond shall not be released until the City Engineer has certified satisfactory completion of all required improvements and the dedication of land and facilities for public use has been submitted to Council, as set forth in Section 1115.02. Council shall accept, within 120 days, all dedications which have been certified by the City Engineer as being satisfactorily completed.

Reduction of the performance bond may be made, on a prorated basis, for portions that have received the engineer’s certification for meeting the requirements and have been dedicated for public use. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

If the improvements are not completed on the completion date set forth under Section 1105.15, then the City shall exercise the performance bond to secure completion of the improvements.

(Ord. 15-12. Passed 2-23-12.)

(b) Maintenance bonds shall be required by the City Planning Commission to assure maintenance of all improvements in the subdivision by the developer, until dedication of such improvements are formally accepted by Council. The amount of the maintenance bond shall be determined by the City Engineer and be submitted and approved in the same manner as performance bonds. The developer shall provide for the upkeep and maintenance of all improvements. If there are certificates of occupancy on any street, which dedication has not been accepted, the City may, on twelve hours notice, effect emergency repairs for any improvement and charge same to applicant. The maintenance bond shall be submitted for a period of at least one year after the completion of the improvements and offer of dedication for public use is made, and shall not be required longer than two years.

(Ord. 16-12. Passed 2-23-12.)

1113.05 SCHEDULE OF FEES, CHARGES AND EXPENSES.

The Marysville City Council shall establish a schedule of fees, charges and expenses and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Director of Administration and may be altered, or amended only by Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
1113.06 VARIANCES.

(a) The following regulations shall govern the granting of variances:

(1) Where the City Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due only to exceptional topographic or other physical conditions, or where such a hardship results from strict compliance with the procedures required, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. In some cases, such physical conditions shall justify a finding that the land is unsuitable for any subdivision development, as outlined in Section 1107.03. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan or the Zoning Ordinance.

(Ord. 1075-80. Passed 4-24-80.)

(2) In granting the variances or modifications, the City Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(3) Procedure for a variance requires an application, which shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The application shall state fully the grounds for the request and all the facts relied upon by the petitioner.

(4) Any variances authorized or denied by the Planning Commission shall be stated in writing in the official minutes of the Planning Commission, with specific reasonings on which the variance was justified set forth.

(Ord. 1026-78. Passed 7-13-78.)

1113.07 APPEAL.

Any person who believes he has been aggrieved by these regulations or the action of the City Planning Commission, has all the rights of appeal as set forth in Ohio R. C. Chapter 711 or any other applicable section of the Revised Code.

(Ord. 1026-78. Passed 7-13-78.)

1113.99 PENALTIES.

(a) The following penalties shall apply to the violations of these regulations.

(1) Whoever willfully violates any rule or regulation adopted by Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto shall forfeit and pay not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the legal representative of the City, in the name of the City and for the use thereof.
(2) A County Recorder who records a plat contrary to the provisions of these regulations shall be fined not more than five hundred dollars ($500.00), to be recovered with the costs in a civil action by the Law Director in the name and for the use of the City.

(3) Whoever, being the owner or agent of the owner of any land within or without the municipal corporation, willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the Union County Recorder, shall be fined not more than five hundred dollars ($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 of transfer shall not serve to exempt the seller from the forfeiture provided in this section.

(4) Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision with intent to violate these regulations before provisions of these regulations are complied with shall be fined not more than five hundred dollars ($500.00) for each lot or part of a lot sold, offered for sale or lease, to be recovered with costs in a civil action, in the name of the City Treasury for the use of the City.

(5) In addition to the above penalties and remedies, the Law Director is hereby empowered to enforce these regulations by bringing a civil action for an injunction and/or declaratory judgment in the Common Pleas Court of Union County in the name and for the use of the City.

(Ord. 1026-78. Passed 7-13-78.)
CHAPTER 1115
Plat Statements and Signatures

1115.01  Required statements.
1115.02  Dedication.
1115.03  Surveyors certificate.
1115.04  Acceptance of dedication.
1115.05  Within the corporate limits of Marysville.

CROSS REFERENCES
Subdivision approval procedure- see P. & Z. Ch. 1105

1115.01 REQUIRED STATEMENTS.
The following statements shall be affixed on the subdivision plat.
(Ord. 6-02. Passed 2-28-02.)

1115.02 DEDICATION.

DEDICATION
Know all men by these presents that _____________ and _______________ proprietors of the land indicated on the accompanying plat have authorized the platting thereof and do hereby dedicate the (streets, roads, parks) to the (public or private) use forever.

__________________________________  ____________________________
Witnesses  Properties

STATE OF OHIO
COUNTY OF UNION

Before me a Notary Public in and for said County personally came ______________ who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the uses and purposes therein expressed. In witness whereof, I have hereunto set my hand and affixed my official seal this ____________ day of ______________ 19 _______.

By ____________________________
Notary Public

(Ord. 6-02. Passed 2-28-02.)
SURVEYORS CERTIFICATE

The accompanying plat represents a subdivision of land ______ (V.M.S. No.), _____________ Township, Union County, Ohio. The tract has an area of _______ acres in streets and _________ acres in lots making a total of _________ acres. All measurements are in feet and decimals of a foot. All measurements on curves are (chord or arc) distances.

I hereby certify that the accompanying plat is a correct representation of ___(subdivision name) as surveyed ___(date)_____.

______________________________
Registered Surveyor #

(Ord. 6-02. Passed 2-28-02.)
1115.04 ACCEPTANCE OF DEDICATION.
The following paragraph shall be placed on the final plat if streets, roads, parks, etc., are dedicated to the public use.

ACCEPTANCE OF DEDICATION

The within (streets, parks, etc.) are hereby approved and accepted for public maintenance by ordinance (resolution) number ________________ recorded in City Council's record book __________ (Union County Commissioner's Journal) ________________ on this the ________ day of __________ 19________.

___________________________________
President of Council

ATTEST: ______________________
Clerk

(Ord. 6-02. Passed 2-28-02.)
1115.05 WITHIN THE CORPORATE LIMITS OF MARYSVILLE.

Approved this ____ day of ________________ 19 ____ _________________________
Marysville City Engineer

Approved this _____ day of ________________ 19 _____ _________________________
Union County Health Dept.

Reviewed this _____ day of ________________ 19 _____ _________________________
Union Soil and Water Conservation District

Approved this _____ day of ________________ 19 _____ _________________________
Chairman, City Planning Commission

Approved this _____ day of ________________ 19 _____ _________________________
Mayor

Transferred this ___ day of _______________, 19 ____ _________________________
Union County Auditor

Filed for record this ______ day of __________, 19 ______ at _______ m.

Recorded this _____ day of ________ , 19 ______ in Plat Book _________________ Page No. ____________ .

Union County Recorder

(Ord. 6-02. Passed 2-8-02.)
DEFINITIONS

The following illustrations clarify and explain selected definitions.

LOT TERMS

LOT AREA = TOTAL HORIZONTAL AREA
LOT COVERAGE = PER CENT OF LOT OCCUPIED BY BUILDING
PLAT APPROVAL PROCEDURE

EDITOR’S NOTE: Ordinance 16-05 deleted the Plat Approval Procedure Flow Chart.
TYPES OF LOTS
CLASSIFICATION OF THE THOROUGHFARE SYSTEM
TITLE THREE - Zoning Ordinance
Chap. 1121. Title and Interpretation.
Chap. 1123. Definitions.
Chap. 1125. Enforcement and Penalty.
Chap. 1127. Nonconformities.
Chap. 1129. Administration.
Chap. 1131. Amendment.
Chap. 1133. Official Zoning Map.
Chap. 1135. Districts Establishment and Purpose.
Chap. 1136. Historic Design Review District(s) and Landmark(s)
(Including Historic Uptown Marysville Design Review
District).
Chap. 1137. District Regulations.
Chap. 1139. Supplementary District Regulations.
Chap. 1140. Landscape Requirements.
Chap. 1141. Off-Street Parking and Loading Facilities.
Chap. 1143. Signs.
Chap. 1144. Design Review.
Chap. 1145. Planned Unit Development.
Chap. 1147. Mobile Home Parks.
Chap. 1149. Family Care and Group Homes.

Drawings

CHAPTER 1121
Title and Interpretation

1121.01 Title.
1121.02 Provisions of Zoning Ordinance declared to be minimum requirements.
1121.03 Separability clause.
1121.04 Repeal of conflicting ordinance; effective date.

CROSS REFERENCES
Definitions - see P. & Z. Ch. 1123

1121.01 TITLE.
This Zoning Ordinance shall be known and may be cited to as the "Zoning Ordinance of the City of Marysville, Ohio."
(Ord. 1005-77. Passed 12-8-77.)
1121.02 PROVISIONS OF ZONING ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Zoning Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.
(Ord. 1005-77. Passed 12-8-77.)

1121.03 SEPARABILITY CLAUSE.

Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 1005-77. Passed 12-8-77.)

1121.04 REPEAL OF CONFLICTING ORDINANCE; EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions thereof are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect. This Zoning Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.
(Ord. 1005-77. Passed 12-8-77.)
CHAPTER 1123
Definitions

1123.01 INTERPRETATION AND MEANINGS.

(a) Interpretation of Terms or Words. For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

1. “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. “Shall” is a mandatory requirement, “may” is a permissive requirement, and “should” is a preferred requirement.
4. “Used” or “occupied” includes the words “intended, designed or arranged to be used or occupied.”
5. “Lot” includes “plot” or “parcel”. (Ord. 25-97. Passed 6-12-97.)

(b) Meanings of Certain Words and Terms.

1. “Accessory use” or “structure” mean a use or structure both permanent and temporary that is on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. For accessory structures this includes but is not limited to; sheds, carports, fences, and tents. (Ord. 11-15. Passed 3-12-15.)
2. “Adult booth” means any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
3. “Adult material” means any of the following, whether new or used:
   A. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
B. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

C. Instrument, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

(4) “Advertising structure” means any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

(5) “Airport” means any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangers, and other necessary buildings, and open spaces.

(6) “Alley”. See “thoroughfare”.

(7) “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

(8) “Artisan Studio” means a building or portion thereof used for the creation of original handmade works of art or craft items by no more than ten artists or artisans, either as a principal or accessory use.

(9) “Artisan Workshop” means a use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

(10) "Automotive Vehicle" means a vehicle which is designed and manufactured to be self-propelling or self-moving upon the public street or highway. More specifically, as referred to in this ordinance, it includes: automobiles, trucks, tractors and motorcycles.

(11) "Awning (Back-lit)" means a back-lit awning is any awning, fixed or retractable, which incorporates any transparent or translucent material in its covering and is illuminated by a light source placed behind the covering.

(12) “Awning (Fixed)” means a fixed structure supported by a frame or bracketing extending outward from the wall of a building which does not retract or roll up and is constructed to provide shade or shelter.

(13) “Awning (Retractable)” means a structure fastened to the wall of a building which, in a closed or rolled up position, does not extend beyond 8 inches from the face of the building and, when extended, is constructed to provide shade or shelter.

(14) “Basement” means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

(15) "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

(16) “Building, accessory” means a subordinate building or structure detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
"Building, height" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

"Building line". See "setback line".

"Building, principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.

“Business, convenience-type retail” means retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people with the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

“Business, drive-in” means any business, structure or premise which is designed primarily to serve the occupants of motor vehicles without their having to leave the vehicle.

"Business, service" means any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

"Business, shopping-type retail" means a retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and service and clothing shops.

"Canopy" means a permanent or temporary structure other than an awning or marquee, attached to a building over an entrance and carried by a frame supported by the ground or sidewalk, extending from the entrance to or over the public sidewalk for the purpose of providing shade or shelter to pedestrians walking from the sidewalk to the building’s entrance.

"Channel" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

"Child Care Home" means a private residence where care, protection and supervision are provided, for a fee, at least twice a week to no more than six children at one time.

"Child Care Center, Class A" means a building or a structure which is not a residence, where care, protection and supervision are provided on a regular schedule at least twice a week to at least seven and no more than twelve children.

"Child Care Center, Class B" means a building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week, to more than twelve children.

“City Zoning Ordinance” means the part of the Codified Ordinances of the City of Marysville known and referred to as the City of Marysville Planning and Zoning Code, as it may be amended from time to time.

“Civil Building or Use” means a building or location that provides for community meetings and/or activities including, but not limited to, City Hall, Township Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, Arts Council building, library, or other public buildings owned or operated by the City.
(32) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

(33) "Club" means a building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

(34) “Commercial establishment” means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

(35) "Commercial recreation" means any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to, golf courses, arcades, bowling alleys, theaters, etc.

(36) "Comprehensive Development Plan" means a plan, or any portion thereof, adopted by the Planning Commission and Council of the City showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

(37) "Conditional use" means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

(38) "Conditional use permit" means a permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

(39) “Convenience-type retail business” means retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

(40) “Corner lot”. See “lot types”.

(41) “Cul-de-sac”. See “thoroughfare”.

(42) “Curb line” means the vertical plane projected upward from the face of the curb along a street.

(43) “Day care”. See “Child Care” (27), (28), or (29)

(44) "Dead-end street". See "thoroughfare".

(50) "Density" means a unit of measurement; the number of dwelling units per acre of land.

A. Gross density; the number of dwelling units per acre of the total land to be developed.

B. Net density; the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(52) "Drive-in business" means any business, structure or premise which is designed primarily to serve motor vehicles without the occupants having to leave the vehicle.

(53) "Dwelling" means any building or structure (except a house trailer or mobile home as defined by Ohio R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.
"Dwelling, Manufactured Home, Permanently Sited", means a double wide manufactured home built pursuant to the U.S. Department of Housing and Urban Development 1974 Manufactured Housing Construction Safety Standards (1974 HUD Code) and which meets the following conditions:

A. The home was manufactured after January 11, 1995.
B. The home is attached to a permanent frost free foundation (slab, crawl space or full basement) and is connected to appropriate utilities.
C. All indications of mobility (axles, trailer tongue, running lights, etc.) are removed prior to placement on a permanent foundation.
D. The home has a minimum width of at least 22 feet and a minimum depth of at least 22 feet.
E. It has conventional siding (lap, clapboard, vinyl, aluminum, brick, stone, etc.) like a site built house.
F. It has a minimum 6" eaves overhang and a minimum 3:12 roof pitch.

A permanently sited manufactured home shall be a permitted use in any district in which single family homes are permitted. However, such a permanently sited manufactured home must comply with all zoning requirements that are uniformly imposed on all single family residences within the district in which the permanently sited manufactured home is to be located.

"Dwelling, mobile home" means any non-self propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to utilities, whether resting on wheels, jacks, blocks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty feet.

"Dwelling, modular" means a residential dwelling or house unit constructed in modules and transported to a site where it is to be occupied as a dwelling complete and ready for occupancy except for affixing to a foundation and other assembly operations.

"Dwelling, rooming house", "boarding house", "lodging house" or "dormitory" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

"Dwelling, single family" means a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

"Dwelling unit" means space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

"Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

"Essential services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith
which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety of general welfare, but not including buildings.

(62) "Family" means one or more persons occupying a single dwelling unit.  (Ord. 25-97. Passed 6-12-97.)

(68) "Family Care Home" means a home licensed by the State which provides residential services and supervision for eight or fewer individuals who are developmentally disabled, mentally ill, aged, handicapped or children in need of adult supervision.  (Ord. 27-12. Passed 5-10-12.)

(69) "Fence, decorative" means a fence, hedge or other landscaping material used for decorative purposes only and not intended for use as an enclosure, barrier, or means of protection or confinement. Decorative fences shall not be site obscuring.

(70) "Fence" means a structure, hedge or other landscape material positioned up to or on top of the property line or setback line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter. (Ord. 15-10. Passed 5-27-10.)

(74) "Floodway fringe" means that portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions. (Ord. 25-97. Passed 6-12-97.)

(75) "Floor area, gross" means the total square feet of all main and accessory buildings which are enclosed, measured from the exterior building face or from the centerline of common walls separating building units. (Ord. 27-12. Passed 5-10-12.)

(78) "Food processing" means the preparation, storage for processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.

(79) "Funeral home" means a building or buildings or part thereof used for human funerals. Such building(s) may contain space and facilities for:
A. Embalming and the performance of other services used in preparation of the dead for burial.
B. The performance of autopsies and other related surgical procedures.
C. The storage, display and sale of caskets, cremation urns, monuments and other related funeral supplies as accessory uses.
D. The storage of funeral vehicles.
E. A funeral chapel.

(80) "Garage, private" means an accessory building or part of a principal building used for the storage of motor vehicles as an accessory use and in which no business or industry connected directly or indirectly with the repair or servicing of such motor vehicles is carried on.

(81) "Gasoline service station" means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at a gasoline service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobile not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

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(87) "Group Home For The Handicapped (see also family)" means a dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term “handicapped” shall mean having:
A. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
B. A record of having such an impairment;
C. Being regarded as having such an impairment.
However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or exconvicts, or other housing facilities serving as an alternative to incarceration.

(88) "Home occupation" means an occupation conducted in a dwelling unit, provided that no more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five percent (35%) of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building. No traffic shall be generated by the conduct of such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance, and shall not be located in a required front yard.
"Industrialized Unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" would not include a manufactured or mobile home as defined.

"Junk" means old or scrap copper, brass, rope, gas, trash, waste, batteries, paper or rubber, junked, dismantled or wrecked, automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

"Junk yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage dumps and sanitary landfills. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right of way of a highway or street, and any site, location or premise on which are kept two or more junk motor vehicles as defined in Ohio R.C. 311.301 whether or not for a commercial purpose.

"Loading space, off-street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right of way.

"Location map". See "vicinity map".

"Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A. A single lot of record;
B. A portion of a lot of record;
C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Lot frontage" shall be the portion at the street or road right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "yard" in this section. Also see "Lot Measurements, Width".

"Lot, minimum area of ". The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

"Lot measurements". A lot shall be measured as follows:

A. "Depth" means the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
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B. "Width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum required building setback line.

(99) "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(100) "Lot types". Terminology used in this Zoning Ordinance with reference to corner lots, interior lots and through lots is as follows:
   A. "Corner lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
   B. "Interior lot" means a lot with only one frontage on a street.
   C. "Through lot" means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
   D. "Reversed frontage lot" means a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

(101) "Major Commercial" means a grouping of more than four office uses or personal service uses on a single site with common parking facilities.

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(108) "Major Retail" See Shopping Centers.

(109) "Major thoroughfare plan" means the portion of comprehensive plan adopted by the City Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

(110) "Manufactured Home" means any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

(111) "Manufactured Home Park" means any tract of land upon which three or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

(112) "Manufacturing, heavy" means major manufacturing, processing, storage, warehousing, research and testing establishments which may require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district boundary (See Section 1135.16).
"Manufacturing, light" means manufacturing, processing, storage, warehousing, research and testing or other establishments which are clean, quiet, and free of hazardous or objectionable elements such as smoke, noise, odor, dust; operate within enclosed structures; and generate little industrial traffic and no nuisances (See Section 1135.15).

"Marquee" means a permanent structure fastened entirely to the building and projecting from the wall above an entrance and extending over the street right-of-way to provide shelter for automobile passenger loading and unloading entrance.

"Mini-storage, public" means a building or group of buildings designed and used solely for the purpose of leasing interior space for the storage of personal property, household items and the inventory of commercial businesses where storage units are individually leased or rented and where access to storage units is infrequent. Outdoor storage and the storage of junk, explosives, flammable materials and other noxious or dangerous materials are specifically prohibited.

"Mobile Home" means any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

"Mobile Home Park" means any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

"Motor Vehicle Salvage Facility" means any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

"Multi-Family Rental Office/Management Site" means a residential apartment structure, permitted in multi-family residential districts, that is used by an apartment owner, employee or realtor to demonstrate construction and to display built-in amenities to prospective apartment tenants and to promote the rental or lease of apartment units. The rental office may be staffed and furnished.

"Noncommercial recreation" means any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

"Nonconformities" means a building, structure or use of land existing at the time of enactment of this Zoning Ordinance which does not conform to the regulations of the district or zone in which it is situated.

"Nude or state of nudity" means a state of dress or undress that exposes to view:
A. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

(123) "Nursery, nursing home" means a home or facility for the care and treatment of babies, children, pensioners or elderly people.

(124) "Offices" means quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic or religious or educational nature are also included in this classification.

(125) "Open space" means an area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

(126) "Parking space, off-street" means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.

(127) "Performance bond or surety bond" means an agreement by a subdivider or developer with 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 subdivider's agreement.

(128) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. (As referenced in Section 1123.01 of the City Planning and Zoning Code).

(130) "Personal services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

(132) "Planned unit development" means an area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, then those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in additional to those of the standard subdivision, such as building design principles and landscaping plans. (Ord. 25-97. Passed 6-12-97.)
"Portable Storage Container" A moving and/or storage service whereby a company delivers and leaves a storage container onsite for a customer to pack. The storage container is then picked up and moved to a company warehouse and/or the customer's destination for unpacking and subsequent removal. (Ord. 50-07. Passed 10-11-07.)

"Printing and publishing" means any business publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or nonprofit.

"Public service facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping station, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service.

"Public uses" means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

"Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated whether improved or not.

"Quasi-public use" means churches, parochial schools, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

"Recreation, commercial" means any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, arcades, bowling alleys, theaters, etc.

"Recreation, noncommercial" means any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

"Recreational vehicle" means a vehicle type unit primarily designed as temporary living quarters for recreation, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: boat, travel trailer, camping trailer, truck camper, and motor home.

"Residential Model Home" means a residential structure, permitted in all residential districts that is used by a licensed home builder/developer, real estate workers or realtor to demonstrate construction, display built-in amenities and color selection charts to prospective home buyers and promote the sale or lease of housing units. The model home may be staffed and furnished. (Ord. 25-97. Passed 6-12-97 :)

"Restrictive" as used in this chapter refers to zoning districts and their respective permitted uses for most restrictive to least restrictive as follows: Low Density Residential (SR), (R-1); Medium Density Residential (R-2); High Density Residential (R-3); Low Density Multi-Family (R-4); High Density Multi-Family (R-5); Agricultural Residential (A-R); Estate Residential (ER); Office-Residential (0-R); Business Residential (B-R); Neighborhood Commercial (NC); Hospital Medical (HMD); Service Business (B-1); Central Business (B-3); Traffic Oriented
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Commercial (TOC); Special District 1 (SD1); Light Manufacturing (— 1); and Heavy Manufacturing (M-2). Conditional uses in a district shall be deemed less restrictive than permitted uses in that same district.

(Ord. 21-02. Passed 6-13-02.)

(143) "Right of way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts and bridges.

(144) "Seat". For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews or space for loose chairs.

(145) "Semi-nude" means a state of dress or undress in which clothing covers no more than the human genitals, anus, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

(146) "Service business" means any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

(147) (148) (149) (150) "Setback line" means a line established by the Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such Zoning Ordinance.

(152) "Sewers, central or group" means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

(153) "Sewers, on-site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(154) "Sexually Oriented Business Establishment" means a commercial establishment including adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

A. Adult cabaret. Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

1. Persons who appear nude or semi-nude.
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

B. Adult store. Any commercial establishment that:
   1. Contains one or more adult booths;
   2. As a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or
   3. Has a segment or section devoted to the sale or display of adult materials.

C. Adult theater. Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

(Ord. 25-97. Passed 6-12-97.)

(155) "Shopping Center" means a grouping of more than four retail business and service uses on a single site with common parking facilities.

(156) "Sidewalk" means that portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

(157) "Sign" means any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

A. "Ground sign" means a display sign supported by uprights or braces in or upon the ground surface.

B. "Illuminated sign" means any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

C. "Lighting device sign" means any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

D. "Marquee sign" means a display sign attached to or hung from and supported by the building and extending beyond the building wall, building line or street lot line.

E. "Off-premises sign" means any sign unrelated to a business or profession conducted or to a commodity or services sold or offered upon the premises where such sign is located.

F. "On-premises sign" means any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

G. "Pole sign" means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

H. "Projecting sign" means a display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.

I. "Roof sign" means a display sign which is erected, constructed and maintained above the roof of the building.
J. "Temporary sign" means a display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

K. "Wall sign" means a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

(158) "Site Obscuring Structure" means opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the site obscuring object. A fence, which partially obscures a site, shall not be considered site obscuring if it has maintained at least 40% transparency. (Ord. 25-97. Passed 6-12-97.)

(159) "Specialty Food and/or Beverage Facility" means a facility wherein food and/or beverage is produced and is: sold on a wholesale and/or retail basis; distributed; and/or consumed on the premises. This may include but is not limited to a winery, brew pub, micro-brewery, distillery, coffee roaster, bakery, charcuterie, cheese making and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food. (Ord. 28-16. Passed 7-25-16.)

(160) "Specified anatomical areas" means any of the following:
   A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
   B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

(161) "Specified Sexual Activities" means any of the following:
   A. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
   B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
   C. Masturbation, actual or simulated.
   D. Human genitals in a state of sexual stimulation, arousal, or tumescence.
   E. Excretory functions as part of or in connection with any of the activities set forth in divisions A. through B. of this definition.

(162) "Story" means that part of a building between the surface of a floor and the ceiling immediately above.

(163) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. "Structure" includes, but is not limited to, buildings, mobile homes, walls, fences, billboards and microwave antennas, whether receiving or transmitting.

(164) "Supply yards" means a commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. (Ord. 15-10. Passed 5-27-10.)
“Sweepstakes Terminal Café and/or Skill Game Room” means any individual premises upon which any device as defined in Section 722.03 is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever. (Ord. 56-12. Passed 12-20-12.)

A. “Private swimming pool” means any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational use and which is available only to the family and guests of the property owner. This includes inground, aboveground, portable and inflatable swimming pools, hot tubs and spas.

B. “Public swimming pool” means any outdoor structure, chamber, or tank containing a body of water for swimming, diving, recreational use, or sanctioned event that is intended to be used collectively for swimming, diving, recreational use, or sanctioned event and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use. (Ord. 41-16. Passed 10-24-16.)

"Transient lodgings" means a building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory which is herein separately defined. Examples include: hotel, motel and apartment house.

"Transport terminals" means any business, structure or premise which primarily receives or distributes goods.

"Thoroughfare, street or road". The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. "Alley" means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

B. "Arterial street" means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

C. "Collector street" means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

D. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other terminating in a vehicular turnaround.

E. "Dead-end street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

F. "Local street" means a street primarily for providing access to residential or other abutting property.

G. "Loop street" means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from such arterial or collector street, nor normally more than 600 feet from each other.
H. "Marginal access street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called "frontage street.")

(170) "Through lot". See "lot types".

(171) "Transportation, Director of" means the Director of the Ohio Department of Transportation.

(172) "Use" means the specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

(173) "Variance" means a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing 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.

(174) "Veterinary animal hospital" and/or "animal clinic" excluding outside kennels and boarding stables means 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. Any such animal held for observation, recovery or boarding shall be housed within the hospital or clinic building. Any such animal hospital or animal clinic shall be operated by a licensed veterinarian.

(175) "Veterinary animal hospital" and/or "animal clinic" including outside kennels and boarding stables or premises for the boarding of pets or other animals means 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 on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity. Any such animal hospital or animal clinic shall be operated by a licensed veterinarian.

(176) "Vicinity map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

(177) "Walkway" means a public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

(178) "Warehousing, public" means a person or business whose primary purpose and profit motive is the receiving, storing and shipping of merchandise or commodities for one or more unrelated persons or businesses.

(179) "Warehousing, private" means a person or business whose primary concern and profit motive is manufacture, assembly or sale of finished products and who needs to receive, store and ship merchandise or commodities only for purposes of supporting the primary concern.

(180) "Wholesale" means business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.
"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. "Yard, front" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. "Yard, rear" means a yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.

C. "Yard, side" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

"Zoning certificate" means a document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or lands in accordance with the previously issued zoning permit.

"Zoning permit" means a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(181)  (Ord. 15-10. Passed 5-27-10.)
CHAPTER 1125
Enforcement and Penalty

1125.01 Zoning permits required. No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Zoning Ordinance. Permits will also be issued if the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance, or from Council approving a Planned Unit Development District, as provided by this Zoning Ordinance.
(Ord. 26-97. Passed 6-12-97.)

1125.02 Application for zoning permit. The application for zoning permit:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;

1125.03 Approval of zoning permit.

1125.04 Submitting permit to Director, Ohio Department of Transportation.

1125.05 Expiration of zoning permit.

1125.06 Certificate of compliance required.

1125.07 Temporary certificate of compliance.

1125.08 Record of zoning permits and certificates of compliance.

1125.09 Failure to obtain zoning permit or certificate of compliance.

1125.10 Construction and use requirements.

1125.11 Schedule of fees, charges and expenses.

1125.12 Complaints regarding violations.

1125.99 Penalty.

CROSS REFERENCES
Violation of zoning ordinances - see Ohio R. C. 713.13
Subdivision enforcement and penalty- see P. & Z. Ch. 1113
(c) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application;
(d) Shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within eighteen (18) months.

(Ord. 30-14. Passed 5-22-14.)

1125.03 APPROVAL OF ZONING PERMIT.
Within fifteen days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the permit has been issued in accordance with the information contained on the approved application for zoning permit and the plans approved with the application.

(Ord. 26-97. Passed 6-12-97.)

1125.04 SUBMITTING PERMIT TO DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION.
Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director, Ohio Department of Transportation, or any land within a radius of 500 feet from the point of intersection of such centerline with any public road or highway, the Zoning Inspector shall give notice by registered mail to the Director that he shall not issue a zoning permit for 120 days from the date the notice is received by the Director. If the Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Zoning Ordinance, issue the zoning permit.

(Ord. 26-97. Passed 6-12-97.)

1125.05 EXPIRATION OF ZONING PERMIT.
If the work described in any zoning permit has not begun within six months of issuance thereof, such permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half years of the date of issuance thereof, such permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six month increments, not to exceed one and one-half years.

(Ord. 26-97. Passed 6-12-97.)
1125.06 CERTIFICATE OF COMPLIANCE REQUIRED.
No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued therefor by the Zoning Inspector. Certificates of compliance shall be issued in conformity with the provisions of the Planning and Zoning Code. (Ord. 26-97. Passed 6-12-97.)

1125.07 TEMPORARY CERTIFICATE OF COMPLIANCE.
A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion. (Ord. 26-97. Passed 6-12-97.)

1125.08 RECORD OF ZONING PERMITS AND CERTIFICATES OF COMPLIANCE.
The Zoning Inspector shall maintain a record of all zoning permits and certificates of compliance and copies shall be furnished upon request to any person. (Ord. 26-97. Passed 6-12-97.)

1125.09 FAILURE TO OBTAIN ZONING PERMIT OR CERTIFICATE OF COMPLIANCE.
Failure to obtain a zoning permit or certificate of compliance is a violation and punishable under Section 1125.99. (Ord. 26-97. Passed 6-12-97.)

1125.10 CONSTRUCTION AND USE REQUIREMENTS.
Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized is a violation and punishable as provided in Section 1125.99. (Ord. 26-97. Passed 6-12-97.)

1125.11 SCHEDULE OF FEES, CHARGES AND EXPENSES.
Council shall by ordinance establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this Zoning Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by Council. Until all applicable, fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. (Ord. 26-97. Passed 6-12-97.)

1125.12 COMPLAINTS REGARDING VIOLATIONS.
Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by Chapter 1129. (Ord. 26-97. Passed 6-12-97.)
1125.99 PENALTY.

Whoever violates any provision of this Zoning Ordinance or fails to comply with any of its requirements, or violates any condition or safeguard established in any sections shall be fined not more than one hundred dollars ($100.00). Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 26-97. Passed 6-12-97.)
CHAPTER 1127
Nonconformities

1127.01 INTENT.
Within the districts established by the Zoning Ordinance or future amendments that may later be adopted there exist lots, uses of land, structures and uses of structures and land in combination which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit these nonconformities to continue until they are removed or discontinued. It is further the intent of this Zoning Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
(Ord. 1005-77. Passed 12-8-77.)

1127.02 INCOMPATIBILITY OF NONCONFORMITIES.
Nonconformities are declared by this Zoning Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of land, or a nonconforming use of a structure and land in combination, shall not be extended or enlarged after passage of this Zoning Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
(Ord. 1005-77. Passed 12-8-77.)
1127.03 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

(Ord. 1005-77. Passed 12-8-77.)

1127.04 SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapters 1137 and 1139, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 1129.09 through 1129.18.

(Ord. 1005-77. Passed 12-8-77.)

1127.05 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Ordinance.

(Ord. 1005-77. Passed 12-8-77.)

1127.06 NONCONFORMING USES OF LAND.

(a) Where, at the time of adoption of this Zoning Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

(1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance, except that on a nonconforming lot on which a single-family dwelling exists, accessory buildings will be allowed in accordance with Section 1139.24.
(2) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Ordinance.

(3) If any such nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming use of land.

(Ord. 1005-77. Passed 12-8-77; Ord. 31-86. Passed 8-28-86.)

1127.07 NONCONFORMING STRUCTURES.

(a) Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions;

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

(2) Should such nonconforming structure or nonconforming portion of structure be destroyed by fire or an act of God, it may be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction;

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 1005-77. Passed 12-8-77.)

1127.08 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

(a) If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building;

(3) If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(5) When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, except as stated in Section 1127.07(a)(2).

(Ord. 1005-77. Passed 12-8-77.)

1127.09 REPAIRS AND MAINTENANCE.
On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 1005-77. Passed 12-8-77.)

1127.10 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.
Any use which is permitted as a conditional use in a district under the terms of this Zoning Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(Ord. 1005-77. Passed 12-8-77.)
### 1129.01 Office of Zoning Inspector created.
A Zoning Inspector designated by the Mayor shall administer and enforce this Zoning Ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

### CROSS REFERENCES
- Establishing a planning commission- see Ohio R.C. 713.01
- Planning Commission powers and duties- see Ohio R.C. 713.02, 713.06
- Appeals from zoning decisions- see Ohio R.C. 713.11
- Council to hold public hearing- see Ohio R.C. 713.12
- Nonconformities- see P. & Z. Ch. 1127

### 1129.02 Duties of Zoning Inspector.

### 1129.03 Proceedings of Planning Commission.

### 1129.04 Duties of Planning Commission.

### 1129.05 Board of Zoning Appeals created.

### 1129.06 Proceedings of the Board of Zoning Appeals.

### 1129.07 Duties of the Board of Zoning Appeals.

### 1129.08 Duties on matters of appeal.

### 1129.09 Procedure and requirements for appeals and variances.

### 1129.10 Appeals.

### 1129.11 Stay of proceedings.

### 1129.12 Variances.

### 1129.13 Application and standards for variances.

### 1129.14 Supplementary conditions and safeguards.

### 1129.15 Public hearing by the Board of Zoning Appeals.
1129.02 DUTIES OF ZONING INSPECTOR.
(a) For the purpose of this Zoning Ordinance, the Zoning Inspector shall have the following duties:
   (1) Upon finding that any provision of this Zoning Ordinance is being violated, he shall notify in writing the person responsible for the violation ordering the action necessary to correct such violation;
   (2) Order discontinuance of illegal uses of land, buildings or structures;
   (3) Order removal of illegal buildings or structures or illegal additions or structural alterations;
   (4) Order discontinuance of any illegal work being done;
   (5) Take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violations of this Zoning Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
(Ord. 48-95. Passed 9-28-95.)

1129.03 PROCEEDINGS OF PLANNING COMMISSION.
The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 all other official actions all of which shall be a public record and be immediately filed in the office of the Commission.
(Ord. 48-95. Passed 9-28-95.)

1129.04 DUTIES OF PLANNING COMMISSION.
(a) For the purpose of this Zoning Ordinance the Commission shall have the following duties:
   (1) Initiate proposed amendments to this Zoning Ordinance;
   (2) Review all proposed amendments to this Zoning Ordinance and make recommendations to Council as specified in Chapter 1131;
   (3) Review all planned unit developments and make recommendations to Council provided in Chapter 1145;
   (4) Carry out such other duties as are set forth in the Charter of the Municipality.
   (5) Conduct a complete review of the Planning and Zoning Code at least every five years beginning in 1991 and to provide recommendations for modification or no modification as appropriate.
(Ord. 48-95. Passed 9-28-95.)

1129.05 BOARD OF ZONING APPEALS CREATED.
A Board of Zoning Appeals is hereby created, which shall consist of seven members to be appointed by the President of Council, with the consent of Council, for a term of five years, except that the initial appointments shall be one member each for one, two, three, four and five year terms. The initial appointments for the two additional members appointed in 2006, shall be one for three and one for five year terms. Each member shall be a resident of the City. Members of the Board may be removed
from office by Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the President of Council, with the consent of Council, for the unexpired term of the member affected. The City Zoning Inspector or designee shall be present when requested, and shall be an ex-officio member of the Board of Zoning Appeals without voting privileges.
(Ord. 18-06. Passed 5-25-06.)

1129.06 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.
The Board of Zoning Appeals shall adopt rules necessary for the conduct of its affairs in keeping with this Zoning Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Agenda items must be submitted twenty calendar days prior to the regularly scheduled meeting. Any meeting may be cancelled due to absence of agenda items. All meetings shall be open to the public. The President of Council shall designate a clerk or secretary to prepare packets and keep the 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 actions, all of which shall be a public record and be immediately filed in the office of the Board.
(Ord. 13-16. Passed 4-28-16.)

1129.07 DUTIES OF THE BOARD OF ZONING APPEALS.
(a) In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Ordinance or to effect any variation in the application of this Zoning Ordinance. For the purpose of this Zoning Ordinance the Board has the following specific responsibilities:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;

(2) To authorize such variances from the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Ordinance will result in unnecessary hardship, and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done;

(3) To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Chapter 1137 and such additional safeguards as will uphold the intent of this Zoning Ordinance.
(Ord. 18-06. Passed 5-25-06.)
1129.08 DUTIES ON MATTERS OF APPEAL.
It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. Any such appeal shall be made within ten days of the Board's written decision. It is further the intent of this Zoning Ordinance that the duties of Council in connection with this Zoning Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Ordinance. Under this Zoning Ordinance Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Zoning Ordinance as provided by law; approving or rejecting planned unit development projects and of establishing a schedule of fees and charges as stated in Section 1125.11. Nothing in this Zoning Ordinance shall be interpreted to prevent any official of the City from appealing a decision of the Board to the courts as provided in the Ohio Revised Code.
(Ord. 48-95. Passed 9-28-95.)

1129.09 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.
Appeals and variances shall conform to the procedures and requirements of Sections 1129.10 through 1129.18 of this Zoning Ordinance. As specified in Section 1129.07, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.
(Ord. 48-95. Passed 9-28-95.)

1129.10 APPEALS.
(a) Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the City affected by any decision of the Zoning Inspector.

(b) Such appeal shall be taken within twenty days after the decision of filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken.

(c) Application for Appeal:
(1) Shall be filed with the City on forms provided by the City;
(2) Shall include all required supplemental information;
(3) Shall be submitted by the application deadline as established by the City;
(4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(d) The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
(Ord. 31-14. Passed 5-22-14.)

1129.11 STAY OF PROCEEDINGS.
An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
(Ord. 48-95. Passed 9-28-95.)
1129.12 VARIANCES.
(a) The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance, would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance except as noted in subsection (b) below. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Ordinance would result in unnecessary hardship. (b) Applications for variances shall follow the procedures outlined in Sections 1129.09 to 1129.18. In a Service Business District (B-1) the Board of Zoning Appeals may grant variances to lot coverage and setbacks after considering at least the following in addition to the other standards set forth in this chapter:
(1) The case in question is in fact in a Service Business District (B-1).
(2) That a literal enforcement of the provisions of Section 1137.22 would render the case in question impractical or inefficient and not in the best interests of the City or the applicant. Conditions that could cause such situations may include:
A. Lots of record with less than the required area or frontage.
B. Unusual topographical or physical features such as steep slopes, rivers, streams or runs, existing easements or rights of way and so forth.
(3) Adjacent properties that are similar in nature to the proposal in terms of lot coverage and setbacks.

The burden of establishing unique characteristics in support of such a request shall rest upon the applicant. The intent of this paragraph (1129.12(b)) is to provide a mechanism for flexibility and more efficient uses of parcels that otherwise would be difficult to develop or improve through literal interpretation of the requirements of Section 1137.22.
(Ord. 48-95. Passed 9-28-95.)

1129.13 APPLICATION AND STANDARDS FOR VARIANCES.
(a) Applications for review by the Board of Zoning Appeals for variances:
(1) Shall be filed in accordance with Chapter 1129;
(2) Shall be filed with the City on forms provided by the City;
(3) Shall include all required supplemental information;
(4) Shall be submitted by the application deadline as established by the City;
(5) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(b) In addition to the required application and supplemental information, the applicant shall provide a narrative statement demonstrating that the requested variance conforms to the following standards:
(1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
(2) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.

(3) That special conditions and circumstances do not result from the actions of the applicant;

(4) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of this Zoning Ordinance or the public interest.

(c) A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection (b) hereof have been met by the applicant.

(Ord. 32-14. Passed 5-22-14.)

1129.14 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

(a) Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in such district. In granting an appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Ordinance and punishable under Section 1125.99.

(b) Any variance granted by the Board of Zoning Appeals shall expire if not so used within two years and the permit for such variance shall become void.

(Ord. 48-95. Passed 9-28-95.)

1129.15 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within sixty-five days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

(Ord. 48-95. Passed 9-28-95.)

1129.16 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 1129.15, notice of such hearing shall be given in one newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

(Ord. 48-95. Passed 9-28-95.)
1129.17 NOTICE TO PARTIES IN INTEREST.
Before holding the public hearing required in Section 1129.15, written notice of such hearing shall be mailed by the clerk or secretary designated to keep the minutes, by first-class mail, at least ten days before the day of the hearing to all parties of interest. Parties of interest shall include property owners contiguous to or directly across the street from the property concerned. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1129.16.
(Ord. 11-13. Passed 3-14-13.)

1129.18 ACTION BY BOARD OF ZONING APPEALS.
The public hearing may be extended to another date by mutual agreement of the board and the applicant. Within thirty-five days after the conclusion of the public hearing required in Section 1129.15, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1129.14, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in Section 1129.08.
(Ord. 18-06. Passed 5-25-06.)

1129.19 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.
Conditional uses shall conform to the procedures and requirements of Sections 1129.20 through 1129.26.
(Ord. 48-95. Passed 9-28-95.)

1129.20 GENERAL.
It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Chapter 1137, shall follow the procedures and requirements set forth in Sections 1129.21 through 1129.26.
(Ord. 48-95. Passed 9-28-95.)

1129.21 APPLICATION FOR CONDITIONAL USE.
Applications for review by the Board of Zoning Appeals for conditional uses:
(a) Shall be filed in accordance with the procedures in Chapter 1129;
(b) Shall be filed with the City on forms provided by the City;
(c) Shall include all required supplemental information;
(d) Shall be submitted by the application deadline as established by the City;
(e) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
(Ord. 33-14. Passed 5-22-14.)
1129.22 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

(a) Is in fact a conditional use as established under the provisions of Chapter 1137 and appears on the Official Schedule of District Regulations adopted by Section 1137.02 for the zoning district involved;

(b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance;

(c) 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 that such use will not change the essential character of the same area;

(d) Will not be hazardous or disturbing to existing or future neighboring uses;

(e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(f) 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;

(g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;

(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

(Ord. 48-95. Passed 9-28-95.)

1129.23 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms-under which the conditional use is granted, shall be deemed a violation of this Zoning Ordinance and punishable under Section 1125.99.

(Ord. 48-95. Passed 9-28-95.)
1129.24 PROCEDURE FOR HEARING, NOTICE.
Upon receipt of the application for a conditional use permit specified in Section 1129.21, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 1129.15 through 1129.17.
(Ord. 48-95. Passed 9-28-95.)

1129.25 ACTION BY THE BOARD OF ZONING APPEALS.
The public hearing may be extended to another date by mutual agreement of the board and the applicant. Within thirty-five days after the conclusion of the public hearing required in Section 1129.24, the Board shall either approve, approve with supplementary conditions as specified in Section 1129.23, or disapprove the application as presented. If the application is approved, or approved with modification, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1129.08.
(Ord. 18-06. Passed 5-25-06.)

1129.26 EXPIRATION OF CONDITIONAL USE PERMIT.
A conditional use permit shall be deemed to authorize only one particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years.
(Ord. 48-95. Passed 9-28-95.)

1129.27 LIMITATIONS ON REFILING OF APPLICATIONS.
Where an application for Appeal, Conditional Use or Variance has been denied by the Board of Zoning Appeals or the Design Review Board, no new application for the same purpose shall be filed within six (6) months from the date the previous denial became final, unless all of the following conditions are met in the following order:
(a) The applicant submits in writing to the Chair of the Board which rendered the original decision for denial, a request which explains the reason to refile an application for the same purpose.
(b) Within 10 working days of the submitted written request, the Chair of the Board which rendered the original decision for denial, for causes substantially documented, grants permission to do so.
(c) The applicant submits a complete application and pays all applicable fees by the application deadline for the next available meeting date to have the request heard by the Board.
(Ord. 1-14. Passed 1-23-14.)
CHAPTER 1131
Amendment

1131.01 Procedure for amendment or district changes.
1131.02 General.
1131.03 Initiation of zoning amendments.
1131.04 Zoning amendment application.
1131.05 Transmittal to Planning Commission.
1131.06 Submitting amendment to Director, Ohio Department of Transportation.
1131.07 Recommendation by Planning Commission.
1131.08 Public hearing by Council.
1131.09 Notice of public hearing in newspaper.
1131.10 Notice to property owners by Council.
1131.11 Action by Council.
1131.12 Effective date and referendum.
1131.13 Annexation.

CROSS REFERENCES
Council may amend districting or zoning- see Ohio R.C. 713.10
Council to hold public hearing- see Ohio R.C. 713.12

1131.01 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.
This Zoning Ordinance may be amended utilizing the procedures specified in Sections 1131.02 through 1131.13.
(Ord. 27-97. Passed 6-12-97.)

1131.02 GENERAL.
Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.
(Ord. 27-97. Passed 6-12-97.)

1131.03 INITIATION OF ZONING AMENDMENTS.
(a) Amendments to this Zoning Ordinance may be initiated in one of the following ways:
(1) By adoption of a motion by the Planning Commission;
(2) By adoption of a resolution by Council;
(3) By the filing of an application with the Zoning Inspector by at least one owner or representative or agent for at least one owner of property within the area proposed to be changed or affected by such amendment.
(Ord. 27-97. Passed 6-12-97.)
1131.04 ZONING AMENDMENT APPLICATION.
Application for amendments to the Official Zoning Map adopted as part of this Zoning Ordinance by Section 1131.01:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;
(c) Shall be submitted by the application deadline as established by the City;
(d) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
(Ord. 34-14. Passed 5-22-14.)

1131.05 TRANSMITTAL TO PLANNING COMMISSION.
Immediately after the adoption of a resolution by Council or the filing of an application by at least one owner or agent or representative for at least one owner of property, such resolution or application shall be transmitted to the Commission.
(Ord. 27-97. Passed 6-12-97.)

1131.06 SUBMITTING AMENDMENT TO DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION.
Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director, Ohio Department of Transportation, or within a radius of 500 feet from the point of the intersection of such centerline with any public road or highway, the Commission shall give notice by registered or certified mail to the Director. The Commission may proceed as required by law, however, Council shall not approved the amendment for 120 days from the date the notice is received by the Director. If the Director notifies the City that he shall proceed to acquire the land needed then the City shall refuse to approve the rezoning. If the Director notifies the City that the acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director and the property owner, Council shall proceed as required by law.
(Ord. 27-97. Passed 6-12-97.)

1131.07 RECOMMENDATION BY PLANNING COMMISSION.
Within sixty days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.
(Ord. 27-97. Passed 6-12-97.)
1131.08 PUBLIC HEARING BY COUNCIL.
Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. Such hearing shall be held not more than fifty days from the date such recommendation is first placed on the Council agenda. The recommendation shall be placed on the Council agenda for the next stated meeting after being delivered to the Clerk of Council.
(Ord. 27-97. Passed 6-12-97.)

1131.09 NOTICE OF PUBLIC HEARING IN NEWSPAPER.
Notice of the public hearing required in Section 1131.08 shall be given by Council by at least one publication in one or more newspapers of general circulation in the City. Such notice shall be published at least thirty days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
(Ord. 27-97. Passed 6-12-97.)

1131.10 NOTICE TO PROPERTY OWNERS BY COUNCIL.
If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the City Clerk, by first class mail, at least twenty days before the day of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing in the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1131.09. (Ord. 27-97. Passed 6-12-97.)

1131.11 ACTION BY COUNCIL.
Within forty-five days after the public hearing required by Section 1131.08, Council shall take final action on the recommendation of the Planning Commission. A vote to amend the recommendation must receive a three-fourths affirmative vote of all members of Council. The vote to adopt the recommendation of the Planning Commission, whether amended or not, must receive a majority vote of all members of Council.
(Ord. 27-97. Passed 6-12-97.)

1131.12 EFFECTIVE DATE AND REFERENDUM.
(a) Such amendment adopted by Council shall become effective thirty days after the date of such adoption unless within thirty days after the passage of the ordinance there is presented to the City Clerk a petition, signed by a number of qualified voters residing in the City equal to not less than ten percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election.

(b) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. (Ord. 27-97. Passed 6-12-97.)

1131.13 ANNEXATION.
All land annexed to the City subsequent to the adoption of this Zoning Ordinance shall remain subject to the previous Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Zoning Ordinance.
(Ord. 27-97. Passed 6-12-97.)
CHAPTER 1133
Official Zoning Map

1133.01 Official Zoning Map.
1133.02 Identification of the Official Zoning Map.
1133.03 Interpretation of district boundaries.

CROSS REFERENCES
Basis of districts- see Ohio R.C. 713.10

1133.01 OFFICIAL ZONING MAP.
The districts established in this chapter as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Zoning Ordinance. (Ord. 1005-77. Passed 12-8-77.)

1133.02 IDENTIFICATION OF THE OFFICIAL ZONING MAP.
The Official Zoning Map shall be identified by the signature of the President of Council and attested to and kept secure by the Clerk of Council.

1133.03 INTERPRETATION OF DISTRICT BOUNDARIES.
(a) Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries;

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of such railroad line;

(5) Where the boundary of a district follows Mill Creek, such boundary line shall be deemed to be located in the middle of the stream.

(Ord. 1005-77. Passed 12-8-77.)
CHAPTER 1135
Districts Establishment and Purpose

1135.01 Intent.
(a) The following zoning districts are hereby established for the City of Marysville, Ohio. For the interpretation of this Zoning Ordinance, the zoning districts have been formulated to realize the general purpose as set forth in the preamble of original Ordinance 1005-77. In addition, the specific purpose of each zoning district shall be as stated.

(b) Refer to Chapter 1137, Official Schedule of District Regulations, for a listing of permitted and Conditional Uses and for minimum or maximum requirements. References and definitions are those in the Standard Industrial Classification (SIC) Code as revised in 1987 by the Federal Office of Management and Budget.

(c) When an enterprise or land use has multiple SIC codes, and one or more of those codes is a permitted use in a less restrictive district as defined in Section 1123.01(b)(142), the less restrictive zoning shall apply.

(Ord. 28-97. Passed 6-12-97.)
1135.02 AGRICULTURAL RESIDENTIAL DISTRICT (A-R).
The purpose of this district is to provide land which is suitable or used for agriculture, conservation, very low density residential and quasi-public purposes. Very low density residential land use refers to farm housing units and isolated residential development not qualifying as a major subdivision under the City subdivision regulations. Single family dwellings should not exceed one dwelling unit per gross acre. On-site water and sewer facilities are permitted, provided such facilities comply with County Health Department regulations. (Ord. 52-05. Passed 9-22-05.)

1135.021 ESTATE RESIDENTIAL DISTRICT (ER).
The purpose of the Estate Residential District is to provide a transition between more rural areas of the City of Marysville, and more urbanized portions of the City. These areas are expected to be served by public utilities and to develop in a lower density development pattern. Single family dwellings should not exceed one dwelling Unit per gross acre. (Ord. 52-05. Passed 9-22-05.)

1135.022 SUBURBAN RESIDENTIAL DISTRICT (SR).
The purpose of the Suburban Residential District is to encourage and provide for the orderly development of lower density single family homes and customary supporting residential facilities, such as public park lands. Single family dwellings should not exceed two dwelling unit per gross acre. (Ord. 52-05. Passed 9-22-05.)

1135.03 LOW DENSITY RESIDENTIAL DISTRICT (R-1).
The purpose of the R-1 District is to permit the establishment of low density single family dwellings not to exceed three and one half dwelling units per gross acre. Centralized water and sewer facilities are required. (Ord. 52-05. Passed 9-22-05.)

1135.04 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2).
The purpose of the R-2 District is to permit the establishment of medium density single family dwellings not to exceed four dwelling units per gross acre. This district is also designed to permit low density multi-family dwellings (R-4) as a conditional use and the conversion of large, older houses as a conditional use in well established neighborhoods to low density multi-family units. Centralized water and sewer facilities are required. (Ord. 52-05. Passed 9-22-05.)

1135.05 HIGH DENSITY SINGLE FAMILY RESIDENTIAL (R-3).
The purpose of the R-3 District is to permit the establishment of high density single family dwellings not to exceed five units per gross acre. Further, this district is intended to meet the special housing needs of a certain segment of the community, specifically, lower income or elderly. Zoning large tracts of land under this district should be avoided. This district is also designed to permit low density multi-family dwellings as a conditional use and conversion of large older houses as a conditional use in well established neighborhoods to low density multi-family units. Centralized water and sewer facilities are required. (Ord. 52-05. Passed 9-22-05.)

1135.06 LOW DENSITY MULTI-FAMILY DISTRICT (R-4).
The purpose of the R-4 District is to permit the establishment of low density multi-family dwellings not to exceed eight units per gross acre. Such a district may be used as a transition from High Density Multi-Family districts or non-residential districts to single family districts. Centralized water and sewer facilities are required. (Ord. 28-97. Passed 6-12-97.)

1135.07 HIGH DENSITY MULTI-FAMILY DISTRICT (R-5).
The purpose of the R-5 District is to permit the establishment of high density multi-family dwellings not to exceed eight dwelling units per gross acre. Centralized water and sewer facilities are required. Common use open space that will give benefit to the occupants of the dwelling units may also be required. (Ord. 27-99. Passed 8-26-99.)
1135.08 OFFICE-RESIDENTIAL (OR).
(a) The purpose of the Office Residential is to accommodate a mixture of residential and office uses. Residential and office uses may be mixed in the same building or structure. This district should be viewed as a transitional district between residential districts and other business districts. Retail businesses or service businesses generating high volumes of traffic or outside storage of vehicles and/or materials should be discouraged. (Ord. 28-97. Passed 6-12-97.)

(b) This district is planned as the primary district for transition from commercial or manufacturing to residential when appropriate. Residential use should not exceed fifty percent (50%) of land use in any 0-R Zoning District. (Ord. 52-05. Passed 9-22-05.)

1135.09 BUSINESS-RESIDENTIAL DISTRICT (BR).
The purpose of the business-residential district is to accommodate a mixture of residential and business uses. Residential and business uses may be mixed in the same building or structure. A variety of business uses which are compatible with the residential area are permitted. This district is planned for an area in transition from residential to commercial. (Ord. 28-97. Passed 6-12-97.)

1135.10 SERVICE BUSINESS DISTRICT (B-1).
The purpose of the service business district is to provide land for retail and personal service establishments not normally available in the Central Business District; do offer convenience type goods and services for the immediate area; do not particularly contribute to the design of a unified business district; may depend on drive in business and therefore require a location along or near a major thoroughfare or intersection. (Ord. 28-97. Passed 6-12-97.)

1135.11 CENTRAL BUSINESS DISTRICT (B-3).
The purpose of the Central Business District is to provide land for retail, service, office, institutional, commercial, recreational and cultural facilities that are fully compatible in an intensely developed or developing commercial center and for a logical expansion of the compacted core. Multi-family housing is permitted in downtown overhead business area; other residential and commercial developments are prohibited unless introduced under the planned unit development approach. Manufacturing or industrial development is prohibited. Central water and sewer facilities are required. (Ord. 28-97. Passed 6-12-97.)

1135.12 TRAFFIC ORIENTED COMMERCIAL (TOC).
(a) The purpose of the Traffic Oriented Commercial District is to encourage and provide areas for orderly development of commercial uses that generate high traffic volumes and an increasing probability of vehicle traffic congestion on abutting public roadways. These uses generally require larger tracts of land used for parking and/or vehicle storage and will normally service regional needs as opposed to neighborhood needs.

(b) Refer to Chapter 1137, Official Schedule of District Regulations, for a listing of permitted and Conditional Uses and for minimum requirements. (Ord. 28-97. Passed 6-12-97.)

1135.13 HOSPITAL MEDICAL DISTRICT (HMD).
The purpose of the Hospital Medical District is designed to provide for compact hospital-medical facilities development with related hospital oriented uses that complement each other in terms of the functions being performed. This district is mapped to recognize the need for expansion of present hospital facilities and to provide area for hospital related medical office facilities. (Ord. 28-97. Passed 6-12-97.)
1135.14 MANUFACTURING DISTRICTS.
Manufacturing districts are established to meet the purposes set forth in Sections 1135.15 and 1135.16. Purposes or uses that are not manufacturing such as residential of any type, retail (unless accessory or directly related to primary use) and so forth are prohibited. Permitted and conditional uses in manufacturing districts are shown on the District Regulations and referenced the Standard Industrial Classification (SIC) code as revised in 1987 by the Federal Office of Management and Budget. (Ord. 28-97. Passed 6-12-97.)

1135.15 LIGHT MANUFACTURING DISTRICT (M-1).
The purpose of the light manufacturing district is to provide land for manufacturing, processing, storage, warehousing, research and testing or other establishments which are clean, quiet, and free of hazardous or objectionable elements such as smoke, noise, odor, dust; operate within enclosed structures; and generate little industrial traffic and no nuisances. Heavy manufacturing is prohibited. Retail or other activities compatible with the Light Manufacturing uses are permitted. Refer to Chapter 1137 Official Schedule of District Regulations for a listing of permitted and conditional uses and to Chapter 1139 Supplementary District Regulations for specific requirements for the Light Manufacturing District. (Ord. 28-97. Passed 6-12-97.)

1135.16 HEAVY MANUFACTURING DISTRICT (M-2).
The purpose of the heavy manufacturing district is to provide land for major manufacturing, processing, storage, warehousing, research and testing establishments which may require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district boundary. Retail or other activities compatible with heavy manufacturing are permitted. Refer to Chapter 1137 Official Schedule of District Regulations for a listing of permitted and conditional uses and to Chapter 1139 Supplementary District Regulations for specific requirements for the Heavy Manufacturing District. (Ord. 28-97. Passed 6-12-97.)

1135.17 SPECIAL DISTRICT ONE (SD1).
The purpose of this district is to recognize the unique combination of a mix of Traffic Oriented Commercial (Section 1135.12) and Light Manufacturing (Section 1135.15) uses, both of which have need for good traffic access and larger tracts of land and which serve regional as well as local needs, are logical uses of land in this area. Refer to Sections 1135.12 and 1135.15 for more specific statements of purpose for Traffic oriented Commercial and Light Manufacturing. (Ord. 65-14. Passed 9-11-14.)

1135.18 NEIGHBORHOOD COMMERCIAL DISTRICT (NC).
The purpose of this district is to provide areas for retail, personal or repair service establishments that cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influences. The retail establishments that are to be permitted are those that are primarily engaged in selling merchandise or services for personal or household use. (Ord. 46-03. Passed 11-6-03.)

1135.19 GOVERNMENT USE DISTRICT (GOV).
The purpose of this district is to provide for facilities and uses provided by all levels of government and other public entities along with limited office uses. (Ord. 41-08. Passed 10-23-08.)
CHAPTER 1136
Historic Design Review District(s) and Landmark(s) (Including Historic Uptown Marysville Design Review District)

1136.01 General statement.
1136.02 Purpose.
1136.03 Intent.
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1136.05 Criteria and establishment of Historic District(s) and Landmark(s).
1136.06 Establishment of Historic District(s) and Landmark(s) Design Review Process.
1136.07 Certificate of appropriateness required.
1136.08 Projects, work and maintenance not requiring a certificate of appropriateness.
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CROSS REFERENCES
Central Business District - see P. & Z. 1135.11
Supplementary district regulations- see P. & Z. Ch. 1139
Ohio Constitution, Art. XVIII, Sec. 3

1136.01 GENERAL STATEMENT.
The City of Marysville, which includes the Central Business District (CBD), contains numerous historic structures and other architectural and special features which are considered assets that establish the character of the community. The Marysville (CBD) is a mixed use area where residential and commercial uses support each other's economic vitality and the historic character is directly linked to the economic health of the business and residential districts. Additional buildings and places that exhibit historic character add meaning and livability to our City. The vitality of historic buildings, structures and areas within the City of Marysville affects the economic, social, historical and cultural health and well being of the community. (Ord. 35-10. Passed 12-2-10.)

1136.02 PURPOSE.
The purpose of the Historic Uptown Marysville Design Review District is to maintain and enhance the distinctive character of the community's historic area(s) by safeguarding the exterior architectural integrity of the various period structures and other historic features within the Design Review District thereby promoting the public health, safety, and welfare of the residents and visitors to the community. (Ord. 35-10. Passed 12M2-10.)
1136.03 INTENT.
The intent of the Historic Design Review District(s) and Landmark(s) is to:
(a) Create a unique Overlay District which protects a historically significant area which includes multiple zoning districts. This means that the requirements of this Chapter must be met in addition to the established requirements of the underlying use districts.
(b) Provide a process of architectural review in reference to historic preservations criteria which would also guide, support and encourage new construction which would be compatible with historic structures.
(c) Promote, preserve, and enhance the historic integrity and special features of the District. (Ord. 35-10. Passed 12-2-10.)

1136.04 DEFINITIONS.
As used in this chapter, the following words shall be defined as follows:
(a) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.
(b) "Architectural character" means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
(c) "Board" means the Design Review Board of the City of Marysville as established in Chapter 1144.
(d) "Certificate of Appropriateness" means a certificate authorizing any alteration of architectural character or any environmental change within the Historic Design Review District(s) and Landmark(s) including the Uptown Marysville Design Review District.
(e) "District" means the Design Review District(s) and Landmark(s) including the Historic Uptown Marysville Review District.
(f) "Environmental change" means the construction, modification, reconstruction, demolition, or removal of exterior features of a structure or property subject to the provisions of this chapter.
(g) "Maintenance" means the ordinary repair of any structure or property provided such work involves no change in material, design, texture, color or exterior appearance.
(h) "Landmark" A property, structure, or building designated by the Design Review Board to be worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance.
(i) "Owner" means the owner of record, and the term shall include the plural as well as the singular.
(j) "Preserve" or "preservation" means the process, including maintenance of treating an existing building to arrest the slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure. (Ord. 35-10. Passed 12-2-10.)

1136.05 CRITERIA AND ESTABLISHMENT OF HISTORIC DISTRICT(S) AND LANDMARK(S).
(a) In considering the designation of any area, property, structure, work of art, or similar object in the City of Marysville as an historic district or landmark, the City Planning Commission and City Council shall apply the following criteria:
Historic Design Review District(s) and Landmark(s) (Including Historic Uptown Marysville Design Review District)

(1) Its character, interest, or value as part of the development, heritage or cultural characteristic of the City of Marysville, Union County, the State of Ohio, or the United States of America.

(2) Its location as a site of a significant historical event.

(3) Its identification with a person who significantly contributed to the culture and development of the City.

(4) Its exemplification of the cultural, economic, social or historic heritage of the City.

(5) Its embodiment of distinguishing characteristics of an architectural type.

(6) Its embodiment of elements of architectural design or detail or materials or craftsmanship which represent architecture of significant character, charm, or grandeur.

(7) Its unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood or of the City.

(8) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(b) Additional Historic district boundaries within the City of Marysville must be eligible for or listed on the National Register of Historic Places or contain locally designated landmarks.

(1) The initiation of a proposal for a Historic District may be made only by one or more citizens of the City of Marysville, a City Board, City Commission, City Council or committee.

(2) The proposal shall be submitted to the City of Marysville Director of Administration and/or designee. The submission shall include documentation proving the subject property(s) either eligible for or is listed on the National Register of Historic Places.

(3) All known legal or equitable property owner(s) of the designated property(s) and abutting property owners shall be notified by mail of the proposal, and their written comments requested.

(4) Within twenty (20) days, the City of Marysville Director of Administration and/or designee shall forward the proposal with owner(s) written comments to the Union County Historical Society and City of Marysville Design Review Board for recommendations.

(5) After review, the Union County Historical Society and the City of Marysville Design Review Board shall forward their recommendations in writing to the City of Marysville Director of Administration and/or designee.

(6) The City of Marysville Director of Administration and/or designee shall forward the proposal with all written comments and recommendations to the City of Marysville Planning Commission for review.

(7) The Planning Commission shall review the proposal, the recommendations of the Union County Historical Society, the City of Marysville Design Review Board and the owners' written comments and shall forward them on to City Council with a recommendation.
(8) Upon receipt of the Planning Commission's recommendation, the City Council shall cause an appropriate ordinance to be prepared, shall schedule public hearings on the proposed legislation and shall cause written notice to be given to the owner or any person having a legal or equitable interest in the property(s) being proposed for designation.

(9) City Council shall give due consideration to the findings and recommendations of the Planning Commission, Union County Historical Society, written comments from property owner(s), and to the public hearing comments, in making its determination.

(10) After a decision by City Council, the Clerk of Council shall notify all persons known to have a legal or equitable interest in the said property(s). The Planning Commission and the Union County Historical Society shall also be notified of the decision.

(11) City Council shall, notwithstanding any provision of this chapter may rescind by ordinance the designation of any area, place, building or structure located within a designated Historic District.

(12) The Clerk of Council shall notify any appropriate county and/or state offices after a designation is approved or rescinded.

No legislation under this section shall be rendered invalid by any failure or alleged failure of the Clerk of Council to provide a prescribed notice, by mail or otherwise, to any person.

(c) Maps with delineated boundaries of the following Historic District(s) and/or Landmark(s) are on file with the City of Marysville Clerk of Council.

Historic Uptown Marysville Design Review District, excluding single family properties where the use of that structure will continue as a single family residence from all provisions of this chapter except when a single family property is being proposed demolition.

(Ord. 35-10. Passed 12-2-10.)

1136.06 ESTABLISHMENT OF HISTORIC DISTRICT(S) AND LANDMARK(S) DESIGN REVIEW PROCESS.

The Design Review Board, as defined in Chapter 1144, shall review Certificate of Appropriateness applications for this Design Review District and shall ensure that all the provisions of this Chapter are enforced. The Design Review Board shall have the following duties:

(a) Develop and maintain specific design and color guidelines for the Historic and Landmark District Design Review District. These design and color guidelines shall be reviewed and updated when appropriate.

(b) Review the Design Review District code and guidelines and make recommendations to City Council and the City Administration on how to improve the architectural and design environment. (Ord. 35-10. Passed 12-2-10.)

1136.07 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) An environmental change within any designated Historic and/or Landmark District including the Historic Uptown Marysville Design Review District shall require a Certificate of Appropriateness approved by the Board or a fast track Certificate of Appropriateness approval, approved by the Zoning Inspector. A demolition on a single family property shall also be an environmental change and shall require a Certificate of Appropriateness approved by the Board.
Applications for the approval of the Certificate of Appropriateness:

(1) Shall be filed with the City on forms provided by the City;
(2) Shall include all required supplemental information;
(3) Shall be submitted by the application deadline as established by the City;
(4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

Staff shall review the submitted materials for completeness and shall:

(1) Determine if the Certificate of Appropriateness is a fast track application (as defined later in this Chapter) or if it is a Design Review Board application. If it is a Design Review Board application, the Zoning Inspector shall place said application on the next appropriate Design Review Board agenda; or
(2) Reject incomplete applications and return the fee to the applicant with an itemization of deficiencies. (Ord. 35-14. Passed 5-22-14.)

An environmental change on a structure or on a property within any designated Historic and/or Landmark District including the Historic Uptown Marysville Design Review District does not require a Certificate of Appropriateness if the:

(a) Environmental change which in the view of the Zoning Inspector and/or Fire Chief is required for the public safety because of an unsafe, insecure or dangerous condition.
(b) Work which involves ordinary maintenance or repair of any structure or property, provided such work involves no change in material, design, texture, color or exterior appearance. (Ord. 35-10. Passed 12-2-10.)

The following environmental changes qualify for fast track approval for Certificate of Appropriateness:

(1) Awnings if the design remains the same but the color(s) is being modified provided that the color(s) proposed meet the design and color guidelines established by the Board.
(2) Signs if the same sign board or a window is used, but the color(s) and information are changed provided that the color(s) proposed meet the design and color guidelines established by the Board.
(3) Portable sidewalk signs as long as the sign complies with the regulations outlined in Section 1143.091.
(4) Painting of structures and signs as long as the painting does not involve any structural modification and the paint color selection complies with the design and color guidelines established by the Board. (Ord. 23-11. Passed 7-28-11.)
(5) Fences, trash enclosures and accessory structures under 250 sq. ft. as long as the design, color and materials are compatible with the primary structure and meet the guidelines stated in Section 1136.11.

(Ord. 24-12. Passed 3-22-12.)

(b) Procedure. The procedure for Fast Track approval shall be as follows:

(1) The Zoning Inspector reviews application for compliance with the Planning and Zoning Code and verifies if the proposed work satisfies the design and color guidelines established by the Board.

(2) The Zoning Inspector shall approve, conditionally approve, or disapprove the application within eight (8) working days of the complete Certificate of Appropriateness application being filed. (Ord. 35-10. Passed 12-2-10.)

1136.10 PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS BEFORE DESIGN REVIEW BOARD.

(a) The application for a Certificate of Appropriateness:

(1) Shall be filed with the City on forms provided by the City;

(2) Shall include all required supplemental information;

(3) Shall be submitted by the application deadline as established by the City;

(4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(b) The Design Review Board shall approve, conditionally approve, or disapprove the Certificate of Appropriateness application. The Design Review Board may request reports or testimony by City staff or other applicable organizations in reviewing the application. The Certificate of Appropriateness shall be approved if the Design Review Board finds that:

(1) Applicable provisions in the Planning and Zoning Code are satisfied.

(2) The location and configuration of the building(s) are visually harmonious with their sites and surroundings.

(3) The criteria, design guidelines, and color guidelines as established in this Chapter are satisfied.

(c) If the Certificate of Appropriateness application is disapproved, the reasons for the disapproval shall be stated in the record.

(d) Certificate of Appropriateness applications must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt except that Certificate of Appropriateness applications for demolition must be approved, conditionally approved or disapproved within forty-five (45) working days from the date of receipt. The approval periods may be extended by the mutual agreement of the Design Review Board and the applicant.
(e) Applications for review by the Board of Zoning Appeals for conditional uses shall be filed with the City in accordance with the procedures in Chapter 1129 and on forms provided by the City. The application shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application. (Ord. 36-14. Passed 5-22-14.)

1136.11 STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS FOR CERTIFICATE OF APPROPRIATENESS.

When evaluating and considering the appropriateness of any proposed environmental change, including landscaping or exterior change, the Design Review Board shall consider the guidelines outlined in the "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as adopted by the Secretary of Interior, U.S. Department of Interior. A general overview of these guidelines is as follows:

(a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. 35-10. Passed 12-2-10.)

1136.12 DESIGN GUIDELINES.
The design guidelines listed below should be used when reviewing Certificate of Appropriateness applications.

(a) Building and Site Design.
   (1) Height in relation to existing structures.
   (2) Building massing - the relationship of the building width to its height and depth, and its relationship to visual perspective.
   (3) Window and door treatment which shall include the size, shape and materials of the individual window and door units and the overall harmonious relationship of window and door openings.
   (4) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expressing which is conveyed by these elements.
   (5) Roof shape, which shall include type, form and materials.
   (6) Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure.
   (7) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details.
   (8) Landscape design and plant materials including but not limited to, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views.
   (9) Pedestrian environment which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.

(b) Materials.
   (1) Masonry and Wood. The use of natural traditional exterior material such as brick, stone, masonry, and wood is encouraged.
      A. Sandblasting will not be permitted on masonry.
      B. Replaced mortar should duplicate as much as possible the original used in appearance.
      C. Replaced brick, stone, masonry, and wood should duplicate the appearance as much as possible to the original used on the structure.
   (2) Metals. The use of contemporary materials, such as aluminum, other metals, fiberglass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to the preservation or enhancement of existing traditional materials and the overall integrity and longevity of a structure.
   (3) Roofs. Roofs shall be aesthetically pleasing and the materials proposed shall not alter the historical significance of the structure.
   (4) Windows and Doors. Windows and doors shall be replaced with similar materials and styles of the original windows and doors.
      A. Wood and vinyl-clad wood windows and doors similar to the original are permitted.
      B. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
C. Rear doors may be replaced with steel doors; however it is recommended that the doors have character with inserts or windows.

(5) General Storefront Guidelines. Storefronts may be replaced when there is no historic integrity. Storefronts with historic integrity may be replaced if irreparable.

A. Awnings shall be of traditional nature. Awnings should be at forty-five (45) degrees, made of canvas material, and are of compatible color. They should be attached to mortar joints not brick or stone.

B. Metal awnings may be replaced only if they contribute to the historic integrity of the building or if they are located to the rear of the structure. No new metal awnings will be permitted.

C. Wood may be placed over glass panels on a storefront facade, only if muntins are retained, and the wood is painted a compatible color.

D. Porches and steps that contribute to the historical integrity of the structure should be retained. It is not recommended to enclose porches or steps.

(6) Exterior Finishes. Exterior finishes should be compatible with the structure's age and appearance. If brick is painted, it can be repainted. Brick or stone should not be painted. If the owner can show historic proof that the building has been painted or if the building does not have historic integrity, the brick may be painted.

(c) Color. Traditional colors and combination of those colors that are both identified with the origin or the era in which the structure of property was originally built, shall be used for exteriors of all new structures to be built, and reconstruction, remodeling and exterior maintenance of existing structures within the District. The Board shall adopt color guidelines that the Board and Zoning Inspector will utilize in reviewing Certificate of Appropriateness applications.

(d) Signs. All signs within the District shall conform to the color and material standards of this section, be of such a style or design that reflects the era during which the structure was built, and shall, except for the following exceptions, conform to the requirements of Chapter 1143.

(1) Sign size should be minimized so as not to dominate the facade of the structure.

(2) Sign color and design shall be compatible with the existing colors and design of the structure.

(3) Signs shall not be permitted to cover, "blank out" or close existing window and doorway openings or otherwise hide important architectural features.

(e) Guidelines. The design guidelines established in this chapter or any adopted design guidelines, design diagrams, or color guidelines by the Board are to be used in evaluating applications unless the Board determines that due to special circumstances other architectural designs are appropriate.

(Ord. 35-10. Passed 12-2-10.)

1136.13 DEMOLITION OF STRUCTURES.

The last alternative for a determined historically significant structure is demolition. In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the District, the Board shall conduct a thorough investigation of the application for demolition and shall authorize a Certificate of Appropriateness only when (a) and either (b) or (c) below are satisfied:
(a) **Historical Significance.** The architectural and historic significance of a structure to the character of the District shall be determined by the Board. In addition to the submittal requirements for a Certificate of Appropriateness in Section 1136.10, the applicant is required to include with the application a report or testimony from a historic preservation professional, architect, and/or consultant which verifies the historical significance or non-significance of the proposed structure to be demolished; and, verifies the applicant has considered alternative historical uses of the structure including the preservation of the structure by a governmental or non-profit organization.

When the Zoning Inspector receives a Certificate of Appropriateness application for demolition of a structure in the District, the application shall be forwarded to the Union County Historical Society. Within twenty (20) days of sending the application to the Historical Society, the Historical Society shall provide information to the Board verifying any architectural or historic significance of the structure. The review may also include recommendations on alternative uses that may preserve the structure. Reasonable extensions may be given if the Historical Society requests them based on the need for additional research.

The Board shall make its determination after considering the following:

(1) **No Significance.** If the Board finds the structure to have no architectural or historic significance based on its investigation outlined above, the Board may proceed with reviewing the application for demolition.

(2) **Significance.** If the Board finds the structure to have architectural or historic significance based on its investigation outlined above, the Board shall not approve the demolition unless (b) or (c) are satisfied.

(b) **Economic Use.** There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition as determined by the Board. The Board may hire an architect, engineer, or professional consultant to provide an independent report to the Board verifying the economic use of the structure as outlined above. The applicant shall be required to pay for the expense of hiring the architect, engineer, or professional consultant and shall permit access to the structure.

(c) **Deterioration.** Deterioration has progressed to the point where it is not economically feasible to restore the structure as determined by the Board. The Board may hire an architect, engineer, or professional consultant to provide an independent report to the Board verifying the economic feasibility to restore the structure as outlined above. The applicant shall be required to pay for the expense of hiring the architect, engineer, or professional consultant and shall permit access to the structure.

(d) **Preservation of Historic Materials.** If the applicant satisfies the criteria above to demolish a structure in the District and the Board decides to approve the demolition, the Board may conditionally approve the demolition with the following conditions:

(1) **Pictures.** The applicant shall permit the Union County Historical Society to take interior and exterior pictures of the structure prior to demolition.

(2) **Preserving Features of Structure.** The applicant shall permit the Union County Historical Society to inspect the structure's interior and exterior to determine any features or items of architectural or historic significance. If the applicant intends to demolish the features or items of architectural or historic significance, the applicant shall permit the Union County Historical Society at the Union County Historical Society's expense to arrange for the removal of the features or items.
(3) **Landscaping and Grading.** If a new structure is not constructed on the property after the demolition, the applicant shall re-grade the property and install sufficient ground cover and landscaping as determined appropriate by the Board. (Ord. 35-10. Passed 12-2-10.)

**1136.14 APPEALS.**

Any person whose plan has been disapproved or who has otherwise been aggrieved by a decision of the Design Review Board, Zoning Inspector or designee may appeal that decision to the Board of Zoning Appeals. Please refer to Chapter 1129. (Ord. 35-10. Passed 12-2-10.)
# CHAPTER 1137

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<td>1137.40</td>
<td>Prohibited Uses.</td>
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## CROSS REFERENCES

Mobile home park regulations - see P. & Z. Ch. 1147

### 1137.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided or as otherwise granted by the Board of Zoning Appeals.
(a) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or other structure shall be erected or altered:
(1) To provide for greater height or bulk;
(2) To accommodate or house a greater number of families;
(3) To occupy a greater percentage of lot area;
(4) To have narrower or smaller rear yards, front yards, side yards or other open spaces;

than herein required, or, in any other manner be contrary to the provisions of this Zoning Ordinance.

(c) No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements set forth herein.

(Ord. 29-97. Passed 6-12-97.)

(d) In addition to the provisions of Section 1127.04, any single lot of record existing on March 1, 2004, shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created. (Ord. 17-04. Passed 4-8-04.)

1137.02 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED.
(a) District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Zoning Ordinance, and in Chapter 1139, “Supplementary District Regulations”. Regulations for mobile home parks shall be those specified in Chapter 1147.

(b) The Official Schedule specifies which uses are permitted and conditionally permitted in the zoning districts established in Sections 1135.02 to 1135.15. Permitted Uses include accessory uses and essential services. Conditional Uses require approval of a Conditional Use permit by the Board of Zoning Appeals as set forth in Sections 1129.19 to 1129.26.

(Ord. 29-97. Passed 6-12-97.)

(c) Any use not specifically listed in any zoning district in Chapter 1137, shall only be allowed.

(1) Upon amendment of this Ordinance and/or Zoning Map as provided in Chapter 1131; or
(2) Upon a finding by the Zoning Inspector that the use is substantially similar to a permitted use in the district; or
(3) Upon a finding by the Zoning Inspector that the use is substantially similar to a conditionally permitted use in the district, and is approved by the Board of Zoning Appeals as a conditional use.

Uses permitted or conditionally permitted in any zoning district shall not be allowed to be permitted or conditionally permitted in any other district unless a zoning change is granted through the procedures as outlined in Chapter 1131. (Ord. 18-12. Passed 2-23-12.)

(d) The numbers in parenthesis following the specific use in the Official Schedule depicts the Standard Industrial Classification (SIC) Code-- 1987 revision- and should be used as a definition/ description of the nature of a particular business of industry.

(Ord. 29-97. Passed 6-12-97.)
1137.03 IDENTIFICATION OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS.
The Official Schedule of District Regulations shall be identified by the signature of the Mayor and attested to and kept secure by the City Clerk. (Ord. 29-97. Passed 6-12-97.)

1137.04 RESERVED.
(EDITOR’S NOTE: This section is reserved for future legislation).

1137.05 RESERVED.
(EDITOR’S NOTE: This section is reserved for future legislation).

1137.06 RESERVED.
(EDITOR’S NOTE: This section is reserved for future legislation).

1137.07 RESERVED.
(EDITOR'S NOTE: This section is reserved for future legislation).

1137.08 RESERVED.
(EDITOR’S NOTE: This section is reserved for future legislation).

1137.09 ESTATE RESIDENTIAL ZONING DISTRICT (ER).
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.
(a) Permitted Uses. (Including accessory uses and essential public services).
   Child Care Home
   Single Family Housing
   Model Homes as Permitted in Section 1139.22
(b) Conditional Uses. (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals).
   Non-Commercial Recreation
   Home Occupation
   Public and Quasi Public Uses (Ord. 21-02. Passed 6-13-06.)
(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)
(d) Minimum Lot Size. (Square Feet per Household).
   40,000 square feet
(e) Minimum Lot Width. 150 feet, with a minimum of 125 ft. at the right-of-way.
(f) Maximum Percentage of Lot to be Occupied. (Principal and Accessory Buildings).
   Twenty-five percent (25%)
(g) Minimum Floor Area.
   1,800 square feet
(h) Maximum Height of Principal Buildings.
   2 ½ story or 35 feet
(i) Minimum Yard Dimensions.
   Front Set Back 45 feet
   One Side 20 feet
   Sum of Sides 40 feet
   Rear Yard 60 feet
(j) Accessory Buildings.
   Maximum Height 15 feet
Minimum Distance to:
- Side Lot Line: 15 feet
- Rear Lot Line: 20 feet
- Front Lot Line: 45 feet

Additional information in Section 1139.20

(k) Minimum Off Street Parking Space Requirements. Two spaces for each Dwelling Unit.
(l) Minimum Off Street Loading Space Requirements. None.
(m) Signs Permitted. See Chapter 1143.
(n) Other Provisions and Requirements.

1137.10 AGRICULTURAL RESIDENTIAL DISTRICT (A-R).
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) Permitted Uses. (Including accessory uses and essential public services)
- Agricultural - Crops (01)
- Agricultural - Services (07)
- Conservation
- Fish Hatcheries (092)
- Fishing preserves (092)
- Public and Quasi Public Uses
- Roadside Vegetable Produce Stands
- Single Family Dwelling
- Tree Farms, Nurseries (08)
- Very Low Density Single Family Residential Model Homes as Permitted in Section 1139.22

(b) Conditional Uses. (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals)
- Agricultural/Livestock (02)
- Cemeteries (6553)
- Commercial Recreation
- Home Occupation
- Kennels and Boarding Stables including Outside Kennels
- Mineral Extraction
- Non Commercial Recreation (Ord. 29-97. Passed 6-12-97.)
- Specialty Food and/or Beverage Facility. (Ord. 28-16. Passed 7-25-16.)
- Veterinary Animal Hospital and/or Animal Clinics (Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)
(d) Minimum Lot Size. (Square Feet per household) 40,000 square feet
(e) Minimum Lot Width. 150 feet
(f) Maximum Percentage of Lot to be Occupied. (Principal and Accessory Buildings) Twenty-five percent (25%)
(g) Minimum Floor Area. 1,000 square feet
(h) Maximum Height of Principal Buildings. 2 ½ stories or 35 feet
(i) Minimum Yard Dimensions.
- Front Set Back: 50 feet
- One Side: 20 feet
- Sum of Sides: 40 feet
- Rear Yard: 30 feet
(j) **Accessory Buildings.**

Maximum Height: 20 feet

Minimum Distance to:
- Side Lot Line: 10 feet
- Rear Lot Line: 10 feet
- Front Lot Line: 50 feet

Additional Information in Section 1139.24

(k) **Minimum Off Street Parking Space Requirements.** See Chapter 1141

(l) **Minimum Off Street Loading Space.** See Chapter 1141

(m) **Signs Permitted.** See Chapter 1143

(n) **Other Provisions and Requirements.** None (Ord. 29-97. Passed 6-12-97.)

1137.11 **SUBURBAN RESIDENTIAL DISTRICT (SR).**

The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services).

- Child Care Home
- Single Family Housing
- Model Homes as Permitted In Section 1139.22

(b) **Conditional Uses.** (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals).

- Non-Commercial Recreation
- Home Occupation
- Public and Quasi Public Uses

(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.** (Square feet per household).

- 20,000 square feet

(e) **Minimum Lot Width.** 100 feet, with a minimum of 85 ft. at the right-of-way.

(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings).

- Twenty-five percent (25%)

(g) **Minimum Floor Area.**

- 1,600 square feet

(h) **Maximum Height of Principal Buildings.**

- $2\frac{1}{2}$ story or 35 feet

(i) **Minimum Yard Dimensions.**

- Front Set Back: 40 feet
- One Side: 15 feet
- Sum of Sides: 30 feet
- Rear Yard: 50 feet

(j) **Accessory Buildings.**

Maximum Height: 15 feet

Minimum Distance to:
- Side Lot Line: 10 feet
- Rear Lot Line: 15 feet
- Front Lot Line: 40 feet

Additional Information in Section 1139.20

(k) **Minimum Off Street Parking Space Requirements.** Two spaces for each Dwelling Unit.
1137.12 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) Permitted Uses. (Including accessory uses and essential public services)
   - Child Care Home
   - Single Family Housing
   - Model Homes as Permitted in Section 1139.22

(b) Conditional Uses. (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals)
   - Non-Commercial Recreation
   - Home Occupation
   - Family Care Home
   - Public and Quasi Public Uses (Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size. (Square Feet per Household)
   - 11,200 square feet

(e) Minimum Lot Width. 80 feet

(f) Maximum Percentage of Lot to be Occupied. (Principal and Accessory Buildings)
   - Twenty-five percent (25%)

(g) Minimum Floor Area.
   - 1400 square feet

(h) Maximum Height of Principal Buildings.
   - 2½ Story or 35 feet

(i) Minimum Yard Dimensions.
   - Front Set Back 35 feet
   - One Side 10 feet
   - Sum of Sides 20 feet
   - Rear Yard 40 feet

(j) Accessory Buildings.
   - Maximum Height 15 feet
   - Minimum Distance to
     - Side Lot Line 5 feet
     - Rear Lot Line 10 feet
     - Front Lot Line 35 feet

Additional Information in Section 1139.20

(k) Minimum Off Street Parking Space Requirements. Two Spaces for each Dwelling Unit
1137.13 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-2).
The regulations for this district shall be minimum regulations and shall be uniformly
applied except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services)
    Child Care Home
    Single Family Housing
    Model Homes as Permitted in Section 1139.22

(b) **Conditional Uses.** (Permitted upon approval of a Conditional Use Permit by the
    Board of Zoning Appeals) (Ord. 29-97. Passed 6-12-97.)
    Commercial Recreation.  (Ord. 58-16. Passed 12-20-16.)
    Funeral Homes
    Home Occupation
    Low Density Multi-Family Housing 2 unit building limitation**
    Non-Commercial Recreation
    Family Care Home
    Public and Quasi-Public Uses (Ord. 29-97. Passed 6-12-97.)

(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses
    and requirements.  (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.** (Square Feet per Household)
    9,100 square feet

(e) **Minimum Lot Width.** 70 feet

(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings)
    Twenty-five percent (25%)

(g) **Minimum Floor Area.**
    1,200 square feet

(h) **Maximum Height of Principal Buildings.**
    2 ½ Stories or 35 feet

(i) **Minimum Yard Dimensions.**
    Front Set Back 30 feet
    One Side 7.5 feet
    Sum of Sides 17.5 feet
    Rear Yard 35 feet

(j) **Accessory Buildings.**
    Maximum Height 15 feet
    Minimum Distance to
    Side Lot Line 5 feet
    Rear Lot Line 5 feet
    Front Lot Line 30 feet

Additional Information in Section 1139.20
(k) Minimum Off Street Parking Space Requirements. Two Spaces for each Dwelling Unit
(1) Minimum Off Street Loading Space Requirements. None
(m) Signs Permitted. See Chapter 1143
(n) Other Provisions and Requirements. Dwelling Conversion Permitted as a conditional use.
**Two Unit Buildings Only. Otherwise R-4 Low Density Multi-Family District Regulations Apply. (Ord. 29-97. Passed 6-12-97; Ord. 17-04. Passed 4-8-04.)

1137.14 HIGH DENSITY SINGLE FAMILY HOUSING (R-3).
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.
(a) Permitted Uses. (Including accessory uses and essential public services)
Child Care Home
Single Family Housing
Model Homes as Permitted in Section 1139.22
(b) Conditional Uses. (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals)
Family Care Homes
Funeral Homes
Group Home
Home Occupation
Low Density Multi-Family Housing 2 unit building limitation**
Non-Commercial Recreation
Public and Quasi-Public Uses
(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)
(d) Minimum Lot Size. (Square Feet per Household)
7,200 Square Feet
(e) Minimum Lot Width. 60 feet
(f) Percentage of Lot to be Occupied.
Twenty-five percent (25%)
(g) Minimum Floor Area.
1000 square feet
(h) Maximum Height of Principal Buildings.
2 ½ Stories or 35 feet
(i) Minimum Yard Dimensions.
Front Set Back 25 feet
One Side 6 feet
Sum of Sides 15 feet
Rear Yard 30 feet
(j) **Accessory Buildings.**
   Maximum Height 15 feet
   Maximum Distance to
   Side Lot Line 5 feet
   Rear Lot Line 5 feet
   Front Lot Line 25 feet
   Additional Information in Section 1139.20

(k) **Minimum Off Street Parking Space Requirements.** Two Spaces for each Dwelling Unit

(l) **Minimum Off Street Loading Space Requirements.** None

(m) **Signs Permitted.** See Chapter 1143

(n) **Other Provisions and Requirements.** Dwelling Conversion Permitted as a conditional use.
   ** 2 Unit Buildings Only, Otherwise R-4 Low Density Multi-Family restrictions apply to multi-family conditional uses unless otherwise specified by the Board of Zoning Appeals. (Ord. 29-97. Passed 6-12-97; Ord. 17-04. Passed 4-8-04.)

1137.15 **LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-4).**
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services)
   2, 3, and 4 Family Multi-Family Units
   Child Care Home
   Funeral Homes
   Family Care Homes
   Public and Quasi-Public Uses
   Multi-Family Rental Office/Management Site

(b) **Conditional Uses.** (Permitted upon approval of a Conditional Use Permit by the Board of Zoning Appeals)
   Group Homes
   Home Occupation
   Noncommercial Recreation
   Single Family Residential* (Ord. 29-97. Passed 6-12-97.)

(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.** (Square Feet per Household)
   5, 000 square feet

(e) **Minimum Lot Width.**
   80 feet**

(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings)
   Thirty-five percent (35%)

(g) **Minimum Floor Area.**
   800 square feet***

(h) **Maximum Height of Principal Buildings.**
   2½ Stories or 35 feet

(i) **Minimum Yard Dimensions.**
   Front Set Back 25 feet
   One Side 6 feet
   Sum of Sides 15 feet
   Rear Yard 25 feet
(j) **Accessory Buildings.**
   - Maximum Height: 15 feet
   - Minimum Distance to:
     - Side Lot Line: 5 feet
     - Rear Lot Line: 10 feet
     - Front Lot Line: 25 feet
   Additional Information in Section 1139.20
(k) **Minimum Off Street Parking Space Requirements.**
   - Two spaces for each Dwelling Unit.
(l) **Minimum Off Street Loading Space Requirements.**
   - None
(m) **Signs Permitted.**
   - See Chapter 1143.
(n) **Other Provisions and Requirements.**
   - * R-2 Medium Density Residential District Regulations are applicable unless otherwise stated by the BZA.
   - ** A lot split allowing different ownership of each half of a twin single is permitted provided each unit has a minimum 40' frontage. All other requirements remain the same.
   - *** 575 square feet for one bedroom apartments.
   (Ord. 29-97. Passed 6-12-97.)

1137.16 **HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-5).**
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.
(a) **Permitted Uses.** (Including accessory uses and essential public services)
   - Child Care Home
   - Funeral Homes
   - Family Care Homes
   - Multi Family Housing (Low Density and High Density)
   - Public and Quasi-Public uses
   - Multi-Family Rental Office/Management Site
(b) **Conditional Uses.** (Permitted upon Issuance of a Conditional Use Permit by the Board of Zoning Appeals)
   - Group Home
   - Home Occupation
   - Mobile Home Park (Conformance with Ohio Revised Code 3733.02)
   - Noncommercial Recreation (Ord. 29-97. Passed 6-12-97.)
(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)
(d) **Minimum Lot Size.** (Square Feet per Household)
   - 5,000 square feet (Ord. 28-99. Passed 8-26-99.)
(e) **Minimum Lot Width.**
   - 100 feet
(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings)
   - Thirty percent (30%)
(g) **Minimum Floor Area.**
   - 800*
(h) **Maximum Height of Principal Buildings.**

3 stories or 40 feet

(i) **Minimum Yard Dimensions.**

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<td>Rear Yard</td>
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(j) **Accessory Buildings.**

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<td>Front Lot Line</td>
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Additional information in Section 1139.20.

(k) **Minimum Off Street Parking Space Requirements.**

Two spaces for each Dwelling Unit

(l) **Minimum Off Street Loading Space Requirements.**

Provide Refuse and Service Area in Conjunction with Off Street Parking and Loading Areas

(m) **Signs Permitted.**

See Chapter 1143

(n) **Other Provisions and Requirements.**

Dwelling conversion permitted provided all other conditions of this Section are met.

"*Nine hundred (900) square feet for mobile housing and five hundred and seventy five (575) square feet for one (1) bedroom apartments."

"Open space for the common use and benefit of the occupants of the dwellings shall be provided for all multi-family projects containing thirteen (13) or more units. Such open space shall be equal to eight percent (8%) of the gross site area and shall be a minimum of 3,500 square feet. Further, such open space shall be organized, arranged and restricted by easements for such use so as to provide a defined area for such open space. In larger projects such open space may be broken into more than one (1) area provided that no one area is smaller than 3,500 square feet. Such open space may include recreational facilities (up to fifty percent (50%) of the area), flood protection and other such amenities necessary for the health, safety and welfare of the occupants of such dwellings."

(Ord. 29-97. Passed 6-12-97.)

1137.17 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1137.18 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation

1137.19 NEIGHBORHOOD COMMERCIAL DISTRICT (NC).
The regulations for this district shall be minimum regulations unless otherwise noted and shall be uniformly applied except as granted by the Board of Zoning Appeals.
(a) **Permitted Uses.** (Including accessory uses and essential public services)
- Apparel and accessory stores (56)
- Hardware stores (5251)
- Grocery stores (541)
- Meat. and fish (sea food) markets (542)
- Fruit stores and vegetable markets (543)
- Candy, nut and confectionery stores (544)
- Dairy products stores (545)
- Retail bakeries (546)
- Drug stores and proprietary stores (591)
- Book Stores (5942)
- Video Stores (5735)

Adult day care center only (8322)
Child care
Eating and drinking places (581)
Beauty shops (723)
Barber shops (724)
Libraries (8231)
Pressing, alteration and garment repair (727)
Shoe repair (725)
Watch repair

(b) **Conditional Uses.** (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
Automotive services (554) Gasoline service stations, provided no portion of a structure or its appurtenances, including ancillary, associated or auxiliary equipment, shall be located in front of the established building line.

Drive-in facility. Drive-in or outdoor service facility developed in association with a permitted use.

Public/Quasi Public Uses (Ord. 46-03. Passed 11,.6-03.)

(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.** No minimum lot size is required; however lot size shall be adequate to provide the yard space required by these development standards.

(e) **Minimum Lot Width.** No minimum width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings)
Forty percent (40%)
(g) **Minimum Floor Area.**
900 square feet (Ord. 46-03. Passed 11-6-03.)

(h) **Maximum Gross Floor Area.** The maximum total gross floor area for any single permitted or conditional use shall not exceed 20,000 square feet.
(Ord. 32-12. Passed 6-28-12.)

(i) **Maximum Height of Principal Buildings.**
2½ stories or 35 feet

(j) **Minimum Yard Dimensions.**
Front setback 25 feet
One Side 6 feet
Sum of Side 15 feet*
Rear yard 20 feet*

* **Side Yards.** A side yard shall be required adjacent to a residential zoning district. Such side yard shall be not less than 114 the sum of the height and depth of the building and shall not be less than 15 ft.

* **Rear Yard.** A rear yard shall be required adjacent to a residential zoning district. Such required rear yards shall be not less than 114 the sum of the height and width of the building, and shall not be less than 20 ft. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 ft. wide.
(Ord. 46-03. Passed 11-6-03.)

(k) **Accessory Buildings.**
Maximum Height 15 feet
Minimum Distance to
Front Lot Line 25 feet
Side Lot Line 5 feet
Rear Lot Line 10 feet

Additional information in Section 1139.20. (Ord. 40-13. Passed 11-21-13.)

(l) **Minimum Off Street Parking Space Requirements.** Non-residential Uses, see Chapter 1141

(m) **Minimum Off Street Loading Space Requirements.** See Chapter 1141

(n) **Signs Permitted.** See Chapter 1143.
(Ord. 46-03. Passed 11-6-03.)

1137.20 **OFFICE RESIDENTIAL DISTRICT (0-R).**
The regulations for this district shall be minimum regulations unless otherwise noted and shall be uniformly applied except as granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services)
Accounting, Auditing and Bookkeeping Services (872)
Advertising Services (731)
Arrangement of Transportation- Passenger and Freight (472, 473)
Barber Shops (724)
Beauty Shops (723)
Business Consulting Not Elsewhere Classified (87 48)
Catalog and Mail Order (Office Only) (5961)
Child Care Home
Child Care Center, Class A and Class B
Commercial Banks (60)
Computer Programming (737)
Credit Agencies (732)
Economic, Sociological and Educational Research (8732, 8733)
Engineering, Architectural and Survey Services (871)
Health Services Offices (801-804)
Holding Companies and Other Investment Offices (67)
Home Health Care Services (808)
Home Occupation (See Section 1137.20(n))
Insurance Agents (64)
Insurance Carriers (63)
Legal Services (811)
Management Services, Consultants, Public Relations (8741-8743)
Membership Organizations (786)
Multi Family Housing- R-4 See Section 1137.20(n)
News Syndicates (7383)
Non-Depository Credit Institutions (61)
Personnel Supply Services (736)
Photographic Studios (722)
Public and Quasi Public Uses
Real Estate (Office Only) (65)
    (Except Cemeteries 6553)
Rooming and Boarding Houses (702)
    Bed and Breakfast Inns
School Buses (415)
Security and Commodity Brokers, Dealers (62)
Security Systems Services (7382)
Single Family Housing R-3 See Section 1137.20(n)
Social Services (83)
Watch and Jewelry Repair (763)
(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the
    Board of Zoning Appeals)
Business Services Not Elsewhere Classified (7389)
Communications (48)
Funeral Services (726)
    (except crematories- not permitted)
Miscellaneous Health and Allied Services (809)
Miscellaneous Personal Services (729)
Museums, Art Galleries, Gardens (84)  
(except animal exhibits)  
Nursing and Personal Care Facilities (805)  
Schools and Educational Services (821-829)  
Services to Dwelling and Other Buildings (734)  
Shoe Repair (725) (Ord. 29-97. Passed 6-12-97.)  
(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)  
(d) Minimum Lot Size.  
3, 600 square feet  
(e) Minimum Lot Width.  
50 feet  
(f) Maximum Percentage of Lot to be Occupied. (Principal and Accessory Buildings)  
Forty percent (40%)  
(g) Minimum Floor Area.  
900 square feet  
(h) Maximum Height of Principal Buildings.  
2½ stories or 35 feet  
(i) Minimum Yard Dimensions.  
Front setback 25 feet  
One Side 6 feet  
Sum of sides 15 feet  
Rear yard 20 feet  
(Ord. 29-97. Passed 6-12-97.)  
(j) Accessory Buildings.  
Maximum Height 15 feet *  
Minimum Distance to  
Front Lot Line 25 feet  
Side Lot Line 5 feet  
Rear Lot Line 10 feet  
Additional information in Section 1139.20  
(k) Minimum Off Street Parking Space Requirements.  
Residential uses, 2 spaces for each dwelling unit  
Non-residential Uses, see Chapter 1141  
(l) Minimum Off Street Loading Space Requirements.  
See Chapter 1141  
(m) Signs Permitted.  
See Chapter 1143  
(n) Other Provisions and Requirements.  
Dwelling Conversion permitted  
R-4 Section 1137.15 Regulations Apply to Multi-Family Uses  
R-3 Section 1137.14 Regulations Apply to Single Family Uses  
Home Occupation permitted only if business use is a permitted use  
(Ord. 29-97. Passed 6-12-97.)
1137.21 BUSINESS RESIDENTIAL DISTRICT (B-R).

The regulations for this district shall be minimum regulations unless otherwise noted except as otherwise noted and shall be uniformly applied except as granted by the Board of Zoning Appeals.

(a) Permitted Uses. (Including accessory uses and essential public services)

All permitted uses in O-R are permitted uses in B-R. In addition, the following are permitted:

- Apparel and Accessory Stores (56) (Ord. 29-97. Passed 6-12-97.)
- Artisan Studio, Artisan Workshop and Specialty Food and/or Beverage Facility.
  (Ord. 28-16. Passed 7-25-16.)
- Auto and Home Supply Stores (553)
- Automatic Merchandising Machine Operators (5962)
- Candy, Nut and Confectionary Stores (544)
- Car Washes (7542)
- Child Day Care Services (835)
- Communications (48)
- Computer Maintenance (7378)
- Computer Rental/Leasing (7377)
- Dairy Product Stores (545)
- Dance Studios (791)
- Eating and Drinking Places (58)
- Educational Services (821-829)
- Electrical Repair (762)
- Funeral Services (726)
  except crematories
- Hardware Stores (525)
- Home Furnishing, Furniture And Equipment Stores (57)
- Individual and Family Social Services (832)
- Laundry, Cleaning and Garment Services (721)
- Local Transportation (4119)
  Ambulance Service Only
- Medical and Dental Laboratories (807)
- Miscellaneous Equipment Rental (Except Heavy Construction) (7353)
- Miscellaneous Food Stores (549)
- Miscellaneous Health and Allied Services (809)
- Miscellaneous Retail (591-594)
- Miscellaneous Personal Services (729)
- Miscellaneous Repair Shops (769)
- Museums, Art Galleries, Gardens (84)
  (except animal exhibits)
- Nursing and Personal Care Facilities (805)
- Other Social Services (839)
- Paint Glass and Wallpaper Stores (523)
- Physical Fitness Facilities (7991)
- Residential Care (836)
- Retail Stores Not Classified Elsewhere (599)
- Retail Bakeries (546)
- Retail, Nurseries, Lawn and Garden Supply Stores (526)
- Reupholstery and Furniture Repair (764)
- Services to Dwellings and Other Buildings (734)
- Shoe Repair (725)
- Video Tape Rental (784)
(b) Conditional Uses. (Permitted upon approval of a Conditional use permit by the Board of Zoning Appeals)
   Amusement and Recreation Services Not Elsewhere Classified (7999)
   Business Services Not Elsewhere Classified (7389)
   Coin Operated Amusement Devices (7993)
   Crematories (7261)
   Detective, Guard and Armored Car Services (Except dogs or other animals) (7381)
   Gasoline Service Stations (554)
   Hotel and Motel (704)
   Mailing, Reproduction, Commercial Art, Stereo Services (733)
   Membership Sports and Recreation Clubs (7997)
   Multi Family Residential - R-5 See Section 1137.21(n)
   Photofinishing Laboratories (7384)
   Services Not Elsewhere Classified (899)
   Self Service Storage Facility
   Taxi Cabs (412)
   Theatrical Producers (792) (Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size.
   6,000 square feet

(e) Minimum Lot Width.
   60 feet

(f) Percentage of Lot to be Occupied.
   Forty percent (40%)

(g) Minimum Floor Area.
   900 square feet

(h) Maximum Height of Principal Buildings.
   2 1/2 stories or 35 feet

(i) Minimum Yard Dimensions.
   Front Setback       25 feet
   One Side Yard       6 feet
   Sum of Side Yards   15 feet
   Rear Yard           20 feet

(j) Accessory Buildings.
   Maximum Height      20 feet
   Minimum Distance to
   Side Lot Line       5 feet
   Rear Lot Line       10 feet
   Front Lot Line      25 feet

Additional Information in Section 1139.20

(k) Minimum Off Street Parking Requirements.
   See Section 1141.03

(l) Minimum Off Street Loading Requirements.
   See Section 1141.03

(m) Signs Permitted.
   See Chapter 1143
(n) Other Provisions.  
Dwelling Conversion Permitted  
Home Occupation permitted only if business use is a permitted use.  
Section 1137.16 R-5 regulations apply to high density multi-family as approved by the Board of Zoning Appeals.  
(Ord. 29-97. Passed 6-12-97; Ord. 40-02. Passed 8-22-02.)

1137.22 SERVICE BUSINESS DISTRICT (B-1).  
The regulations for this district shall be minimum regulations unless otherwise noted and shall be uniformly applied except as granted by the Board of Zoning Appeals.  
(a) Permitted Uses.  (Including accessory uses and essential public services)  
All uses permitted or conditional in B-R are permitted in B-1 except single family residential and multi-family residential.  (Ord. 19-12. Passed 2-23-12.)  
In addition, the following are permitted:  
Arrangement and Transportation Passenger and Freight (472-473)  
(Ord. 29-97. Passed 6-12-97.)  
Artisan Studio, Artisan Workshop and Specialty Food and/or Beverage Facility.  
(Ord. 28-16. Passed 7-25-16.)  
Automotive Rental (751)  
Automotive Repair (753)  
Automotive Services (754)  
Boat Dealers (555)  
Bowling Centers (7933)  
Catalog and Mail Order Houses (5961)  
Construction, Special Trades (17)  
Fruit and Vegetable Markets (542)  
General Merchandise Stores (53)  
Grocery Stores (541)  
Hotels and Motels (701 and 704) (excluding Bed and Breakfast Inns)  
Local and Suburban Passenger Transportation (411)  
Lumber and Other Building Material Dealers (521)  
Meat and Fish Markets (542)  
Mini Storage - Public  
Motion Picture and Video Production (781)  
Motion Picture Theaters (783)  
Multi-family Overhead (See Section 1137.22(n))  
Public Warehousing and Storage (422)  
Photofinishing Laboratories (7384)  
Printing, Publishing and Allied Industries (27)  
Veterinary Services for Animal Specialties (742)  (Ord. 29-97. Passed 6-12-97.)

(b) Conditional Uses.  (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)  
Bus Charter Service (414)  
Business Services Not Classified Elsewhere (7389)  
Inter City and Rental Bus Transportation (413)  
Recreational Vehicle Dealers (556)  
Rental Heavy Equipment (7353)  
Shopping Center  
Taxicab Operation (412)  
(Ord. 29-97. Passed 6-12-97.)
(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.**

- 10,000 square feet

(e) **Minimum Lot Width.**

- 60 feet

(f) **Percentage of Lot to be Occupied.**

- Forty percent (40%)

(g) **Minimum Floor Area.**

- None

(h) **Maximum Height of Principal Buildings.**

- 3 stories or 40 feet

(i) **Minimum Yard Dimensions.**

  - Front Setback: 20 feet
  - One Side Yard: 5 feet
  - Sum of Side Yards: 10 feet
  - Rear Yard: 10 feet

(j) **Accessory Buildings.**

  - Maximum Height: 20 feet
  - Minimum Distance to Side Lot Line: 6 feet
  - Rear Lot Line: 5 feet
  - Front Lot Line: 30 feet

(k) **Minimum Off Street Parking Requirements.**

  See Section 1141 and Section 1137.22(n)

(l) **Minimum Off Street Loading Requirements.**

  See Section 1141.03

(m) **Signs Permitted.**

  See Chapter 1143

(n) **Other Provisions.**

  Multi-family housing permitted in overhead business area with minimum square footage as follows:

  - 1 BR: 500
  - 2 BR: 900
  - 3 BR: 900
  - 4 BR: 1100

  Street parking in front of a lot or parcel does count toward required off street parking for uses in this district. (Ord. 20-12. Passed 2-23-12.)

1137.23 **GOVERNMENT USE DISTRICT (GOV).**

The regulations for this district shall be minimum regulations unless otherwise noted and shall be uniformly applied except as granted by the Board of Zoning Appeals.

(a) **Permitted Uses.**

  - Executive, Legislative, and General Government (91)
  - Justice, Public Order, and Safety (92)
  - Administration of Human Resource Programs (93)
  - Administration of Environmental Quality and Housing Programs (95)
  - Administration of Economic Programs (96)
  - Public Uses
  - Quasi-public uses
  - Agricultural Production - Crops (011)
  - Engineering, Accounting, Research, Management and Related Services (87)
  - Schools and Educational Services (82)
  - Agricultural Services (07) (except 0782 and 0783).

  (Ord. 42-08. Passed 10-23-08.)
(b) **Conditional Uses.**
Public Service Facilities

(c) **Planned Unit Development Uses.**
See Chapter 1145.

(d) **Minimum Lot Size.**
Two acres

(e) **Minimum Lot Width.**
250 feet

(f) **Maximum Percentage of Lot to be Occupied.** (Principal and Accessory Buildings).
30%

(g) **Minimum Floor Area.**
2,500 square feet

(h) **Maximum Height of Principal Buildings.**
2 ½ stories of 35 feet

(i) **Minimum Yard Dimensions.**
Front Set Back 50 feet
One Side 15 feet
Sum of Sides 35 feet
Rear Yard 50 feet

(j) **Accessory Buildings.**
Maximum Height 25 feet
Minimum Distance to
   Side Lot Line 15 feet
   Rear Lot Line 15 feet
   Front Lot Line 50 feet

(k) **Minimum Off Street Parking Space Requirements.**
See Chapter 1141.

(l) **Minimum Off Street Loading Space Requirements.**
See Chapter 1141.

(m) **Signs Permitted.**
See Section 1143.16 Signs in ER, SR, R-1, R-2, R-3, R-4, R-5 and GOV Zoning Districts.

(n) **Other Provisions and Requirements.**
None (Ord. 64-07. Passed 11-15-07.)

1137.24 RESERVED.
EDITOR’S NOTE: This section is reserved for future legislation.

1137.25 CENTRAL BUSINESS DISTRICT (B-3).
The regulations for this district shall be minimums unless otherwise noted and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services)
   Accounting, Auditing and Bookkeeping Services (872)
   Amusement and Recreation Services Not Elsewhere Classified (7999)
   Apparel and Accessory Stores (56)
   Arrangement of Passenger Transportation (472)
   Arrangement of Transportation of Freight and Cargo (Office Only) (473)
   (Ord. 29-97. Passed 6-12-97.)
   Artisan Studio, Artisan Workshop and Specialty Food and/or Beverage Facility.
   (Ord. 28-16. Passed 7-25-16.)
   Auto and Home Supply Stores (553)
   Automatic Merchandising Machine Operators (5962)
Business Consulting Not Classified Elsewhere (8748)
   Business Services (73) (Except Equipment Rental - 735 and Business Services Not Classified Elsewhere - (7389)
Candy, Nut and Confectionery Stores (544)
Catalog and Mail Order Houses (Office Only) (5961)
Coin Operated Amusement Devices (7993)
Communications (48)
Dairy Product Stores (545)
Dance Studios (791)
Eating and Drinking Places (58)
Economic, Sociological and Educational Research (8732 and 8733)
Educational Services (82)
Electrical Repair (762)
Engineering, Architectural and Survey Services (871)
Finance, Insurance and Real Estate (except cemeteries)
   Division H (60-67)
General Merchandise Stores (53)
Hardware Stores (525)
Health Services (Except hospitals - 806) (80)
Home Furniture, Furnishings and Equipment Stores (57)
Individual and Family Social Services (832)
Legal Services (81)
Management Services, Consultants, Public Relations (8741 and 8743)
Membership Organizations (786)
Membership Sports and Recreation Clubs (7997)
Miscellaneous Food Stores (549)
Miscellaneous Retail (591-594)
Motion Picture Distribution (7822)
Motion Picture Theaters (783)
Multi-family (See Section 1137.25(n))
Museums, Art Galleries, Gardens (Except animal exhibits) (84)
Other Social Services (839)
Paint, Glass and Wallpaper Stores (523)
Personal Services (72)
Public and Quasi Public Uses
Retail Stores Not Elsewhere Classified (599)
Rooming and Boarding Houses (702)
Retail Bakeries (546)
Services Not Classified Elsewhere (899)
Video Tape Rental (784)
Watch and Jewelry Repair (763)
(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
Automobile Parking (752)
Bowling Centers (7933)
Business Services Not Classified Elsewhere (7389)
Automobile Parking (752)
Commercial Printing (275)
Direct Selling Establishments (5963)
Fruit and Vegetable Markets (543)
Grocery Stores (541)
Hotels and Motels (704)
Inter-City and Rural Bus Transp. (413)
Meat and Fish Markets (542)
Miscellaneous Equipment Rental (7352) (except heavy construction - 7353)
Miscellaneous Repair Shops (769)
Motion Picture and Video Production (781)
Newspapers, Publishing and/or Printing (271)
Physical Fitness Facilities (7991)
Reupholstery and Furniture Repair (764)
Retail Nurseries, Lawn and Garden Supply Stores (526)
Theatrical Producers (792)  (Ord. 29-97. Passed 6-12-97.)

Plan Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

Minimum Lot Size.
None

Minimum Lot Width.
None

Percentage of Lot to be Occupied.
One hundred percent (100%) less the off-street loading requirements. (see Section 1141.03)

Minimum Floor Area. None except see Section 1137.25(n) for multi-family minimums.

Maximum Height of Principal Buildings.
4 stories or 50 feet

Minimum Yard Dimensions.
None

Accessory Buildings.

Maximum Height 25 feet
Minimum Distance to
- Side Lot Line 0 feet*
- Rear Lot Line 0 feet*
*10 feet if adjacent to R district

Minimum Off Street Parking Requirements.
See Chapter 1141
Municipal Parking lots may be included in off-street computation

Minimum Off Street Loading Requirements.
See Section 1141.03

Signs Permitted.
See Chapter 1143  (Ord. 29-97. Passed 6-12-97.)

Other Provisions.

1 Retractable awnings: There shall be a minimum clearance of seven feet (7') (2134 mm) from the sidewalk to the lowest part of the framework or any fixed portion of any retractable awning, except that the bottom of the variance of canvas awnings shall have a minimum clearance of six feet (6') nine inches (9") (2057 mm) above the sidewalk. Retractable awnings shall be securely fastened to the building and shall not extend closer than twelve inches (12") (305 mm) in from the curb line. They shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.
(2) Fixed or permanent awnings: The clearance from the sidewalk to the lowest part of any fixed or permanent awning shall be the same as required in Section 1137.25(n)(1) for retractable awnings. Fixed or permanent awnings installed above the first story shall not project more than four feet (4') (1219 mm).

(3) Canopies: Canopies shall be constructed of a metal framework, with an approved covering, attached to the building at the inner end and supported at the outer end by not more than two horizontal stanchions with braces anchored in an approved manner and placed not less than two feet (2') (610 mm) in from the curb line. The horizontal portion of the framework shall be not less than eight feet (8') (2434 mm) nor more than twelve feet (12') (3658 mm) above the sidewalk and the clearance between the covering or valance and the sidewalk shall be not less than seven feet (7') (2134 mm).
   A. Rigid awnings or canopies supported in whole or in part by members resting on the ground are not permitted.
   B. Canopies or awnings to be located in the Historic Uptown Marysville Design Review District must obtain a Certificate of Appropriateness from the Design Review Board.
   C. Multi-Family housing permitted in overhead of business area with minimum square footage as follows:
      1 BR 500
      2 BR 900
      3 BR 900
      4 BR 1100
   (Ord. 57-12. Passed 12-20-12.)

(4) Multi-Family housing permitted in downtown overhead of business area with minimum square footage as follows:
   1 BR 500
   2 BR 900
   3 BR 900
   4 BR 1100

1137.26 TRAFFIC ORIENTED COMMERCIAL (TOC).
The regulations for this district shall be minimums unless otherwise noted and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.
   (a) Permitted Uses. (Including accessory uses and essential public services)
      Amusement and Recreation Services Not Elsewhere (7999)
      Apparel and Accessory Stores (56)
      Arrangement of Transportation-Passenger and Freight (472-473)
      (Ord. 29-97. Passed 6-12-97.)
      Artisan Studio, Artisan Workshop and Special Food/or Beverage Facility.
      (Ord. 28-16. Passed 7-25-16.)
      Auto and Home Supply Stores (553)
      Automotive Dealers (Not Elsewhere Classified) (559)
      Automotive Rental (751)
      Automotive Repair (753)
      Automotive Services (754)
      Boat Dealers (555)
      Bowling Centers (7933)
      Bus Charter Service (414)
      Catalog and Mail Order Houses (With Warehousing Shipping) (5961)
      Child Care Center, Class B
      Coin Operated Amusement Devices (7993)
      Commercial Banks, S. and L., Credit Unions (60)
      Commercial Printing (275)
      Computer Programming, Data Processing and Other Computer Related Services (737)
      Construction, Special Trades (17)
Dance Studios (791)
Direct Selling Establishments (5963)
Eating and Drinking Places (58)
Educational Services (821-829)
Facilities Support Services (8744)
Food Stores (54)
Fuel Oil Dealers (retail) (598)
Gasoline Service Stations (554)
General Merchandise Stores (53)
Health Services Offices (801-804) (Ord. 23-01. Passed 5-10-01.)
Holding and Investment Offices (67)
Home Furniture, Furnishings and Equipment Stores (57)
Hotels and Motels (701 and 704)
Insurance Carriers (63)
Inter-City and rural Bus Transportation (413)
Lumber and Other Building Material Dealers (521)
Mailing, Reproduction, Commercial Art, Stereo Services (733)
Major Office and Commercial Facilities
Membership Organizations (86)
Membership Sports and Recreation Clubs (7997)
Mini Storage, Public
Misc. Equipment Rental (735)
Miscellaneous Health and Allied Services (809)
Miscellaneous Repair Shops (769)
Miscellaneous Retail (591-594)
Motion Picture and Video Production (781)
Motion Picture Theaters (783)
Motor Vehicle Dealers (551 and 552) (new and/or used)
Motorcycle Dealers (557)
Museums, Art Galleries, Gardens (84) (except animal exhibits)
Non-Depository Credit Institutions (61)
Personal Services (72)
Physical Fitness Facilities (7991)
Printing, Newspapers (271)
Professional Sports Race Tracks (794)
Public and Quasi Public Uses
Real Estate (Except Cemeteries) (65)
Recreational Vehicle Dealers (556)
Retail Nurseries, Lawn and Garden Supply Stores (526)
Retail Stores Not Classified Elsewhere (599)
Reupholstery and Furniture (764)
School Buses (415)
Security and Commodity Brokers, Dealers (62)
Services to Dwellings and Other Buildings (734)
Sexually Oriented Business Establishments (provided the provisions of Section 1139.24 are met.)
Shopping Centers
Sweepstake Terminal Cafes and/or Skill Game Rooms (provided the provisions of Chapter 722 are met)
Theatrical Producers (792)
Veterinary Services for Animal Specialties
Excluding Outside Kennels (0742)
Video Tap Rental (784)
Warehousing (42)
Watch and Jewelry Repair (763)
Wholesale Trade, Durable and Non Durable Goods (50 and 51)

(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
Amusement Parks (7996)
Building Construction - General Contractors (15)
Business Services Not Classified Elsewhere (7389)
Camp and RV Parks (703)
Construction - Special Trades (17)
Detective, Guard and Armored Car Services (7381) except dogs or other animals
Hospitals (806)
Mobile Home Dealers (527)
Photofinishing Laboratories (7384)
Research, Development and Biological (8731)
Taxicabs (412)
Terminals and Service Facilities for Motor Vehicle Passenger Transportation (417)
Transportation Services (47) (Ord. 59-12. Passed 12-20-12.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size. (Square feet per business unit)
30,000 square feet

(e) Minimum Lot Width.
125 square feet

(f) Percentage of Lot to be Occupied. (Principal and accessory buildings)
Forty percent (40%)

(g) Minimum Floor Area.
None

(h) Maximum Height of Principal Buildings
4 stories or 50 feet

(i) Minimum Yard Dimensions.
Front Setback 40 feet
One Side 10 feet
Sum of Sides 20 feet
Rear Yard 20 feet

(j) Accessory Buildings.
Maximum Height 35 feet
Minimum Distance to
Side Lot Line 10 feet
Rear Lot Line 20 feet
Front Lot Line 50 feet

(k) Minimum Off Street Parking Requirements.
See Chapter 1141

(l) Minimum Off Street Loading Requirements.
See Chapter 1141

(m) Signs Permitted.
See Chapter 1143

(n) Other Provisions and Requirements.
None (Ord. 29-97. Passed 6-12-97.)
1137.27 HOSPITAL MEDICAL DISTRICT (HMD).

The regulations for this district shall be minimums unless otherwise specified and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) Permitted Uses. (Including accessory uses and essential public services)
- Administration of Human Resource Programs (94)
- Bed and Breakfast
- Child Care Center, Class A
- Child Care Centers, Class B
- Drug Stores and Proprietary Stores (5912)
- Family Care Homes
- Funeral Services - Crematories (7261)
- Group Homes
- Health Services (80)
- Professional Schools for Medical Field
- Public and Quasi-Public Uses
- Rooming and Boarding Houses (7021)
- Social Services (83)

(Ord. 7-13. Passed 2-28-13.)

(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
- Multi-Family Residential (See Section 1137.27(n))
- Single Family Residential (See Section 1137.27(n))

(Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size.

9,600 sq. ft.

(e) Minimum Lot Width.

80 feet

(f) Maximum Percentage of Lot to be Occupied.

Fifty percent (50%)

(g) Minimum Floor Area.

800 sq. ft. (Ord. 29-97. Passed 6-12-97.)

(h) Maximum Height of Principal Buildings.

50 feet

* The maximum building height for principal buildings may be increased to 80 feet if all of the following are met:

(1) Property shall be located adjacent to US 33 right-of-way.
(2) Minimum lot width shall apply to frontage along US 33 right-of-way.
(3) Minimum Yard Dimensions per Section 1137.27(i).
(4) Buildings shall be aesthetically pleasing on all sides.

(i) Minimum Yard Dimensions.

<table>
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<tr>
<th>Component</th>
<th>Requirement</th>
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</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>25 feet</td>
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<tr>
<td>One Side</td>
<td>6 feet</td>
</tr>
<tr>
<td>Sum of Sides</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

* For buildings permitted to be in excess of the maximum height of 50 feet; the minimum front, side and rear yard setbacks shall be increased by two feet for each foot of additional building height over 50 feet.

(Ord. 60-12. Passed 12-20-12.)
(j) **Accessory Buildings.**
- **Maximum Height:** 25 feet*
- **Minimum Distance to:**
  - Side Lot Line: 5 feet
  - Rear Lot Line: 10 feet
  - Front Lot Line: 25 feet

*Residential Uses: 15 feet

(k) **Minimum Off-Street Parking Space Requirements.**
- Residential uses, two spaces for each dwelling unit
- Nonresidential Uses, see Chapter 1141

(l) **Minimum Off-Street Loading Space Requirements.**
See Chapter 1141

(m) **Signs Permitted.**
See Chapter 1143

(n) **Other Provisions and Requirements.**
- Dwelling Conversion permitted
- Home Occupation permitted only if business use is a permitted use
- R-3 and R-4 regulations apply as appropriate unless variances are approved by the Board of Zoning Appeals (Chapter 1129, Sections 1129.12 to 1129.18)
  (Ord. 29-97. Passed 6-12-97.)

1137.28 **RESERVED.**
EDITOR'S NOTE: This section is reserved for future legislation.

1137.29 **RESERVED.**
EDITOR'S NOTE: This section is reserved for future legislation.

1137.30 **M-1 LIGHT MANUFACTURING.**
The regulations for this district shall be minimum regulations and shall apply uniformly except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services).
- Agricultural - crops (01)
- Agricultural - services (07)
- Apparel Manufacturer (23) (Ord. 29-97. Passed 6-12-97.)
- Artisan Studio, Artisan Workshop and Specialty Food/or Beverage Facility.
  (Ord. 28-16. Passed 7-25-16.)
- Automotive Repair, Services and Parking (75)
- Bakery Products (205)
- Building Construction - General contractors (15)
- Canned, Frozen and Preserved Foods (203)
- Construction - Special Trades (17)
- Dairy Products (202)
- Eating and Drinking Places (58)
- Fish Hatcheries (092)
- Fishing Preserves (092)
- Gas Stations (55)
- Grain Mill Products (204)
- Leather Product Manufacturer (313-319)
- Mfg. of Audio/Visual Equipment (3651)
- Mfg. of Measuring/analyzing Instruments (38) (Except 386, See M-2)
- Publishing Houses (27)
- Research, Development and Testing Services (873)
- Taxicabs Operation (412)
Transport Terminals (42)
Transportation Services (47)
Tree Farms, nurseries (tree) (08)
Warehousing (42)
Wholesale - Nondurable (51) (Except 516, 517 - see M-2)
Wholesale Trade - Durable Goods (50)
Wholesale Trade (505, 508)

(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals).

Agriculture - Livestock (02)
Bus Charter Service (414)
Glass products from glass (323)
Heavy Construction (16)
Lumber and Wood Products (24)
Miscellaneous Mfg. (39)
Paper and Allied Products (26)
Terminal and Bus Service (415)
Textile Mill Products (22)
Water Plants (491) (Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size.
15,000 square feet

(e) Minimum Lot Width.
100 feet

(f) Maximum Percentage of Lot to be Occupied.
Forty percent (40%)

(g) Minimum Floor Area.
N/A. (Ord. 29-97. Passed 6-12-97.)

(h) Maximum Height of Principal Buildings.
50 feet
* The maximum building height for principal buildings may be increased to 80 feet if all of the following are met:
  (1) Property shall be located adjacent to US 33 right-of-way.
  (2) Minimum lot width shall apply to frontage along US 33 right-of-way.
  (3) Minimum Yard Dimensions per Section 1137.30(i).
  (4) Buildings shall be aesthetically pleasing on all sides.

(i) Minimum Yard Dimensions.

<table>
<thead>
<tr>
<th>Setback</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>50 feet</td>
</tr>
<tr>
<td>One Side</td>
<td>20 feet</td>
</tr>
<tr>
<td>Sum of Sides</td>
<td>40 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

* For buildings permitted to be in excess of the maximum height of 50 feet; the minimum front, side and rear yard setbacks shall be increased by two feet for each foot of additional building height over 50 feet.

(j) Accessory Buildings.

<table>
<thead>
<tr>
<th>Height</th>
<th>Minimum Distance to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>Side Lot Line 10 feet</td>
</tr>
<tr>
<td>Minimum</td>
<td>Rear Lot Line 10 feet</td>
</tr>
<tr>
<td>Front Lot Line</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

(Ord. 61-12. Passed 12-20-12.)
(k) **Minimum Off Street Parking Space Requirements.**
See Chapter 1141

(l) **Minimum Off Street Loading Space Requirements.**
See Chapter 1141

(m) **Signs Permitted.**
See Chapter 1143

(n) **Other Provisions and Requirements.**
See Section 1139.12 and Section 1139.15 to 1139.23.
(Ord. 29-97. Passed 6-12-97.)

**1137.31 M-2 HEAVY MANUFACTURING.**
The regulations for this district shall be minimum regulations and shall apply uniformly except as otherwise granted by the Board of Zoning Appeals.

(a) **Permitted Uses.** (Including accessory uses and essential public services).
All permitted uses in M-1 are permitted uses in M-2. In addition, the following are permitted:
- Abrasive and Non-Metallic Mineral (329) (except asbestos products, 3929, see Section 1137.40)
- Agriculture - Livestock (02)
- Airports
- Apparel Manufacturer (23)
- General Contractors
- Bus Charter Service (414)
- Computer equipment (35)
- Concrete and Stone Products (327, 328, 329) (except Lime, hydraulic cement)
- Electric Generation Transmission (491)
- Electronic/Electrical Equipment (36)
- Fabricated Metal Products (34) (except 348, see Section 1137.40)
- Food and Kindred Products (20)
- Gas Production and Dist. (492)
- Glass and Glassware (321-323)
- Heavy Construction (16)
- Industrial and Commercial Machinery (35)
- Leather Tanning and Finishing (311)
- Lumber and Wood Products (24)
- Mfg. of Measuring/Analyzing Instruments (38) (except 386, See M-2)
- Miscellaneous Mfg. (39)
- Paper and Allied Products (26)
- Photographic Equipment and Supplies (386)
- Primary Metal Industries (33)
- Railroad Transportation (40)
- Rubber and Miscellaneous Plastic Products (30)
- Sanitary Services (495) (except 4953)
- Structural Clay Products (325, 326)
- Terminal and Bus Service (415)
- Textile Mill Products (22)
- Transportation Equipment (37)
- Water Plants (494)

(b) **Conditional Uses.** (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
- Chemicals and Allied Products (28)
- Distillation of Turpentine and Resins (0831)
Gypsum Products (3275)
Hydraulic Cement (324)
Lime Mfg. (3274)
Petroleum Refining (29)
Smelting and Refining (33)
Stone Quarries (14)
Tobacco Products (21)
(Ord. 29-97. Passed 6-12-97.)

(c) Planned Unit Development. See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) Minimum Lot Size.
40,000 square feet

(e) Minimum Lot Width.
150 feet

(f) Maximum Percentage of Lot to be Occupied.
Fifty percent (50%)

(g) Minimum Floor Area.
N/A. (Ord. 29-97. Passed 6-12-97.)

(h) Maximum Height of Principal Buildings.
50 feet
* The maximum building height for principal buildings may be increased to 80 feet if all of the following are met:
(1) Property shall be located adjacent to US 33 right-of-way.
(2) Minimum lot width shall apply to frontage along US 33 right-of-way.
(3) Minimum Yard Dimensions per Section 1137.31(i).
(4) Buildings shall be aesthetically pleasing on all sides.

(i) Minimum Yard Dimensions.
Front Setback 80 feet
One Side 30 feet
Sum of Sides 60 feet
Rear 50 feet
* For buildings permitted to be in excess of the maximum height of 50 feet; the minimum front, side and rear yard setbacks shall be increased by two feet for each foot of additional building height over 50 feet.
(Ord. 62-12. Passed 1-10-13.)

(j) Accessory Buildings.
Maximum Height 25 feet
Minimum Distance to
Side Lot Line 10 feet
Rear Lot Line 20 feet
Front Lot Line 80 feet

(k) Minimum Off Street Parking Space Requirements.
See Chapter 1141

(l) Minimum Off Street Loading Space Requirements.
See Chapter 1141

(m) Signs Permitted.
See Chapter 1143.

(n) Other Provisions and Requirements.
See Section 1139.12 and Section 1139.15 to 1139.23.
(Ord. 29-97. Passed 6-12-97.)
1137.32 SPECIAL DISTRICT ONE (SD1).
The regulations for this district shall be minimum regulations and shall be uniformly applied except as otherwise granted by the Board of Zoning Appeals.

(a) Permitted Uses. (Including accessory uses and essential public services)
Accounting, Auditing and Bookkeeping Services (872)
Agricultural - Crops (01)
Agricultural - Services (except 0752) (07)
Amusement and Recreation Services Not Elsewhere Classified (7999)
Apparel and Accessory Stores (56)
Apparel Manufacturer (23)
Arrangement of Transportation - Passenger and Freight (472)
Arrangement of Transportation of Freight and Cargo (Office Only) (473)
(Ord. 29-97. Passed 6-12-97.)
Artisan Studio, Artisan Workshop, and Specialty Food/or Beverage Facility
(Ord. 28-16. Passed 7-25-16.)
Auto and Home Supply Stores (553)
Automatic Merchandising Machine Operators (5962)
Automotive Dealers Not Elsewhere Classified (559)
Automotive Rental, Repair and Services (75)
Boat Dealers (555)
Bowling Centers (7933)
Building Construction - General Contractors (15)
Building Materials, Hardware, Garden Supply and Mobile Home Dealers (52)
Bus Charter Service (414)
Business Consulting Not Elsewhere Classified (8748)
Business Services (73)
Catalog and Mail Order (5961)
Coin Operated Amusement Devices (7993)
Commercial Printing (275)
Communications (48)
Computer Equipment (357)
Construction - Special Trade (17)
Dairy Products (202)
Dance Studios (791)
Director Selling Establishments (5963)
Eating and Drinking Places (58)
Economic, Sociological and Educational Research (8732 and 8733)
Educational Services (82)
Electrical Repair (762)
Electric, Gas and Sanitary Services (49)
Engineering, Architectural and Survey Services (871)
Facilities Support Services (8744)
Food Stores (54)
Finance, Insurance and Real Estate (except cemeteries) Division H (60-67)
Fish Hatcheries (0921)
Fishing Preserves (0921)
Food and Kindred Products (20)
Fuel Oil Dealers (retail) (598)
Gasoline Service Stations (554)
General Merchandise Stores (53)
Health Services Offices (801-804)
Home Furnishing, Furniture and Equipment Stores (57)
Hotels and Motels (701 and 704)
Individual and Family Social Services (832)
Inter City and Rental Bus Transportation (413)
Job Training and Vocational Services (833)
Leather Product Manufacturer (313-319)
Legal Services (81)
Local and Suburban Passenger Transportation
Lumber and Other Building Material Dealers (521)
Major Offices and Commercial Facilities
Management Services, Consultants, Public Relations (8741-8743)
Medical and Dental Laboratories (807)
Membership Sports and Recreation Clubs (7997)
Mfg. of Audio/Visual Equipment (3651)
Mfg. of Measuring/Analyzing Instruments (except 386) (38)
Mini-Storage, Public
Miscellaneous Health and Allied Services (809)
Miscellaneous Retail (591-594)
Miscellaneous Repair Services (76)
Motion Picture Distribution (7822)
Motion Picture Theaters (783)
Motion Picture and Video Production (781)
Motor Freight Transportation and Warehousing (42)
Motor Vehicles Dealers (new and used) (551 and 552)
Motorcycle Dealers (557)
Museums, Art Galleries, Gardens (except animal exhibits) (84)
Personal Services (72)
Photographic Equipment and Supplies (386)
Physical Fitness Facilities (7991)
Printing, Newspapers (271)
Professional Sports Race Tracks (794)
Public Uses
Publishing Houses (27)
Quasi Public Uses
Recreational Vehicle Dealers (556)
Retail Stores Not Classified Elsewhere (599)
Reupholstery and Furniture (764)
School Buses/Terminal and Bus Services (415)
Services Not Elsewhere Classified (899)
Shopping Center
Sweepstakes Terminal Cafes and/or Skill Game Rooms (provided the provisions of Chapter 722 are met.)
Taxicabs Operation (412)
Theatrical Producers (792)
Transportation Services (47)
Tree Farms, Nurseries (08)
Veterinary Services for Animal Specialties
   Excluding Outside Kennels (0742)
Video Tape Rental (784)
Watch and Jewelry Repair (763)
Wholesale Trade - Durable Goods (50)
(b) Conditional Uses. (Permitted upon approval of a conditional use permit by the Board of Zoning Appeals)
Agriculture/Livestock (02)
Airports (4581)
Amusement Parks (7996)
Bakery Products (205)
Camp and RV Parks (703)
Electronic/Electrical Equipment (36)
Glass Products from Glass (323)
Heavy Construction (16)
Hospitals (806)
Lumber and Wood Products (24)
Miscellaneous Mfg. (39)
Non Durable Goods (except 516, 517) (51)
Paper and Allied Products (26)
Research, Development and Testing Services (873)
Research, Development and Biological (8731)
Rubber and Miscellaneous Plastic Products (30)
Terminals and Service Facilities for Motor Vehicle Passenger Transportation (417)
Textile Mill Products (22)
Water Plants (4941) (Ord. 58-12. Passed 12-20-12.)

(c) **Planned Unit Development.** See Chapter 1145 for Planned Unit Development uses and requirements. (Ord. 2-06. Passed 2-9-06.)

(d) **Minimum Lot Size.**
30,000

(e) **Minimum Lot Width.**
125 feet

(f) **Maximum Percentage of Lot to be Occupied.**
Forty percent (40%)

(g) **Minimum Floor Area.**
N/A. (Ord. 29-97. Passed 6-12-97.)

(h) **Maximum Height of Principal Buildings.**
50 feet
* The maximum building height for principal buildings may be increased to 80 feet if all of the following are met:
  (1) Property shall be located adjacent to US 33 right-of-way.
  (2) Minimum lot width shall apply to frontage along US 33 right-of-way.
  (3) Minimum Yard Dimensions per Section 1137.32(i).
  (4) Buildings shall be aesthetically pleasing on all sides.

(i) **Minimum Yard Dimensions.**
Front Setback 40 feet
One Side 10 feet
Sum of Sides 20 feet
Rear 20 feet
* For buildings permitted to be in excess of the maximum height of 50 feet; the minimum front, side and rear yard setbacks shall be increased by two feet for each foot of additional building height over 50 feet.
(Ord. 63-12. Passed 12-20-12.)

(j) **Accessory Buildings.**
Maximum Height 35 feet
Minimum Distance to
  Side Lot Line 10 feet
  Rear Lot Line 20 feet
  Front Lot Line 50 feet
(k) Minimum Off Street Parking Space Requirements.
See Chapter 1141

(1) Minimum Off Street Loading Space Requirements.
See Chapter 1141

(m) Signs Permitted.
See Chapter 1143

(n) Other Provisions and Requirements.
See Sections 1139.12 and Section 1139.15 to 1139.23
(Ord. 29-97. Passed 6-12-97.)

1137.33 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1137.34 RESERVED.
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1137.36 RESERVED.
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1137.37 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1137.38 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1137.39 RESERVED.
EDITOR'S NOTE: This section is reserved for future legislation.

1137.40 PROHIBITED USES.
Because Council finds the following uses to be:
(a) Not harmonious with nor in accordance with general objectives or with any specific objectives of the City's Comprehensive Plan and/or the zoning ordinance; and/or
(b) Will be hazardous or disturbing to existing or future neighboring uses; and/ or
(c) Will involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare; and/or
(d) Will be a nuisance; and/or
(e) Not in the interests of the health, safety and welfare of the citizens of the City;
These uses are prohibited in any districts:
Asbestos Products (3292)
Acid Waste, Dumps, Incinerators, Landfills, Sludge Disposal Sites (4953)
Coal and Metal Mining (10, 12)
Explosive Manufacture and Storage (2892)
Hunting Preserves (097)
Oil and Gas Extraction (except self help gas) (13)
Ordnance and Accessories (348).
(Ord. 29-97. Passed 6-12-97.)
CHAPTER 1139
Supplementary District Regulations

1139.01 GENERAL.
The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.
(Ord. 35-97. Passed 6-26-97.)

1139.02 CONVERSION OF DWELLINGS TO MORE UNITS.
A residence may be converted to accommodate an increased number of dwelling units provided:
(a) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
(b) The lot area per family equals the lot area requirements for new structures in that district;
(c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
(d) The conversion is in compliance with all other relevant codes and ordinances.
(Ord. 35-97. Passed 6-26-97.)

1139.03 PRIVATE SWIMMING POOLS.
No private swimming pool shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:
(a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
(b) It may not be located closer than ten feet to any property line;
(c) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall not be less than four feet in height, maintained in good condition with a gate and lock, and meet the barrier requirements as established in the swimming pools, spas and hot tub appendix of the Ohio Residential Code.
(d) Swimming pools must be located at the rear of a residence and if a corner lot, shall not be closer to the street line than the residence.
(Ord. 44-08. Passed 11-6-08.)

1139.04 COMMUNITY OR CLUB SWIMMING POOLS.
Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:
(a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
(b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty feet to any property line;
(c) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Such fence or wall shall not be less than four feet in height, maintained in good condition, and meet the barrier requirements as established in the Ohio Building Code. (Ord. 40-08. Passed 10-23-08.)

1139.05 TEMPORARY BUILDINGS.
(a) Temporary buildings, construction trailers, equipment and material used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

(b) Portable Storage Containers that are loaded with materials and placed on a residential property for the purpose of temporarily storing materials are permitted with the following regulations:
(1) Portable Storage Containers shall not be located on any parcel for a period exceeding fourteen days from date of delivery. At the end of fourteen days, an extension for a maximum fourteen additional days may be granted by the Zoning Inspector based on just cause.
(2) Portable Storage Containers shall not be located on any parcel for a period exceed twenty-eight days per calendar year.
Portable Storage Containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the Portable Storage Container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from City departments for the placement of the Portable Storage Container prior to its delivery is required.

(4) Only one Portable Storage Container shall be placed at any residential property at one time.

(5) Penalties shall be applied to the container owner, lessor and lessee per Section 1125.99.

(Ord. 49-07. Passed 10-11-07.)

1139.06 PARKING AND STORAGE OF CERTAIN VEHICLES. (REPEALED)

(EDITOR’S NOTE: Former Section 1139.06 was repealed by Ordinance 50-02. See Chapter 1319 for current regulation.)

1139.07 REQUIRED TRASH AREAS.

(a) All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence a minimum of four feet in height or one foot higher than the receptacles therein if such area is not within an enclosed building or structure.

(b) Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

(Ord. 35-97. Passed 6-26-97.)

1139.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to all yard regulations specified in Chapter 1137 and in other sections of this Zoning Ordinance, the provisions of Sections 1139.09 through 1139.14 shall be used for interpretation and clarification. (Ord. 35-97. Passed 6-26-97.)

1139.09 SETBACK REQUIREMENTS FOR CORNER BUILDINGS.

On a corner lot the principal building and its accessory structure shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (Ord. 35-97. Passed 6-26-97.)

1139.10 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection. (Ord. 35-97. Passed 6-26-97.)

1139.11 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot. (Ord. 35-97. Passed 6-26-97.)
1139.12 SIDE AND REAR YARDS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.
Nonresidential buildings or uses shall not be located nor conducted closer than ten feet to any lot line of a residential district. (Ord. 35-97. Passed 6-26-97.)

1139.13 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 attached and shall not project into the required minimum front, side or rear yard with the exception of canopies/awnings in the B-3 zoning district which are governed by Section 1137.25(n). (Ord. 35-97. Passed 6-26-97.)

1139.14 EXCEPTIONS TO HEIGHT REGULATIONS.
The height limitations contained in various Sections of Chapter 1137 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at the airport. (Ord. 35-97. Passed 6-26-97.)

1139.15 SPECIAL PROVISIONS FOR NON-RESIDENTIAL DISTRICTS OR USES.
(a) Compliance Required. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this Zoning Ordinance may be undertaken and maintained if it conforms to the regulations of this chapter limiting dangerous and objectionable elements at the point of the determination of their existence.

(b) Existing Uses. Any use authorized under the provisions of Section 1139.15 shall comply continually therewith and shall remedy any dangerous or objectionable elements which may develop in the course of its operation.

(1) Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements as defined in Section 1139.17, the City Engineer shall be responsible for conducting an investigation of the allegation. The City Engineer may employ a competent specialist, outside laboratory, or obtain use of whatever equipment is needed for the purpose of determining the nature and extent of such dangerous or objectionable elements and a practical means of remedying such condition.

(2) Upon completion of the investigation and receipt of recommendation of such outside specialists or laboratory as used, and if a violation is found, the City Engineer may determine the measures, to the extent practical, that should be taken to correct the violation. To the extent a violation is found, the City Engineer shall so advise the Zoning Inspector who shall proceed with the enforcement of such measures in accordance with the provision of Section 1125.01. Appeals from decisions of the City Engineer, if made, shall follow the procedures set forth in Section 1129.09.
(3) The City shall bear the costs of the various tests, consultant fees or other investigations which are required herein. In the event that operation or use of such property is found to be in violation of the provisions of this chapter by the City Engineer, the Board of Zoning Appeals, or by a court of competent jurisdiction, the owner of the use under investigation shall reimburse the City for all such expenses. Such reimbursement shall be made within thirty days from the date of the final Board ruling or court judgement.

(c) New Uses. The applicant for new uses shall bear the actual costs of all tests and investigations required to establish compliance or ability to comply and shall be in addition to the usual zoning and other City permit fees. (Ord. 35-97. Passed 6-26-97.)

1139.16 LOCATIONS WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS.

The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of performance standards set forth in this chapter shall be taken at different points in different districts in relation to the establishment or use creating the element being measured (herein referred to as "point of measurement") as follows:

(a) **M-1 and M-2 Districts.** At the boundary or boundaries of the District, or at any point within an adjacent District.

(b) **All Other Districts.** Twenty-five feet from the establishment or use, or at the lot line of the use if closer to the establishment or use.

(Ord. 35-97. Passed 6-26-97.)

1139.17 PERFORMANCE STANDARD REGULATIONS.

The relevant provisions of Federal, state and local law and regulations apply to this section. In addition, the following provisions, standards and specifications shall also apply in Manufacturing Districts (M-1 and M-2):

(a) **Fire and Explosion Hazards.** All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices plans and procedures against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fire shall be prohibited at any point.

(b) **Radioactivity or Electric Disturbance.** Anyone using equipment, materials or in any way handling radioactive materials shall be licensed by the NRC as required by the NRC. No activities shall be permitted which emit dangerous radioactivity at any point. Electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance are also prohibited.

(c) **Noise.** At the point of measurement specified in Section 1139.16 the sound pressure level of noise radiated from a facility at night time shall not exceed fifty decibels *1 or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be Meter *2, and an Octave Band *3 Analyzer that conform to the specifications such as those published by the American Standards Association and as approved by the City Engineer. Noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.) periodic character (humming, screeching, etc), or shrillness.
*1 Sound Pressure Level-Decibels re 0.0002 dynes/cm².


For facilities which radiate noise only during a normal working shift. The allowable decibel sound level given above shall be increased twenty-five decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is the higher. (Infrequent but necessary loud noise i.e., five minutes each four hours per, may not exceed 80). Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire and air raiding warning sirens) are excluded from the above regulations, including private warning systems that are part of a warning system approved for such use by the City.

(d) Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in Section 1139.16.

(e) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, or visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on such Chart may be emitted for four minutes in any thirty minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

(f) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the point of measurement specified in Section 1139.16. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such qualities of offensive odors Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemist Assn., Inc., Washington, D.C.

(g) Dust, Fly Ash, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point; and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cu. ft. of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty percent (50%) excess air.

(h) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Section 1141.03. This restriction shall not apply to signs otherwise permitted by the provisions of the Zoning Ordinance.
(i) **Liquid or Solid Wastes.** No discharge at any point into any public sewer, private sewage disposal system, stream, or into the ground, except in accord with standards approved by the Department of Health of the State of Ohio and by the Superintendent of the Waste Water Treatment Plant (see Chapter 921-Codified Ordinances of Marysville, Ohio) and by the Ohio Environmental Protection Agency or standards equivalent to those approved by such department for similar uses, of any materials of such nature or temperature as can contaminate any water supply or Otherwise cause the emission of dangerous or offensive elements.

(j) **Hazardous or Toxic Materials.** All activities involving, and all storage of hazardous or toxic materials shall be provided with at any point, adequate safety devices, plans and procedures to protect against injury to persons on the premises using or storing such materials or to persons in other districts or on neighboring property.

(k) **Erosion.** No erosion, by wind, water or other means, shall be permitted which will carry objectionable substances or inflict damage onto neighboring property.

(l) **Manufacturing Uses Abutting Residential Districts.** Uses permitted, conditional or non-conforming in a manufacturing district, shall not be located or conducted closer than 100 feet to any lot line of a residential district except that the minimum yard requirements contained in Section 1137.30(i) and (j) and Section 1137.31(i) and (j) may be utilized if acceptable landscaping, fencing or other screening approved by the Zoning Inspector is provided.

(Ord. 35-97. Passed 6-26-97.)

**1139.18 ENFORCEMENT PROVISIONS.**

(a) **Proof of Compliance.** The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

(b) The Zoning Inspector or Board of Zoning Appeals may also establish a reporting requirement of at least annually, requiring the applicant to show results of eliminating or reducing dangerous or objectionable elements to acceptable limits and tolerances. (Ord. 35-97. Passed 6-26-97.)

**1139.19 MEASUREMENT PROCEDURES.**

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y.; the Manufacturing Chemists Association, Inc.; Washington D.C.; and the United States Bureau of Mines, Nuclear Regulatory Agency, Federal or Ohio E.P.A., OSHA, or other agencies as appropriate to an industry. (Ord. 35-97. Passed 6-26-97.)

**1139.20 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.**

Two accessory buildings may be erected in residential districts ER, SR, R-1, R-2, R-3, R-4, R-5 and B-R Districts provided one of the accessory buildings is a private garage, not exceeding 750 square feet in floor area and fifteen feet in height otherwise, only one accessory building may be erected. An accessory building other than a private garage may not exceed 250 square feet in floor area and fifteen feet in height. In no instance shall the total floor area of the building or buildings exceed 750 square feet. An accessory structure shall have an exterior which meets these standards and is compatible in appearance to the principal residential structure on the parcel or lot. Compatibility shall be determined based upon the following criteria: exterior building materials, color, architecture, roof style, and siding.

(Ord. 46-03. Passed 11-6-03.)
1139.21 FENCES.

(a) Fences or walls shall not be installed prior to obtaining a zoning permit. Applications for such a permit shall include plans or drawings to be at minimum 8½" x 11" in size and not to exceed 11" x 17" in size, showing the actual and accurate shape and dimensions of the property on which the fence or wall is to be erected; the exact height, location, length, type of material, type of construction of such proposed fence or wall; the location of all structures on the lot; location and width of easements or no build zones; or any other information deemed necessary by the Director of Administration or his/her designated representative.

(b) Approved fence and wall materials include stone, brick, wood, chain-link, and iron. Synthetic products or other material as approved by the Director of Administration or his/her designated representative may also be used. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the yard being fenced; All of the framing or support members shall face inward of the yard being fenced. Fences and walls shall be maintained in good repair, be structurally sound, and be attractively finished at all times by the owners and/ or occupant of the lot on which they are located as well as the space between such fence and the lot line of any adjoining property. Hedges or other landscape material must be kept trimmed to or below the maximum allowed height and trimmed back to the inner edge of the public sidewalk area or property line.

(c) The following are specifics to the type of fencing installed.

(1) Fences may be erected as follows:
   A. Prohibited materials. No barbed wire, razor barb or electrically charged fence shall be erected, except in the M1 or M2 districts, in the AR zoning district when used to contain livestock or for uses under the Standard Industrial Classification (SIC) (1987 version) 92.
   B. Height. No fence shall be erected to a height exceeding six feet, except in M-1 and M-2 Districts, where the maximum height shall be twelve feet. Barbed wire or razor barb shall not be included in such computations.
   C. Location. Fences may be placed on the side or rear property line, but may not be placed closer to the street than the front of the main building, except in A-R Districts, where they may not be placed closer to the street or road than the street or road right-of-way line only when used to contain livestock.

(2) Decorative fence may be erected as follows:
   A. Prohibited material. Decorative fences may be constructed of any material except barbed wire, razor barb, woven or chain-link.
   B. Height. Decorative fences may be erected to a maximum height of six feet. However, when placed closer to the street than the front of the main building on any lot, the maximum height of such fence shall be three feet, and shall not be sight obscuring. For corner lots, when decorative fences are constructed in a triangle formed by measuring thirty feet along each street right-of-way line, the maximum height shall be two feet, six inches above the grade.
   C. Location. Decorative fences may be placed on the side or rear property line and may not be placed closer to the street or road than the street or road right-of-way line. (Ord. 16-10. Passed 5-27-10.)
1139.22 RESIDENTIAL MODEL HOME AND MULTI-FAMILY RENTAL OFFICE/MANAGEMENT SITE.
Residential model homes and multi-family rental offices/management sites, where permitted (see appropriate sections of Chapter 1137) shall be operated under the following conditions:

(a) Residential Model Homes.
   (1) Residential Model Homes are intended for open house purposes exclusively for prospective home buyers and not for corporate meetings.
   (2) Model Homes are to be sited so that they are easily accessible and identifiable.
   (3) Signage shall conform to Codified Ordinance Chapter 1143.
   (4) There is a two-year time limit for residential model homes. An extension may be granted if the development is not completed within two years provided circumstances beyond the developer's control make the extension necessary. Such circumstances may include a downturn in the economy, the size of the development is such that a two-year build-out was impractical, etc. Extensions shall be in one year increments, not to exceed three extensions.
   (5) Any non-customary residential lighting shall be shut off by 9:00 p.m. daily. The City of Marysville is not responsible for restricted deed covenants if applicable for individual subdivisions.

(b) Multi-Family Rental Office/Management Site.
   (1) Multi-family rental offices/management sites are intended for open house purposes exclusively for prospective tenants and not for corporate meetings.
   (2) Multi-family rental offices/management sites are to be located so that they are easily accessible and identifiable.
   (3) Signage shall conform to Codified Ordinance Chapter 1143.
   (4) Any non-customary residential lighting shall be shut off by 9:00 p.m. daily. (Ord. 35-97, Passed 6-26-97.)

1139.23 SPECIAL PROVISIONS FOR CERTAIN PUBLIC USES AND PUBLIC SERVICE FACILITIES.
In order to assure services to all areas within the City limits, certain public uses and public service facilities shall be permitted in all zoning districts. Those services, with conditions and requirements, are as follows:

(a) Water storage towers provided that there is a minimum of seventy-five feet from the property line to the base of the tower and that the City Engineer documents and approves the location is necessary and appropriate for the needs of the water distribution system.

(b) Sewage pumping stations where those pumping stations are necessary to serve the area in which they are located and the City Engineer documents and approves the need for the pumping station at that location. Any such sewage pumping station shall be fenced and in residential districts, shall be screened with trees and other plantings as determined by the Planning Commission.

(c) "Public Parks" by their need to serve residents as well as employees of commercial and industrial enterprises shall be a permitted use in all zoning districts. If this paragraph is in conflict with other sections of the Zoning Code, this paragraph shall prevail. (Ord. 68-06, Passed 8-24-06.)
1139.24 PROVISIONS FOR SEXUALLY ORIENTED BUSINESS
ESTABLISHMENTS WITHIN THE TOC TRAFFIC ORIENTED
COMMERCIAL DISTRICT.

Sexually oriented business establishments include adult cabarets, adult stores, or adult theaters primarily engaged in persons who appear nude/semi-nude, live performances, films or other visual representations adult booths, or sale or display of adult material.

(a) In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, synagogue, park, library, federal, state, county, township, or city building, cemetery, or other civic use or public use (within the City of Marysville or other municipality).

(b) No person shall operate, locate, or permit the location of a sexually oriented business within 500 feet (as measured from property line to property line) of another sexually oriented business establishment.

(c) No person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any commercial establishment selling beer or alcohol for consumption on the premises.

(d) No person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any hotel or motel.

(e) No person shall permit the operation, location or establishment of more than one sexually oriented business on the same property, in the same building or structure, or any portion thereof. (Ord. 92-00. Passed 11-21-00.)

1139.25 LIGHTING REQUIREMENTS FOR OR, BR, NC, B-1, TOC, HMD, SD-1
ZONING DISTRICTS.

Lighting Requirements for uses permitted in this district are set forth as follows:

(a) All exterior lighting shall be designed to direct light downwardly.

(b) All lights shall be arranged to reflect light away from any street or adjacent property.

(c) Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

(d) Parking lot lighting shall be no higher than 28 ft.

(e) No permanent colored or flashing lights shall be used to light the exterior of buildings. (Ord. 47-03. Passed 11-6-03.)

1139.26 SIDEWALKS FOR RESIDENTIAL DWELLING UNITS.

All newly constructed residential dwelling units shall have sidewalks installed along all existing public streets if sidewalks do not presently exist. Sidewalks shall be constructed according to the minimums set forth in the "Standard Construction Drawings" of the City.

(Ord. 7-14. Passed 3-13-14.)
CHAPTER 1140
Landscape Requirements

1140.01 Purpose. 1140.07 Minimum landscape standards.
1140.02 Intent. 1140.08 Installation and maintenance.
1140.03 Duties and responsibilities. 1140.09 Landscaping required before final occupancy.
1140.04 Definitions. 1140.10 Appeal.
1140.05 Landscape plan requirements.
1140.06 Reserved.

CROSS REFERENCES
Ohio Constitution, Art. XVIII, Sec. 3

1140.01 PURPOSE.
The purpose of this Landscape chapter is to apply standards that preserve the existing landscape, promote the planting and maintenance of landscape, and enhance the appearance of new developments by using landscape in the City of Marysville, and by so doing, protect and promote the public health, safety and general welfare of the residents and visitors to the community.
(Ord. 1-12. Passed 1-5-12.)

1140.02 INTENT.
The intent of this chapter is to:
(a) Ensure that buffering is provided between certain land uses, between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise while improving the aesthetic environment of Marysville.
(b) Ensure that the location, configuration, and design of landscape are visually harmonious with land uses, buildings, thoroughfares, and off-street parking on the planned property or thoroughfare.
(c) Ensure the reduction of surface water runoff and contribute to air purification.
(d) Encourage efforts to preserve natural vegetation and protect existing trees and woodlands, wetlands, and other natural features.
(e) Encourage the planting of native plant species where practical and available.
(f) Require planting of street trees along public thoroughfares.
(Ord. 53-12. Passed 11-15-12.)
1140.03 DUTIES AND RESPONSIBILITIES.

(a) The Design Review Board, in accordance with Chapters 1136 and 1144, shall review and approve landscape plans as part of the a Certificate of Appropriateness or the Exterior Plan approval process for multi-family, commercial, office, and manufacturing developments. In the case of substantial expansions as defined by this Chapter, the Zoning Inspector shall review and approved approve landscape plans as part of a Zoning Permit approval.

(b) The Planning Commission shall review and approve landscape plans for street trees as part of the preliminary plat process.

(c) The Design Review Board shall maintain an "Approved Tree List" for use as guidelines for meeting the provisions of this chapter. The "Approved Tree List" is a guideline and should be considered by the Design Review Board, Planning Commission, and Zoning Inspector when approving Landscape Plans. However, if determined appropriate, the Design Review Board, Planning Commission, or Zoning Inspector may permit landscape materials or trees not specifically listed in the "Approved Tree List".

(Ord. 1-12. Passed 1-5-12.)

1140.04 DEFINITIONS.

For the purpose of this chapter, certain terms are herewith defined.

(a) "Board" shall mean the Design Review Board as established in Chapter 1144.

(b) "Crown Spread" shall mean the distance measured across the greatest diameter of the above ground portions of a plant.

(c) "Decorative Walls and Fences" shall mean barriers constructed of wood, masonry or other appropriate material.

(d) "Developed Area" shall mean that a portion of a plot or parcel of land upon which a building, structure, pavement, landscaped material or other improvements, excluding public rights-of-way, have been placed.

(e) "Diameter at Breast Height" or "DBH" shall mean the diameter of the tree as measured at four and a half (4½) feet above grade. If a tree splits into multiple trunks below 4½ feet above grade, the trunk is measured at its most narrow point below the split.

(f) "Earth Mounds" shall mean earthen physical barriers which block or screen a view, which have vegetation capable of preventing erosion, and have a maximum permitted slope of three feet horizontal to one vertical (3:1) where mounds are to be mowed.

(g) "Ground Cover" shall mean landscape materials such as natural mulch or low growing plants installed in such a manner so as to form a continuous cover over the ground.

(h) "Interior Landscaping" shall mean the use of landscape materials within the boundaries of the parcel, exclusive of the perimeter landscaping.

(i) "Landscape" shall mean the placement of landscape materials in the planting area in accordance with the requirements of this chapter.

(j) "Landscape Buffer" shall mean landscape materials installed between certain land uses [i.e. (1) between multifamily and single family uses, (2) between any residential and commercial uses, and (3) between any manufacturing and residential or commercial use], between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise.
"Landscape Material" shall mean materials such as, but not limited to, living trees, shrubs, vines, lawn grasses, ground cover, landscape water features and non-living, durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, earthen mounds, but excluding pavements or surfaces for vehicular use.

"Native Plant Species" shall mean a plant species, other than noxious weeds, that are indigenous to the area and usually do not need human intervention to grow or reproduce.

"New Structure" shall mean anything newly constructed or erected, except for fences, decks, signs, trash enclosures, swimming pools, playground equipment and accessory structures under 250 sq. ft., which requires location on the ground. Additions to, alterations to and/or reconstruction of an existing structure or building shall not be considered a new structure.

"Opacity" shall mean the required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to a required height.

"Parking Area or Structure" shall mean an off-street area or structure for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space necessary for the parking or loading areas.

"Planting Area" shall mean any area utilized for landscape material installation having a minimum area of fifty (50) square feet.

"Plants" shall mean living vegetation. Artificial plants are not included in this definition.

"Service Structures" shall mean equipment or elements providing service to a building or a site including but not limited to loading docks, storage tanks, trash containers or receptacles, electrical transformers, utility vaults which extend above the surface, cooling towers, and heating and cooling units.

"Shrub" shall mean a perennial plant which has persistent multiple woody stems from a common root and differing from a tree by its low stature and habit of branching from the base.

"Substantial Expansion" shall mean when an existing structure or vehicular access area is expanded, altered, or enlarged where such expansion, alteration, or enlargement exceeds twenty-five (25) percent of the area of the existing structure or vehicular access area.

"Tree" shall mean any self supporting, woody perennial plant which normally grows to an overall height of at least fifteen (15) feet.

"Tree, Large" shall mean any tree which normally attains a mature height equal to or greater than forty (40) feet.

"Tree, Major" shall mean an existing living tree with a DBH of at least eighteen (18) inches.

"Tree, Measurement of" shall mean the diameter in inches of a tree trunk measured six (6) inches above grade for trees equal to or less than six (6) inches in diameter or measured at DBH for trees larger than six (6) inches in diameter.

"Tree, Medium" shall mean any tree which normally attains a mature height greater than twenty-five (25) feet and less than forty (40) feet.

"Tree, Small" shall mean any tree which normally attains a mature height greater than fifteen (15) feet and less than twenty-five (25) feet.

"Tree, Standard" shall mean a tree planted with a trunk caliper (diameter) of at least one and 3/4 (1¾) inches measured 6" above grade.

"Tree, Deciduous" shall mean trees which normally shed their leaves in the fall.

"Tree lawn" shall mean that part of the street right of way not covered by sidewalk, bike path or other paving, lying between the sidewalk and street.
(dd) "Vehicle Encroachment" shall mean any protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscape area.

(ee) "Vehicular Use Area" shall mean any paved surface area, excepting public rights-of-way, used by any type vehicle, whether moving or at rest for the purpose of (including but not limited to) driving, parking, loading, unloading, or storage.

(Ord. 54-12. Passed 11-15-12.)

1140.05 LANDSCAPE PLAN REQUIREMENTS.

(a) Types of Requirements.

(1) New Structures. A zoning permit for construction of a new structure, or a vehicular use area shall be issued only after a landscape plan as required by this chapter has been submitted and approved. This requirement does not apply to single-family residential uses.

(2) Substantial Expansions. A zoning permit for construction of a substantial expansion to a structure or vehicular use area shall be issued only after a landscape plan as required by this chapter has been submitted and approved. In the case of a substantial expansion to a structure or a vehicular use area, the site shall comply at a minimum with the required street trees to be planted along the public thoroughfare and the landscape requirements for vehicular use areas as required by this Chapter. A landscape plan for a substantial expansion does not require Design Review Board approval and shall become part of a Zoning Permit application review process and shall require no additional fee beyond the Zoning Permit fee. If the Zoning Inspector determines that the street trees along the public thoroughfare or the landscaping for vehicular access areas are not practical due to topographic conditions or physical site limitations, the street trees may be planted in different locations on the site or reduced by size or number as approved by the Zoning Inspector.

(3) Preliminary Plats. Per Chapter 1105, a preliminary plat submitted for approval to the Planning Commission shall contain a landscape plan for streets as required by this chapter.

(b) Landscaping Plan Requirements. The landscape plan shall include:

(1) The name and address of the property owner and applicant.

(2) The zoning and specific land use for the property involved and for adjacent properties.

(3) A Site Plan to an appropriate scale showing:

A. All existing and proposed buildings, structures, overhead and underground utilities, vehicular use areas, service structures, fences, mounds, storm water detention areas, drainage swales, or any other site feature.

B. Existing major trees and vegetation or landscape features. Major trees are to be located, identified, and health condition noted.

C. Existing major trees, vegetation, or landscape features to be removed.

D. New landscaping to be installed as part of this project. The plan shall include a plant list that identifies all plants by species, common name, and size to be installed. Materials and vegetation shall be identified for all proposed landscaping.
E. Dimensions of all planting areas.
F. Dimensions of the perimeter distance of the vehicular use area.
G. Location and plant name(s) of existing landscaping on any shared property line.

(4) Major trees preservation plan.
A. All major trees shall be preserved, unless exempted, as follows:
   1. The proposed structure or vehicular use area cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot.
   2. The tree is damaged or diseased or otherwise is an undesirable species in its present location.
B. All major trees identified for removal shall be replaced as follows:
   1. It is encouraged that any tree identified for replacement be replaced with a similar type and variety, unless it is proven to be unfeasible or it is determined by staff to be undesirable.
   2. Each major tree larger than thirty (30) inches in diameter removed under this section shall be replaced by the owner/developer of the parcel with four (4) standard trees.
   3. Each major tree eighteen to thirty inches (18-30) in diameter shall be replaced with two (2) standard trees. Replacement trees for major trees removed shall be identified on landscape plan as such.

(Ord. 1-12. Passed 1-5-12.)

1140.06 RESERVED.
(EDITOR'S NOTE: This section is reserved for future legislation).

1140.07 MINIMUM LANDSCAPE STANDARDS.
The following landscape standards are required for new structures or substantial expansions unless the Design Review Board determines that the landscape standards are not practical due to topographic conditions or physical site limitations allowing the landscape materials to be planted in different locations on the site as approved by the Board.

For the purpose of this section, property lines along a public alley shall be considered a side or rear lot line.

(a) Perimeter Landscape Standards. Landscape buffering shall be required between multifamily and single family uses, between any residential and commercial uses, and between any manufacturing and residential or commercial use. Landscape buffering shall achieve and maintain a minimum of eighty (80) percent opacity, a height of at least six (6) feet, and a varied use of landscaping material. Fences and walls shall be no higher than six (6) feet in residential and commercial zoning districts and no higher than twelve (12) feet in manufacturing zoning districts. The plant material must achieve height and opacity requirements within four (4) years after installation.
Landscape Requirements for Vehicular Use Areas. Public and private off street parking facilities and other vehicular use areas, except for single family and two (2) unit multifamily buildings, shall be landscaped in accordance with the following requirements:

1. Vehicular use area perimeter requirements.
   A. Setback Requirements. The front setback area for off-street parking shall consist of a ten (10) foot wide strip between the street right-of-way and the vehicular use area. Side and rear setbacks are to consist of a four (4) foot wide strip as measured from the property line to the vehicular use area.
   B. Screening Requirements. Vehicular use areas adjacent to a public street or private roadway shall be developed with plant, mounding, and/or fence material at least three (3) feet in height, except in line of sight triangles at driveway and street intersections where the height limit is two (2) feet, to conceal the view of parked cars from the street. Plant materials shall achieve the three (3) foot height within two (2) years of installation. All screening shall have a minimum opacity of eighty (80) percent at all times.
   C. In addition to the vehicular use area perimeter buffering requirement, one standard tree is to be planted for each seventy-five (75) feet of vehicular use area and/or parking area perimeter distance.

2. Interior requirements. Within vehicular use areas with more than 20 parking spaces an area equal to a minimum of three (3) percent of the vehicular use area excluding perimeter landscape buffer areas shall be devoted to multiple planting areas which shall include a minimum of one standard tree plus other landscape material. For parking spaces not adjacent to islands or landscape bed areas with shade trees, every 25th space shall be made into a planting area and shall include one (1) standard tree. Planting areas for the interior requirements shall be a minimum of two hundred (200) square feet in size. In addition:
   A. The total planting area around a vehicular use area may be reduced by one hundred (100) square feet if such amount is relocated elsewhere to emphasize an entrance corridor or feature.
   B. In order that there shall be safe access to parking spaces, planting areas shall be arranged as to divide parking corridors and to limit "cross taxiing" through open parking spaces.
   C. Grass cover shall be planted on all portions of the interior planting areas not occupied by other landscape material.
   D. The minimum width of a landscape area where a tree or planting is planted shall be five (5) feet and the minimum distance from a tree or planting to a vehicular use area shall be two and one half (2½) feet measured from the trunk of the tree or planting to the face of the curb.
   E. Planting area shall mean any area utilized for landscape material installation having a minimum area of fifty (50) square feet.
(3) **Distribution adjustments.** In areas where the Design Review Board has determined that strict application of this chapter will interfere with the function of the area, the required interior landscaping may be located to an area approved by the Board. For automotive or vehicle sales or dealerships and other uses where landscaping adversely impacts the operation of the use, the Design Review Board may approve the reduction or relocation of the number, size, or design of landscaping materials.

(4) **Construction adjustments.** If it is determined that during construction that exact landscaping placement as approved by the Design Review Board is not practical due to topographic or physical site limitations, the Zoning Inspector may permit the reallocation of the landscaping to a different location on the property.

(c) **Intersection Clear Vision Requirements.** To minimize traffic hazards, when an access way to a vehicular use area intersects a public right-of-way or where the property abuts the intersection of two (2) or more rights-of-way, all landscaping shall provide unobstructed visibility between two (2) feet and seven (7) feet in a line of sight triangular area bounded by a thirty (30) foot dimension along each access way edge, street edge, or curb and connecting the endpoints. Landscaping other than grass or ground cover shall not be located closer than four (4) feet from the edge of the access way pavement. Pursuant to 1143.06(e) see appendix A for sight triangles at intersections.

(d) **Street Trees and Public Tree Requirements.** Street trees along public streets as part of a preliminary plat shall meet the guidelines established below and shall be reviewed and approved by the Planning Commission as part of the preliminary plat process. Street trees along public streets as part of a proposed development shall meet the guidelines below and shall be reviewed and approved by the Design Review Board or Zoning Inspector in the case of a substantial expansion as defined by this Chapter. Street trees shall be required in all zoning districts, and in accordance with the following regulations.

(1) Street trees shall be planted along public streets in such a manner, type, quantity and location as approved by the Planning Commission, Design Review Board, or Zoning Inspector. Any existing street with undeveloped frontage shall also conform to these requirements at the time of the frontage development.

(2) The minimum trunk caliper measured at six (6) inches above grade for all street trees shall be no less than one and ¾ (1¾) inches.

(3) Street trees shall be planted as per the following spacing requirements:

<table>
<thead>
<tr>
<th>Class</th>
<th>Maximum</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Trees</td>
<td>1 per 60' of frontage</td>
<td>1 per 45' of frontage</td>
</tr>
<tr>
<td>Medium Trees</td>
<td>1 per 50' of frontage</td>
<td>1 per 35' of frontage</td>
</tr>
<tr>
<td>Small Trees</td>
<td>1 per 40' of frontage</td>
<td>1 per 25' of frontage</td>
</tr>
</tbody>
</table>

(4) The spacing between trees shall be adjusted to accommodate the location of driveways, fire hydrants, utility service lines, street lights, street signs, or any other permanent street fixtures. (Ord. 1-12. Passed 1-5-12.)

(5) Tree locations shall be at least thirty-five (35) feet from all stop and yield signs and ten (10) feet from fire hydrants or utility poles and fifteen (15) feet from all other street signs unless a reduced distance is proposed and approved by the City Engineer. (Ord. 64-14. Passed 9-11-14.)
(6) Street trees shall be planted half the distance between the sidewalk and the edge of the street. When no sidewalks or curbs exist, the tree location shall be half the distance between the edge of the street and the right-of-way.

(7) A small tree shall be used when planting within ten (10) feet horizontal distance of overhead utility wires. A small or medium tree shall be used when planting between ten (10) and twenty (20) feet horizontal distance of overhead utility wires.

(8) If the Planning Commission, Design Review Board, or Zoning Inspector determines that the street trees along the public thoroughfare are not practical due to topographic conditions or physical site limitations, the street trees may be planted in different locations on the site or reduced by size or number as approved by the Planning Commission, Design Review Board, or Zoning Inspector.

(Ord. 1-12. Passed 1-5-12.)

1140.08 INSTALLATION AND MAINTENANCE.

(a) Installation. All landscaping materials required on sites affected by this chapter shall be installed in accordance with industry accepted construction and planting procedures.

(1) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials planted or placed to fulfill the requirements of this chapter and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.

(2) All unhealthy or dead plant material shall be replaced within six months, or by the next planting period, whichever comes first, while other defective non-plant landscape material shall be replaced or repaired within three (3) months.

(3) Violations of these provisions shall be grounds for the City to refuse a zoning certificate of compliance and find that the owner is in violation of the zoning ordinance. Please refer to Chapter 1125.99.

(b) Maintenance. Publicly owned trees or privately owned trees located in or encroaching upon the public right-of-way shall conform to the following provisions:

(1) Persons providing services to public owned trees and/or providing utility line clearing services shall adhere to guidelines of the International Society of Arborists for tree maintenance and utility line clearance work.

(2) No person shall top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(3) Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than eight (8) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same should be less than thirteen (13) feet above the roadway.

(4) The City shall have the right to plant, prune, maintain and remove trees, plants, and shrubs or portions thereof within the rights-of-way of all streets, avenues, lanes, and other public grounds, as may be necessary to insure public safety or to preserve or enhance the health of the plant material or the beauty of such public grounds.
(5) No person shall intentionally attach any rope, wire, nails, advertising posters, or other contrivance to any tree or shrub, allow any liquid, or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.

(6) Stumps shall be removed at least four (4) inches below grade. All residual material shall be removed from the site at the time the tree is removed and the grade shall be restored.

(7) Property owners are responsible for the maintenance of trees within the public right of way or tree lawn. In the event a tree(s) in the public right of way poses a risk of harm to public safety, the City reserves the right to remove the tree(s) in order to mitigate the risk of harm. Once a tree is removed from the tree lawn or right of way, the property owner shall replace the tree with a tree that is approved by the City's Public Service Department. The City Manager or his designee has the authority to waive or postpone the requirement to replace a tree that has been removed.

1140.09 LANDSCAPING REQUIRED BEFORE FINAL OCCUPANCY.

(a) Before a zoning certificate of compliance is issued, landscaping as approved by the Design Review Board, Planning Commission, and/or the Zoning Inspector or designee shall be installed, unless it is determined by the Zoning Inspector or designee that due to unforeseen circumstances or inclement weather that the approved landscaping cannot be installed prior to occupancy. In this case, a temporary zoning certificate of compliance may be issued in accordance with Chapter 1125. The City may require from the property or business owner a performance bond of sufficient amount to cover the remaining cost of materials and labor to install the landscaping.

(b) Failure to install landscaping as approved by the Design Review Board and/or Zoning Inspector is a violation of the zoning ordinance and is subject to the penalties in Section 1125.99.

1140.10 APPEAL.

Any person whose plan has been disapproved or who has otherwise been aggrieved by a decision of the Design Review Board, Zoning Inspector or designee may appeal that decision to the Board of Zoning Appeals. Please refer to Chapter 1129.
CHAPTER 1141
Off-Street Parking and Loading Facilities

1141.01 General requirements.
1141.02 Parking space dimensions.
1141.03 Loading space requirements and dimensions.
1141.04 Paving.
1141.05 Drainage.
1141.06 Maintenance.
1141.07 Lighting, striping and traffic control.
1141.08 Location of parking spaces.
1141.09 Reserved.
1141.10 Wheel blocks.
1141.11 Width of driveway aisle.
1141.12 Parking space/stacking requirements.
1141.13 General interpretations.

CROSS REFERENCES
Off-street parking facilities - see Ohio R. C. 717.05 et seq.
Parking generally - see TRAF. Ch. 351
Loading trucks - see TRAF. 351.09

1141.01 GENERAL REQUIREMENTS.
(a) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Zoning Ordinance.

(b) The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure.

(c) Whenever a building or structure constructed after the effective date of this Zoning Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Zoning Ordinance is enlarged by fifty percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, such building or structure shall then and thereafter comply with the full parking requirements set forth herein.
(Ord. 33-12. Passed 6-28-12.)
1141.02 PARKING SPACE DIMENSIONS.
Parking spaces shall conform to the following minimum area and dimensions exclusive of driveways and aisles:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Width (Feet)</th>
<th>Minimum Length (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel parking</td>
<td>9</td>
<td>23</td>
</tr>
<tr>
<td>Ninety degree parking</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>Sixty degree parking</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Forty-five degree parking</td>
<td>12</td>
<td>19</td>
</tr>
</tbody>
</table>

(Ord. 33-12. Passed 6-28-12.)

1141.03 LOADING SPACE REQUIREMENTS AND DIMENSIONS.
(a) Whenever a use requires goods, merchandise, or equipment to be delivered to or shipped from that use, off-street loading and unloading areas shall be provided to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) Loading spaces shall conform to the following minimum dimensions:
   (1) Type A - (for semi-truck vehicles) fourteen feet width, fifty-five feet length, fifteen feet clearance. The space shall not inhibit service access to neighboring properties, facilities or loading areas.
   (2) Type B - twelve feet width, thirty feet length, fifteen feet clearance, and arranged so as to not inhibit service access to neighboring properties, facilities or loading areas.

(c) Number of spaces required:

<table>
<thead>
<tr>
<th>COMMERCIAL &amp; INDUSTRIAL USES</th>
<th>Gross Floor Area</th>
<th>Minimum Number &amp; Type of Loading Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 5,000 sq. ft.</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Equal to or greater than 5,000 sq. ft.</td>
<td>One Type B</td>
</tr>
<tr>
<td></td>
<td>Equal to or greater than 15,000 sq. ft.</td>
<td>One Type A</td>
</tr>
<tr>
<td></td>
<td>Equal to or greater than 30,000 sq. ft.</td>
<td>One Type A and one Type B</td>
</tr>
<tr>
<td></td>
<td>Equal to or greater than 50,000 sq. ft.</td>
<td>One additional Type A</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 sq. ft. or fraction thereof</td>
<td>One additional Type A</td>
</tr>
<tr>
<td>Gross Floor Area</td>
<td>Minimum Number &amp; Type of Loading Space</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Less than 20,000 sq. ft.</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 20,000 sq. ft. but less than 100,000 sq. ft.</td>
<td>One Type A</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 100,000 sq. ft. but less than 350,000 sq. ft.</td>
<td>Two Type A</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 350,000 sq. ft.</td>
<td>Two Type A plus an additional Type A for each additional 300,000 sq. ft. or fraction thereof</td>
<td></td>
</tr>
</tbody>
</table>

(d) Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space or parking lot aisle.

(e) No area allocated for loading and unloading parking may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading parking.

(f) No loading space shall be located closer than fifty feet to any residential zoning district. This excludes spaces in an OR or BR zoning district.

(g) A developer needs to only comply with this section to the extent reasonably possible when:

1. A lot exists with one or more structures on it that were constructed prior to the effective date of this chapter.
2. A change of use is required that does not involve the enlargement of a structure.
3. The loading requirement cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading.

(Ord. 33-12. Passed 6-28-12.)

**1141.04 PAVING.**

(a) The required number of parking and loading spaces as set forth in Sections 1141.03 and 1141.12, together with driveways, aisles and other circulation areas, shall be curbed to City standards and contain a hard-surface of asphalt, concrete or a combination thereof, unless a viable or environmentally friendly solution is proposed and approved by the City Engineer.

(b) Exempt from the curbing requirement are driveways that connect a residential dwelling unit or garage with a street or thoroughfare and off-street parking areas for residential dwelling units that contain four (4) or fewer spaces. (Ord. 14-14. Passed 4-10-14.)

**1141.05 DRAINAGE.**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. (Ord. 33-12. Passed 6-28-12.)
1141.06 MAINTENANCE.
The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.
(Ord. 33-12. Passed 6-28-12.)

1141.07 LIGHTING, STRIPING AND TRAFFIC CONTROL.
(a) Any nonresidential parking area with ten or more off-street parking spaces and any residential area with twenty or more off-street parking spaces shall be illuminated. All light fixtures shall be flat lenses and arranged to direct and reflect light away from any adjacent residential property and public right-of-way, and away from the sky above the light fixture.

(b) Any parking area with five (5) or more off-street parking spaces shall be clearly striped and maintained in good condition with lines four (4) inches wide. Striping shall be either white or yellow in color. Striping for spaces designated for handicapped parking may be blue in color if approved by the City Engineer. The width of the parking spaces shall be computed from the centers of the striping.

(c) Parking of automobiles and/or recreational vehicles at permitted automobile dealerships that have outdoor storage and displays do not require lines or striping except for those spaces designated for employee and customer parking.

(d) Temporary parking areas for approved construction projects do not require lines or striping. Temporary parking areas shall only remain the duration of the construction project when permanent parking is not feasible.

(e) Any off-street parking area shall be marked or posted with such traffic control devices as may be determined necessary by the City Engineer and Police Chief for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs. (Ord. 33-12. Passed 6-28-12.)

1141.08 LOCATION OF PARKING SPACES.
The following regulations shall govern the location of off-street parking spaces and areas:
(a) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
(b) Parking spaces for commercial, industrial or institutional uses shall be located not more than 700 feet from the principal use;
(c) Parking spaces for apartments or similar residential uses shall be located not more than 300 feet from the principal use. (Ord. 33-12. Passed 6-28-12.)

1141.09 RESERVED.

1141.10 WHEEL BLOCKS.
Whenever a parking lot extends to a property line, sidewalk, landscape area or building, a wheel stop device consisting of blocks, a permanent curb, or other suitable restraint as approved by the City Engineer shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk or damaging any building, structure or landscaping. (Ord. 33-12. Passed 6-28-12.)
1141.11 WIDTH OF DRIVEWAY AISLE.
Driveway aisles serving parking spaces shall conform to the following minimum standards:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Width (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel parking</td>
<td>12</td>
</tr>
<tr>
<td>Ninety degree parking</td>
<td>25</td>
</tr>
<tr>
<td>Sixty degree parking</td>
<td>17.5</td>
</tr>
<tr>
<td>Forty-five degree parking</td>
<td>13</td>
</tr>
</tbody>
</table>

(Ord. 33-12. Passed 6-28-12.)

1141.12 PARKING SPACE/STACKING REQUIREMENTS.
(a) Floor Area: Where floor area is designated as the standard for determining parking space requirements, the gross floor area of each floor shall be used.

(b) Seats: Where the number of seats is designated as the standard for determining parking space requirements, the number of seating units installed or indicated, or each 18 linear inches of benches, pews, or space for loose chairs or similar seating facilities shall be used.

(c) Employees: Where the number of employees is the standard for determining parking space requirements, employees shall mean the maximum total number of employees on any two successive shifts.

(d) Fractional Numbers: Fractional numbers shall be increased to the next whole number.

(e) Joint Use:
(1) A building or group of buildings containing two (2) or more uses even if a use in the building(s) is under the same ownership, operating during the same hours and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.

(2) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

(f) For the purpose of this Zoning Ordinance, the following parking space requirements shall apply.
(1) Residential:
<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Corporate Guest Housing</td>
<td>1 space for each bedroom plus 1 space per employee</td>
</tr>
<tr>
<td>(B) Family &amp; Group Care Home</td>
<td>1 space per 4 residents plus 1 space per employee</td>
</tr>
<tr>
<td>(C) Fraternity &amp; Sorority Housing</td>
<td>1 space per occupant at maximum occupancy</td>
</tr>
<tr>
<td>(D) Mobile Home</td>
<td>2 spaces per unit (see multi-family if there is more than one unit on the property)</td>
</tr>
<tr>
<td>(E) Multi-family</td>
<td>2 spaces per unit plus guest parking at a rate of 1 space per 4 units</td>
</tr>
<tr>
<td>(F) Retirement Villages &amp; Senior Citizen Housing</td>
<td>1 space per dwelling unit plus 1 space per employee plus 1 space per 4 units</td>
</tr>
<tr>
<td>(G) Single-family</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>(H) Two-family</td>
<td>2 spaces per unit (see multi-family if there is more than one structure on the property)</td>
</tr>
</tbody>
</table>

(2) Education/Places of Worship/Recreation Uses:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Cemeteries</td>
<td>1 space per employee plus 1 space per 4 seats in chapels</td>
</tr>
<tr>
<td>(B) Colleges, Junior Colleges &amp; Universities</td>
<td>1 space for every 3 students plus 1 space per employee of the 2 largest consecutive shifts</td>
</tr>
<tr>
<td>(C) Community Centers, Libraries, Museums, Art Galleries, Garden and other establishments of historical, education and cultural interest</td>
<td>1 space for every 200 sq. ft. of gross floor area up to 2,000 sq. ft.; 1 space for every 250 sq. ft. of gross floor area (or fraction thereof) over 2,000 sq. ft. plus 1 space per employee on he largest shift</td>
</tr>
<tr>
<td>(D) Daycare Centers &amp; Nursery Schools</td>
<td>1 space per employee plus 1 space per 5 children at capacity</td>
</tr>
<tr>
<td>(E) Elementary &amp; Junior High Schools</td>
<td>1 space per employee plus 1 space per 2 classrooms</td>
</tr>
<tr>
<td>(F) High Schools</td>
<td>1 space per employee plus 1 space per 5 students at capacity</td>
</tr>
<tr>
<td>(G) Places of Worship</td>
<td>1 space per every 4 seats at capacity</td>
</tr>
<tr>
<td>(H) Recreation Uses (indoor/outdoor)</td>
<td></td>
</tr>
<tr>
<td>(1) Auditoriums, Arenas, Stadiums, Theaters, Gymnasiums and playing fields with stands</td>
<td>1 space for every 4 seats at capacity</td>
</tr>
<tr>
<td>Type of Use (Cont.)</td>
<td>Parking Spaces Required (Cont.)</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(2) Bowling Alleys</td>
<td>4 spaces for each lane plus 1 additional space for each 100 sq. ft. of gross floor area used for restaurants, bars or similar uses plus 1 space for each employee on the largest shift</td>
</tr>
<tr>
<td>(3) Golf Courses</td>
<td>4 spaces per hole plus 1 additional space for each 100 sq. ft. of gross floor area for restaurants, clubhouses, or similar uses plus 1 space for each employee</td>
</tr>
<tr>
<td>(4) Golf Driving Ranges</td>
<td>1 space per tee plus 1 space per employee</td>
</tr>
<tr>
<td>(5) Recreation Centers</td>
<td>1 space for every 250 sq. ft. of gross floor area; except those designed exclusively for senior citizens or youth under the age of 16, in which case there shall be 1 space for every 750 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>(6) Skating Rinks</td>
<td>1 space for every 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>(7) Swimming pools (public, community or club)</td>
<td>1 space for every 75 sq. ft. of water surface plus 1 space for each 4 seats or 1 for each 30 sq. ft. of gross floor area used for seating, whichever is greater</td>
</tr>
<tr>
<td>(8) Tennis/Racquetball &amp; Handball Courts</td>
<td>4 spaces for each playing court plus 1 space for every 2 employees on the largest shift.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Animal Hospitals, Veterinary Clinics &amp; Kennels</td>
<td>1 space for every 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>(B) Hospitals &amp; Medical Centers</td>
<td>1 space for every 2 beds plus 1 space for every employee on the largest shift</td>
</tr>
<tr>
<td>(C) Medical &amp; Dental Clinics</td>
<td>1 space for every 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Type of Use (Cont.)</td>
<td>Parking Spaces Required (Cont.)</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(D) Nursing &amp; Personal Care Facilities including nursing homes, extended care</td>
<td>1 space for every 6 beds plus 1 space for every employee on the largest shift</td>
</tr>
<tr>
<td>facilities, rest homes and convalescent homes</td>
<td></td>
</tr>
<tr>
<td>(E) Offices, Public or Professional Administration, or Service Buildings</td>
<td>1 space for every 400 sq. ft. of gross floor area</td>
</tr>
</tbody>
</table>

(4) Retail Commercial and Services Uses:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Automotive, Boat, Recreational Vehicle</td>
<td>1 space for every 300 sq. ft. of gross floor area plus 1 space per service bay</td>
</tr>
<tr>
<td>Dealerships</td>
<td></td>
</tr>
<tr>
<td>(B) Automotive Service and Repair</td>
<td>1 space for every 400 sq. ft. of gross floor area plus 2 spaces for each service bay</td>
</tr>
<tr>
<td>(C) Bank, Financial Institutions and Savings</td>
<td>1 space for every 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>and Loan Associations</td>
<td></td>
</tr>
<tr>
<td>(D) Barber Shops, Beauty Parlors or similar</td>
<td>1 space for every 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>personal services</td>
<td></td>
</tr>
<tr>
<td>(E) Bed &amp; Breakfast</td>
<td>2 spaces plus 1 space per rental unit</td>
</tr>
<tr>
<td>(F) Bars &amp; Drinking Places</td>
<td>1 space for every 50 sq. ft. of gross floor area plus 1 space for every 50 sq. ft. of outdoor</td>
</tr>
<tr>
<td></td>
<td>seating and/or patio area</td>
</tr>
<tr>
<td>(G) Funeral Homes &amp; Mortuaries</td>
<td>1 space for every 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>(H) Gas Stations</td>
<td>1 space for each 2 gas pumps plus 2 or each service bay</td>
</tr>
<tr>
<td>(I) Grocery Stores, Retail &amp; General Merchandise</td>
<td>1 space for every 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>(J) Hotels &amp; Motels</td>
<td>1 space per rental unit plus 1 space per employee on the largest shift plus 1 space per</td>
</tr>
<tr>
<td></td>
<td>150 sq. ft. of gross floor area for meeting, conference, restaurants, lounge areas or</td>
</tr>
<tr>
<td></td>
<td>similar uses</td>
</tr>
<tr>
<td>Type of Use (Cont.)</td>
<td>Parking Spaces Required (Cont.)</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>(K) Shopping Centers</td>
<td>1 space for every 300 sq. ft. of gross floor area for buildings up to 40,000 sq. ft.; 1 space per 400 sq. ft. of gross floor area or portion thereof for buildings over 40,000 sq. ft.</td>
</tr>
<tr>
<td>(L) Eating Places</td>
<td></td>
</tr>
<tr>
<td>(1) Full Service</td>
<td>1 space per 100 sq. ft. of gross floor area plus 1 space for every 100 sq. ft. of outdoor seating and/or patio area</td>
</tr>
<tr>
<td>(2) Partial Service &amp; Carry-Out Delivery</td>
<td>1 space per 150 sq. ft. of gross floor area plus 1 space for every 150 sq. ft. of outdoor seating and/or patio area</td>
</tr>
<tr>
<td>(3) Drive-In</td>
<td>1 space per 50 sq. ft. of gross floor area plus 1 space for every 50 sq. ft. of outdoor seating and/or patio area</td>
</tr>
</tbody>
</table>

- Full service shall be defined as any eating and drinking establishment with the sale or consumption of food and/or drink on the premises with less than fifty percent (50%) of the business intended for carry-out or delivery.
- Partial service shall be defined as any eating and/or drinking establishment with the sale or consumption of food and/or drink on the premises with fifty percent (50%) or more of the business intended for carry-out or delivery.
- In any case, vehicles shall not be permitted to wait within any public right-of-way for service at such drive-in or drive-thru facilities.

(5) Industrial:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Freight Terminals</td>
<td>1 space per employee on the largest shift plus 1 space per vehicle stored on the premises</td>
</tr>
<tr>
<td>(B) Manufacturing, Wholesaling, Processing and fabrication operations</td>
<td>1 space per employee on the largest shift plus 1 space per vehicle stored on the premises</td>
</tr>
</tbody>
</table>
| (C) Warehousing | 1 space per business vehicle plus:  
- 1 space for every 1,000 sq. ft. of gross floor area for buildings up to 20,000 sq. ft.  
- 1 space for every 5,000 sq. ft. of gross floor area for buildings 20,001 to 120,000 sq. ft.  
- 1 space for every 10,000 sq. ft. of gross floor area for buildings over 120,000 sq. ft. |

(Ord. 33-12. Passed 6-28-12.)
1141.13 GENERAL INTERPRETATIONS.
In the interpretation of this chapter, the following rules shall govern:

(a) Parking spaces for other permitted or conditional uses not listed in this chapter shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

(b) Fractional numbers shall be increased to the next whole number.

(c) When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

(Ord. 33-12. Passed 6-28-12.)
CHAPTER 1142  
Wireless Telecommunication Structures

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<th>Title</th>
<th>Section</th>
<th>Title</th>
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</thead>
<tbody>
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<td>1142.08</td>
<td>Co-location requirements.</td>
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<tr>
<td>1142.02</td>
<td>Applicability.</td>
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<td>Application and review requirements.</td>
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<td>1142.06</td>
<td>Located in open space.</td>
<td></td>
<td></td>
</tr>
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<td>1142.07</td>
<td>Criteria for a conditional use.</td>
<td></td>
<td></td>
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1142.01 LEGISLATIVE PURPOSES.

(a) The purpose of this chapter is to regulate the placement, construction and modification of Towers and Wireless Telecommunications Facilities, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, the purposes of this chapter are:

1. To direct the location of Towers and Wireless Telecommunications Facilities in the City into appropriate areas.
2. To protect residential areas and land uses from potential adverse impacts of Towers and Wireless Telecommunications Facilities.
3. To minimize adverse visual impacts of Towers and Wireless Telecommunications Facilities through careful design, siting, and landscaping.
4. To promote and encourage shared use/co-location of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers.
5. To avoid potential damage to adjacent properties caused by Towers and Wireless Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed and modified, are appropriately maintained and are fully removed when their use ceases.
(6) To the greatest extent feasible, ensure that Towers and Wireless Telecommunications Facilities are compatible with surrounding land uses.

(7) To the greatest extent feasible, ensure that proposed Towers and Wireless Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

Ord. 34-98. Passed 5-28-98.

1142.02 APPLICABILITY.

(a) All Towers, Antenna Support Structures and Wireless Telecommunications Facilities, any portion of which are located within the City, are subject to this chapter.

(b) Except as provided in this chapter, any use being made of an existing Tower or Antenna Support Structure on the effective date of this chapter shall be deemed a legal nonconforming use and shall be allowed to continue, even if in conflict with the terms of this chapter. Any Tower site that has received City approval in the form of either a special exception or zoning permit, but has not yet been constructed or located, shall be considered a Nonconforming Structure so long as such approval is current and not expired.

Ord. 34-98. Passed 5-28-98.

1142.03 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this Section. The words "shall" and "will" are mandatory and "may" or "should" are permissive. Words not defined shall be given their common and ordinary meaning.

(a) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(b) "Antenna Support Structure" means any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.

(c) "Applicant" means any Person that applies for a Zoning Permit pursuant to this chapter.

(d) "Application" means the process by which an Applicant submits a request and indicates a desire to be granted a Zoning Permit under the provisions of this chapter. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an Applicant to the City concerning such a request.

(e) "City" means the City of Marysville, a municipal corporation, in the State of Ohio, acting by and through its City Council.

(f) "Code" means the Code of Ordinances of the City.

(g) "Co-location" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
(h) "Conditional Use" means a use, although often desirable, which will more intensely affect the surrounding area in which it is located than the permitted uses of zoning districts. A conditional use is allowed in a zoning district through a permit granted by the Board of Zoning Appeals after a public hearing and the meeting of conditions specified in the Zoning Ordinance.

(i) "Council" means the City Council.

(j) "Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

(k) "Engineer" means any engineer licensed by the State of Ohio State Board of Registration for Professional Engineers.

(l) "Engineer, Radio Frequency" means an engineer who possesses the additional qualifications of holding a FCC General Radiotelephone Operator License and who has successfully completed training in electromagnetic field theory and antenna theory.

(m) "Equipment Shelter" means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

(n) "FAA" means the Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

(o) "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

(p) "Height or Above Ground Level" means, when referring to a tower or other structure, the distance measured from the finished grade at the base of the tower/structure to the highest point on the tower or other structure, including the base pad and any antenna.

(q) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(r) "Open Space" means land devoted to a conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

(s) "Person" is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

(t) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(u) "Towers, Pre-existing and Pre-existing Antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired."
"Viewshed" means the area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.

"Wireless Telecommunications Facilities" means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category;
3. Antennas used by amateur radio operators are excluded from this definition.

(Ord. 34-98. Passed 5-28-98.)

1142.04 GENERAL REQUIREMENTS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES.

(a) Wireless Telecommunication Facilities are either permitted uses or conditional uses in a variety of zoning districts contingent upon a number of requirements being met. Specifically, they shall be permitted uses in the following: Traffic Oriented Commercial (TOC), Special District One (SD1), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) and conditional uses in Service Business District (B-1), Central Business District (B-3) and Hospital Medical District (HMD). In addition, such facilities are permitted uses in all other districts on property owned by the City, County, State of Ohio or School District where structure on which the antenna will be located exists at the time of placement of the antenna and subject to all other requirements of this chapter.

(b) The following requirements apply to all Wireless Telecommunication Facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for permitted and conditional uses as set forth in Sections 1142.05 through 1142.08 herein.

1. Natural Resource Protection Standards. The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplain, wetlands and steep slopes.
2. Security Enclosure Required. Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Planning Commission. The City and co-locaters shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
3. Existing Vegetation and Buffer Plantings. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Buffer plantings may be located around the perimeter of the security enclosure as deemed appropriate by the Planning Commission upon recommendation of the Design Review Board. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Planning Commission.
(4) Co-Location. All wireless telecommunication facilities shall be subject to the co-location requirements as specified in Section 1142.08.

(5) Historic or Architectural Standards Compliance. Any application to locate a Wireless Telecommunication Facility on a building or structure that is listed on an historic register, or is in an historic district, shall be subject to review by the City's Design Review Board where applicable.

(6) Advertising Prohibited. No advertising is permitted anywhere on the Wireless Telecommunication Facility, with the exception of identification signage as governed by Chapter 1143 - Signs.

(7) Artificial Lighting Restricted. No Tower shall be artificially lighted except to assure safety or as required by the FAA or other applicable authority.

(8) Access Control and Emergency Contact. "No Trespassing" signs shall be posted around the Wireless Telecommunication Facility with a telephone number of who to contact in the event of an emergency.

(9) Construction Standards. Monopole towers only are permitted. To insure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers are published by the Electronics Industry Association as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for removal of the tower or antenna at the owner's expense.

(10) Color and Appearance Standards. All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under Section 1142.04(b)(5) of this Zoning Ordinance. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.

(11) Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 1142.10 of this Zoning Ordinance.

(12) Setback from Edge of Roof. Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one foot from the edge of the roof for each one foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two inches in thickness mounted to the sides of antenna support structures and do not protrude more than six inches from the side of such an antenna support structure. This requirement is subject to change by the Planning Commission upon the review of the photo simulation provided in compliance with Section 1142.09(c).
(13) **State or Federal Requirements.** All towers and antenna must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(14) **Non Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(15) **License to Operate.** Owners and/or operators of towers and antennas shall submit copies of all franchises, certifications, licenses, and permits required by law for the design, construction, location, operation, and discontinuance of operation of wireless communications in the City limits of the City of Marysville. Owners and/or operators shall be required to maintain the towers and antennas and to provide evidence of renewal and extension thereof when granted.

(Ord. 69.06. Passed 8-24-06.)

**1142.05 NONRESIDENTIAL DISTRICTS.**

(a) Where a proposed Wireless Telecommunication Facility is a permitted use, they are subject to the following conditions:

1. **Sole Use on a Lot.**
   a. **Minimum Lot Size** - as specified in Chapter 1137 for the appropriate zoning district.
   b. **Minimum Yard Requirements** -
      i. **Tower:** No tower shall be located a distance less than its height plus 10 feet from the nearest property line.
      ii. **Equipment Shelter:** The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
   c. **Maximum Height:**
      i. **Tower:** Two hundred feet (200') (includes antenna)
      ii. **Equipment Shelter:** As specified in Chapter 1137 for the appropriate zoning district as an accessory building.
   d. **Maximum Size of Equipment Shelter:** Four hundred (400) square feet for a single shelter or, if there is more than one, eight hundred (800) total square feet.
(2) **Accessory:** A Wireless Telecommunication Facility is permitted on a property with an existing use subject to the following conditions:

A. The existing or future use on the property may be any permitted or approved conditional use in the district, and need not be affiliated with the wireless telecommunication provider provided all setback and lot size/distance requirements are met.

B. The Wireless Telecommunication 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. Minimum Lot Area. The minimum lot area shall be the area needed to accommodate the Tower (and guy wires, if used), the Equipment Shelter, security fencing and buffer planting.

D. Minimum Yard Requirements.

Tower: No tower shall be located a distance less than its height plus 10 feet from the property line, or nearest building on adjacent property.

Equipment Shelter: Shall comply with the minimum setback requirements for the primary lot.

E. Access. The service access to the Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

F. Maximum Height.

Tower: Two hundred feet (200') (includes antenna)

Equipment Shelter: Shall comply with the accessory building requirements applicable to the primary lot.

G. Maximum Size of Equipment Shelter. Four Hundred (400) square feet for a single shelter, or, if there is more than one, eight hundred (800) square feet.

(3) **Combined with an Existing Structure:** Where possible, an antenna for a Wireless Telecommunication Facility shall be attached to an existing structure or building subject to the following conditions:

A. Maximum Height. Twenty feet (20') or twenty percent (20%) of the building height above the existing building or structure, whichever is greater.

B. If the applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter (not located on, or attached to, the building) the Equipment Shelter shall comply with the following:

1. The minimum setback requirements for the subject zoning district.

2. A buffer yard may be planted in accordance with Chapter 1140.

3. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

4. The maximum size of the Equipment Shelter shall not exceed four hundred (400) square feet, or, if there is more than one, eight hundred (800) square feet.

(Ord. 34-98. Passed 5-28-98.)
1142.06 LOCATED IN OPEN SPACE.
A Wireless Telecommunication Facility is permitted on land that has been established as permanent Open Space, athletic field, or a park subject to the following conditions:
(a) The Open Space shall be owned by the municipality, county or state government or school board.
(b) Maximum Height.
   Tower: Two hundred feet (200') (includes antenna)
   Equipment Shelter: (include the maximum building height for the district)
(c) The maximum size of the Equipment Shelter shall not exceed four hundred (400') square feet, or, there is more than one, eight hundred (800') square feet.
(d) The Tower shall be set back from any residential zoning district line the height of the tower plus 10 feet.
(Ord. 34-98. Passed 5-28-98.)

1142.07 CRITERIA FOR A CONDITIONAL USE.
(a) A Wireless Telecommunication Facility which includes a Tower may be permitted as a conditional use in Service Business Districts (B-1), Central Business Districts (B-3) and Hospital Medical Districts (HMD). In addition, a Wireless Telecommunication Facility which includes a tower may be permitted as a conditional use in all other districts provided that all other conditions of this section are met. In order to be considered for review, the Applicant must prove that a newly constructed Tower is necessary because co-location on an existing Tower is not feasible in accordance with Section 1142.08. The following steps must also be taken for the application to be considered for review in this category:
   (1) The Applicant shall demonstrate that the telecommunications Tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a Tower and this proposed site is technically necessary.
   (2) Where the Wireless Telecommunication Facility is located on a property with an other principal use, the Applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
   (3) The Applicant shall present a site/landscaping plan showing the specific placement of the Wireless Telecommunication Facilities on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen the facilities and the proposed color of the facilities.
   (4) Applicant shall present a signed statement indicating:
      A. The Applicant agrees to allow for the potential co-location of additional Wireless Telecommunication Facilities by other providers on the Applicant's structure or within the same site location; and
      B. That the Applicant agrees to remove the facility within one hundred eighty (180) days after the site's use is discontinued.
(b) The conditional use requirement in zoning districts other than Service Business District (B-1), Central Business District (B-3) and Hospital Medical District (HMD) does not apply on land owned by the City, County, State of Ohio or School Board where structures on which the antenna will be located exist at the time of placement of the antenna.
(c) A Conditional Use Permit must be approved by the Board of Zoning Appeals following the procedures outlined in Chapter 1129. Co-location of antennas on a single Tower, antennas attached to existing structures/buildings, Towers located in industrial districts, or replacement Towers to be constructed at the site of a current Tower are permitted uses and will not be subject to the Conditional Use permitting process.

(d) Any decision to deny a request to place, construct or modify a Wireless Telecommunication Facility and/or Tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Board of Zoning Appeals.

(Ord. 34-98. Passed 5-28-98.)

1142.08 CO-LOCATION REQUIREMENTS.

(a) Public Property First.
(1) In order to encourage the location of Wireless Telecommunication Facilities on publicly owned property, the City shall undertake an identification of publicly owned properties that the City determines are suitable for such use. The City shall regularly update such identification and make the results of such identification available to the public.
(2) Persons locating Wireless Telecommunication Facilities upon such identified publicly owned properties shall be exempted from the requirements herein regarding presentation of proof that co-location of facilities on Towers or structures owned by other Persons or in other locations is not available. However, Persons locating Wireless Telecommunication Facilities on publicly owned properties shall continue to be subject to the requirements contained in Paragraph B below.
(3) In addition, Persons locating Wireless Telecommunication Facilities on publicly owned properties identified by the City to be suitable for such purposes shall be exempt from the requirement of Section 1142.07(a)(2) through (a)(4).

(b) No new Tower shall be constructed in the City unless such Tower is capable of accommodating at least one additional Wireless Telecommunication Facility owned by other Persons.

(c) A Conditional Use Permit shall be issued only if there is not technically suitable space reasonably available on an existing Tower or structure within the geographic area to be served. With the permit application, the applicant shall list the location of every Tower, building, or structure within such area that could support the proposed antenna. The Applicant must demonstrate that a technically suitable location is not reasonably available on an existing Tower, building or structure. If another communication Tower is technically suitable, the applicant must show that it has offered to allow the owner to co-locate an antenna on another Tower within the City owned by the applicant on reciprocal terms and the offer was not accepted or the other Tower is presumed to be reasonably available.

(Ord. 34-98. Passed 5-28-98.)
1142.09 APPLICATION AND REVIEW REQUIREMENTS.

(a) Required Information for Applications. All applications for wireless telecommunication facilities, including towers, shall include the information required under this Section.

(b) Plot Plan Required. When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one inch equals one hundred (100) feet shall be submitted. This plot plan shall indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan. A diagram or map showing the Viewshed of the proposed Wireless Telecommunication Facilities or Antenna Support Structures shall be provided.

(c) Photo Simulations Required. Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at varying distances shall be provided.

(d) Proof Why Residential Tower Location is Mandatory. In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the City of Marysville. If the City of Marysville refutes the evidence, then the tower is not permitted.

(e) Technical Necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site is technically necessary.

(f) Review by Radio Frequency Engineer. The evidence submitted by the applicant shall be reviewed by a radio frequency engineer, who will support or refute the evidence. If such engineer is retained by the City, fees for such engineer's service shall be reimbursed to the City by the applicant prior to issuance of the zoning permit.

(g) Landowner Support and Access. Where a wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

(h) Required Site and Landscaping Plan. The applicant shall present a site and landscaping plan showing the following:
   (1) Specific placement of the wireless telecommunication facility on the site.
   (2) The location of existing structures, trees, and other significant site features.
   (3) Type and locations of plant materials used to screen the facilities.
   (4) The proposed color of the facilities.

(i) Co-Location and Removal Agreement. The applicant shall present signed statements indicating that:
   (1) The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure, and
   (2) The applicant agrees to remove the facility within one hundred and eighty (180) days after it use is discontinued.
1142.10 ABANDONMENT OF TOWER.

(a) **Required Notification.** All providers utilizing towers shall present a report to the Zoning Inspector notifying them of any Tower facility located on the municipality whose use will be discontinued and the date this use will cease. A copy of the notice to the FCC will suffice. If at any time the use of the facility is discontinued for one hundred and eighty days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner or operator will receive written notice from the Zoning Inspector and be instructed to either reactivate the facility's use within one hundred and eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.

(b) **Required Notice To Owner.** The City must provide the Tower owner three (3) months notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the Tower and any appurtenances attached thereto at the then fair market value, or in the alternative, order the demolition of the Tower and all appurtenances.

(c) **Right to a Public Hearing.** The City shall provide the Tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the three (3) month notice required in subsection (b). All interested parties shall be allowed an opportunity to be heard at the public hearing.

(d) **Order of Abatement or Demolition.** After a public hearing is held pursuant to subsection (c), the Commission may order the acquisition or demolition of the Tower. The City shall require Licensee to pay for all expenses necessary to acquire or demolish the Tower.

(Ord. 34-98. Passed 5-28-98.)

1142.11 VARIANCES AND SPECIAL EXCEPTIONS.

Any request to deviate from any of the requirements of this chapter shall require variance approval in conformance with the procedures set forth in Chapter 1129 of the City Code.

(Ord. 34-98. Passed 5-28-98.)

1142.12 MISCELLANEOUS.

(a) **Non-Waiver.** Nothing in this chapter shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this chapter.

(b) **Severability.** If any provision of this chapter or the Application of any provision of this chapter to any Person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this chapter and the application of such provision to other Persons or circumstances shall not be affected by such holding. In case of such an event, this chapter and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an chapter provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflicts with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

(Ord. 34-98. Passed 5-28-98.)
CHAPTER 1143
Signs

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CROSS REFERENCES
Municipal regulation of billboards and signs- see Ohio R.C. 715.27(A)
Power to regulate advertising- see Ohio R.C. 715.65

1143.01 INTENT.
Sign regulations, including provisions to control the type, design, size, location and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

(a) To enable the public to locate goods, services and facilities without difficulty or confusion;
(b) To provide a safe environment by prohibiting conditions hazardous to vehicular and pedestrian traffic;
(c) To protect property values, public investment and overall neighborhood character by preventing conditions that have undesirable impacts on surrounding properties;
(d) To permit enforcement and prosecution of the regulations in this chapter, and to create a system of variances and appeals to allow exceptions where justified by hardship;
(e) To identify locations of development and economic activity by permitting signs appropriate to the land use and zoning district of each parcel while insuring that signs will be harmonious with their surroundings.

(f) To support the creation and existence of businesses so that additional jobs and services are available to Marysville. (Ord. 24-11. Passed 7-28-11.)

1143.02 COMPLIANCE REQUIRED; EXCEPTIONS.
(a) No sign or street graphic may be erected, displayed, substantially altered or relocated except in conformance with this chapter.

(b) Signs erected and maintained pursuant to and in discharge of a governmental function or as required by any law, ordinance or governmental regulation are excluded. However, compliance with the purpose and intent of this chapter to the extent practical is encouraged. (Ord. 24-11. Passed 7-28-11.)

1143.03 DEFINITIONS.
As used in this chapter, the terms listed below shall be interpreted according to the following definitions.

(a) "Sign" or "street graphic" means any display, figure, painting, placard, poster, drawing, letter, word, symbol, number, or any combination of these or any other device visible, with or without verbiage, which can be seen from the right-of-way and is designed to inform or attract the attention of persons not on the premises on which the sign or street graphic is located. Used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product.

(b) "Sign panel" means a structural object or portion of a structural object designed to form a distinct background area or frame for the display of a sign's information. (Ord. 24-11. Passed 7-28-11.)

(c) Signs by Use Type. For the purpose of determining permitted signs, all signs are classified by use type and defined as follows:

(1) "Billboard" means a sign, of any size, directing attention to a specific business, product, service, entertainment or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located for public service and information or for political advertising.

(2) "Bulletin board" means a sign for the display of announcements of a public or semipublic institution and located on the grounds of the institution.

(3) "Business sign" means a sign containing product advertisements or other detailed information about the operation of a business. Specifically, such sign is one which contains brand names of goods sold or services rendered on the premises, a listing of numerous specific types of goods or services, prices or special "sale" information, telephone number or other similar information. A business sign may also include items permitted on an "identification sign".

(4) "Directional sign" is an on-premise sign used to direct vehicles to parking areas or indicate points of entry or exit for a facility or off-street parking lot. Such signs may contain information such as "Lot A", "Green Lot", "in", "enter", "entrance", "out", "exit", "do not enter" or similar directives. Such signs shall not include any business information other than the business logo and/or name.

(5) "Educational/Public Service sign" is a sign designed to provide information on school or public events, community recognition and/or promotes information about good health and safety.
(6) "Identification sign" means generally, a sign identifying or naming a business institution, residential development or other use. Specifically, such sign may indicate the name, owner, or manager and address of an existing building, business or other use, including the general type of goods sold or services rendered, but without a listing of numerous specific goods or services and without reference to brand names, prices, "sales" or telephone numbers.

(7) "Information window/wall sign" means window or wall signage bearing only information about entry and exit, business hours, authorized service representative information and/ or discount, credit systems accepted in that establishment (e.g. American Express, MasterCard, Visa, Golden Buckeye Card, etc.), and business directives (e.g. no soliciting, no firearms, etc.).

(8) "Logo" (or "trademark") means a letter or group of letters (usually stylized) or a symbol or symbols that represent a word, group of words, or business name. Usually used as part of a business identification scheme that is meant to identify goods, products, services or a business entity itself.

(9) "Nameplate" means a sign indicating the name, address and/or profession of a person or persons occupying a residence, excluding name and address on mail box.

(10) "Off-premise sign". See definition of "Billboard".

(11) "Open/Closed sign" means a window or wall sign bearing only information indicating if the business is open or closed. This does not include the hours of operation. Signs that include both the open/closed information and the hours of operation shall be deemed to be an information sign.

(12) "Political sign" are signs having reference to a political official, candidate, question, issue or opinion.

(13) "Real Estate/Model Home sign" means a temporary sign promoting the development, construction, rental, sale or lease of property.

(14) "Sold sign" means a temporary sign announcing that a property has been sold, leased or is no longer available.

(15) "Temporary sign" means a sign intended for use for a limited period of time. (Ord. 15-14. Passed 4-10-14.)

(d) Signs by Structural Type. For the purpose of determining permitted signs, all signs are classified by structural type and defined as follows:

(1) "Awning sign" means a nonilluminated sign affixed flat to the surface of an awning (known as the base material) or which does extend vertically or horizontally beyond the limits of such an awning.

(2) "Banner" means a temporary sign composed of light weight material not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by the movement of the atmosphere. Includes those used to announce open houses, grand openings, make special announcements, or communicate events.

(3) "Canopy signs" means a sign attached to or painted on the fascia or hanging from the soffit of a canopy or covered entrance or attached to a permanent awning or marquee. Mansard roofs shall be considered as canopies.

(4) "Changeable copy sign (automatic)" means a sign or portion thereof on which the copy changes automatically or animation is displayed through electrical or electronic means (e.g., time and temperature units and message centers); considered a business sign.
(5) "Changeable copy sign (manual)" means a sign or portion thereof on which copy is changed manually through placement of letters or symbols on a sign panel; considered a business sign.

(6) "Freestanding sign" means a sign which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

(7) "Logo flag" means a sign made of flag-like material containing a logo or identifying symbol.

(8) "Portable sign" means a sign which is designed to be moved and is not permanently attached to any part of a building or to the ground.

(9) "Portable Sidewalk Sign" means any portable or freestanding sign displayed on a sidewalk in front of a business or other enterprise and taken inside at night or when the associated business or enterprise is closed.

(10) "Projecting sign" means a sign erected on the outside wall of a building and projecting out at an angle therefrom.

(11) "Roof sign" means a sign erected upon and either partially or completely over the roof of any building.

(12) "Vehicular sign" means a sign mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile or other vehicle parked or placed so that the signs thereon are visible from a public street or right of way.

(13) "Wall sign" means a sign integral with or painted on the exterior face of an exterior wall of a building or structure, or attached to the wall, and parallel with the wall and projecting not more than fifteen inches therefrom.

(14) "Window sign" means a sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building or suspended on the inside or outside of the windows or doors.

(e) "Unit of a building" or "building unit" refers to a space occupying a portion of a building, containing an entrance from the building exterior, and separated from other such spaces by a party wall or walls.

(f) "Panel sign" means a sign which is mounted, attached, painted, or displayed on a sign panel.

(g) "Nonpanel sign" means a sign which is not mounted, attached, painted or displayed on a sign panel.

(h) "Community facilities" means existing, planned and proposed parks, play grounds, schools and other public lands and buildings of the City, County or school district as well as churches.

(i) "Subdivision" has the same meaning as defined in Section 1101.02(a)(34).

(Ord. 24-11. Passed 7-28-11.)

1143.04 MEASUREMENT STANDARDS.

Sign face area, sign height and sign location, as regulated in this chapter, shall be measured according to the following standards.

(a) Sign Face Area. Standards for computing the amount of sign face area permitted by these regulations are established as follows:

(1) Measurement of sign face area.

A. Panel signs. For two-sided signs, only one side shall be included in the measurement. Measurement of sign face area shall include the actual panel area and shall include structural supports of the panel only if such supports are designed and used to convey part of the sign's message.
B. Nonpanel signs. Sign face area shall be measured to include the surface area of the smallest rectangles enclosing the words, characters, logos and designs of the sign but not the individual letters of the sign. Only one side of a two-sided sign shall be included in the measurement. Measurement of sign face area shall include structural supports of the sign only if such supports are designed and used to convey part of the sign's message. In the case of nonpanel signs consisting of upper and lower case letter forms, calculation of overall square footage shall be obtained by multiplying the height of lower case letters (excluding ascenders and descenders) times the length.

(2) Measurement of building and lot frontage.
A. Building frontage. The frontage of a building shall be the width of the facade(s) of the building which faces the principal street or contains the main entrance. If a building is divided into units, the building unit frontage shall be the width of that unit, as measured from the party wall center lines, on the frontage of the building. In instances where a person, association, partnership, corporation or other legal entity occupies more than one building unit and each building unit supports the principal business of the occupant and where:
   1. The building units are contiguous; or
   2. The building units are located on the same lot;
Then the provisions of this chapter shall apply as if there were only one building unit. In such cases the building frontage shall include the total building frontage of the individual contiguous building units or the building frontage of the principal building where the individual building units are not contiguous.
B. Lot frontage. The frontage of a lot shall be the number of lineal feet the lot abuts on the principal street as measured at and along the right-of-way line.

(b) Sign Height. The height of free-standing signs shall be measured from the base of the sign at its point of attachment to the ground to its topmost element. However, if the support of a free-standing sign is attached to a wall or other man-made base, including a graded earth mound, or if the point of attachment to the ground is lower than the grade of the nearest street, the sign height shall be measured from the grade of the nearest street, drive or parking area, as determined by the Zoning Inspector.

(c) Sign Location. In determining the location of signs in relation to lot lines, including district and street lines, distances shall be measured from the vertical projection of the lot lines to the closest point of the sign.

(Ord. 24-11. Passed 7-28-11.)

1143.05 SECONDARY ENTRANCES.
(a) Buildings or building units with lot frontage on two or more public streets may be permitted signs and sign area in addition to that otherwise permitted based upon the following:
1143.06 DESIGN STANDARDS.

In order to facilitate information, legibility, traffic safety and general economic vitality, signs should be designed in a manner compatible with the character and style of the buildings on which they are located, adjoining buildings, and neighboring signs; in terms, color, materials and size. Furthermore, signs shall be designed to be structurally sound and located so as to pose no hazard to pedestrian or vehicular traffic. More specifically, signs shall be designed in accordance the following standards. Use of the term "should" in place of "shall" indicates that a standard is a recommendation and not a mandatory regulation.

(a) **Free-Standing Signs.** Sign panels on free-standing signs shall face no more than two directions. The distance between parallel, back-to-back sign panels shall be no greater than three feet. If a "V" shaped sign, the angle between sign faces, as measured at the point of intersection, shall not exceed sixty degrees.

(b) **Construction.** All signs and supporting structures shall be such as to withstand a pressure of thirty pounds per square foot. All electrical wiring, fittings and material used in construction and operation of signs shall conform to the codes and specifications of the City of Marysville to the extent the specifications are in effect or to the applicable codes of the State of Ohio if none exist in the City of Marysville.

(c) **Vertical Clearance.** The lowest element of any sign, except for projecting signs, which occupies vertical space above a pedestrian or vehicular way and is designed to permit traffic thereunder shall be at least ten feet above the finished grade of a sidewalk or other pedestrian way and at least sixteen feet above the finished grade of a pavement used for vehicular traffic if such sign is located within eighteen inches of the vertical projection of the pavement edge. Awnings or canopies displaying signs shall meet the clearance standards of Section 1139.13, "Architectural Projections".
(d) **Relation to Traffic Devices.** Unless regulated otherwise in the codes of the City, signs shall not be erected so as to obstruct sight lines along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad or grade crossings. Signs visible from the sight lines along a street shall not contain symbols or words such as "stop", "go", "slow", etc., or red or green lights that resemble traffic signs or devices. (Ord. 24-11. Passed 7-28-11.)

(e) **Visibility at Intersections.** Signs shall be located and designed so as to maintain a substantially clear view between two and one-half feet and eight feet above grade in a triangle formed by intersecting street right-of-way lines and a line thirty feet from the point where the street lines intersect. At the intersection of a driveway and public street, such triangle shall be defined by the street right-of-way line, the driveway pavement edge and a line ten feet from the point of intersection. (Ord. 34-12. Passed 6-28-12.)

(f) **Improper Content.** No building or structure in any zoning district shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk or public or private right-of-way. No portion of the exterior of any building or structure shall contain any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any adult material, specified sexual activities or specified anatomical areas. This section shall apply to any advertisement, display, promotional material, decoration, or sign, to any performance, show or special event, and to any window, door, or other opening. (Ord. 9-13. Passed 3-14-13.)

**1143.07 ILLUMINATION OF SIGNS.**

Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness or intensity so as to cause glare hazardous to pedestrians or auto drivers, or so as to cause reasonable objection from adjacent residential districts. Flashing, moving or intermittent illumination shall not be permitted. In ER, SR, R-1, R-2, R-3, R-4 and R-5 Zoning Districts only nameplates and bulletin boards may be illuminated. All signs in other districts may be illuminated. (Ord. 24-11. Passed 7-28-11.)

**1143.08 EXCEPTIONS AND PROHIBITED SIGNS.**

(a) **Exceptions.** The provisions of this chapter shall not govern the display of the following signs:

1. The American, Ohio and Marysville flags and flags of other nations or nationality groups (except where used as part of a sign advertising a product or service);
2. Governmental signs providing traffic control information and similar public information;
3. Signs which are part of the original construction of a vending machine, fuel pump or similar device;
4. Any monument within a cemetery;
5. Cornerstones and permanent building plaques displaying the date of construction, architect's name, building name, historical information, etc., and not exceeding eight square feet in area;
6. Signs in nonresidential districts displaying only a street address and not exceeding two square feet in area;
(7) Signs on vehicles that are regularly and customarily used to transport persons or property for a business;

(8) Logo flag that is mounted on a flag pole with no other flag on the same pole, containing identification information (logo); not to exceed twenty-four square feet.

(9) Other signs determined to be outside this chapter’s scope of regulation with respect to a reasonable and custody interpretation of intent.

(Ord. 24-11. Passed 7-28-11.)

(b) Prohibited Signs. The following types of signs are prohibited in any zoning district unless specifically permitted by definition or use as provided for elsewhere in this chapter:

(1) Moving, flashing and animated signs of any sort, including revolving signs, streamers, ribbons, pennants, spinners, and/or other similar moving devices; except for streamers, ribbons and pennants used for a length of time not to exceed fifteen days to call attention to initial openings of businesses in A-R, B-R, B-1, B-3, O-R, TOC and SD-1 Zoning Districts.

(2) Billboards as defined in Section 1143.03(c)(1) except as described in 1143.09.

(3) Roof signs as defined in Section 1143.03(d)(11).

(4) Portable signs as defined in Section 1143.03(d)(8), except for temporary on-premises signs as described in Sections 1143.09 and 1143.091.

(5) Signs imitating or resembling official traffic or government signs and signals.

(6) Off-premise real estate directional signs; however, temporary Open House signs in place for a period of time not to exceed twelve hours are permitted. In no case shall these signs be placed on public property including but not limited to City parks, rights-of-way, street signs (including stop signs) or utility poles.

(7) Signs which create a visibility hazard or impair the future utilization or expansion of public streets.

(8) Any sign that is installed, erected or attached in any form, slope or manner to a fire exit or any door or window giving access to any fire escape unless specifically to identify the fire escape or exit as approved and required by the Fire Prevention Officer.

(Ord. 57-14. Passed 7-10-14.)

1143.09 TEMPORARY SIGNAGE.

(a) General.

(1) No temporary sign shall be erected or located in the City right-of-way unless otherwise stated below. All temporary signs shall be prepared in a professional manner with all copy being clearly legible. For any person or firm displaying a temporary sign without first obtaining a permit the fee shall be doubled. No temporary sign permit shall be issued to any person or business found to have violated the provisions of this sign code two or more times in any twelve (12) month period.
(2) No more than a total of four (4) signs, for other organizations that are permitted elsewhere in this section, shall be placed upon any one property (excluding window signs). In no instance shall the total square footage of these signs exceed a maximum of twenty (20) square feet. (Ord. 24-11. Passed 7-28-11.)

(3) No signage shall be displayed on any vacant property or vacant store front except for:
   A. "Coming Soon" signs. (Ord. 17-14. Passed 4-10-14.)
   B. Real Estate signs as permitted by zoning district.
   C. Other signage as listed below if written permission is given by the property owner and supplied to the City.

(4) Identification of Sponsors on Temporary Signs: 
   A. Shall be permitted only on temporary signs for non-profit organizations.
   B. Sponsorship area shall be limited to ten percent (10%) of the total sign area.

(b) Temporary signs shall be permitted only for signs meeting the following conditions:

(1) Sports/Organization registration signs.
   A. For non-profit organizations only (must show proof of non-profit status).
   B. One sign permitted per lot.
   C. Can display a maximum of 25 signs city wide.
   D. Maximum size of four (4) square feet is permitted.
   E. Signs shall be located on private property only with the permission of the property owner.
   F. Signs shall not be located on City property.
   G. Signs shall be located at least one (1) foot from the City right of way.
   H. Can be displayed for three (3) periods per calendar year, each period not to exceed fifteen (15) days.
   I. A permit must be obtained prior to the placement of any signs. A map showing the approximate location of the placement of the signs shall be included with the permit. There will be no fee for the permit.

(2) Contractor signs.
   A. One sign permitted per lot.
   B. Sign shall be placed upon the lot in which the work is being done.
   C. Maximum size of four (4) square feet in size for residential properties and maximum size of thirty-two (32) square feet in size is permitted for commercial properties.
   D. Maximum sign height is five (5') feet.
   E. The sign can not be placed on the property prior to the work commencing and must be removed within fifteen (15) days of the work being complete.
   F. Must be located at least one (1) foot from the City right of way.
   G. No permit or fee is required for signs four (4) square feet and under.
H. Permit shall be obtained and the fee paid prior to the placement of any signs over four (4) square feet.

(3) Window signs- non-residential.
A. The total amount of all window signs (including but not limited to permanent, temporary, political and community signs) shall not cover more than a total of twenty-five percent (25%) of the aggregate square footage of all windows for that business. Windows in doors that are intended to be used for patronage entrance shall be included in the calculation of window area. Windows in all doors that are not used nor intended to be used for patronage entrance, including but not limited to, bay doors, dock doors, delivery doors and rear entrance doors, are excluded in the calculation of window area and temporary window signs are not permitted thereon.
B. Windows made with spandrel glass (or similar non-vision material) are excluded in the calculation of aggregate window area. Temporary window signs shall not be permitted on such window type.
C. Temporary window signs shall only be used to display specials, promotional offers, political, information and/or community events.
D. Temporary window signs shall not include the name, phone number, website or email address of another business.
E. Temporary window signs shall only be placed in first floor windows unless the use is located solely in the second or higher stories of the building.
F. Temporary window signs shall be erected for a period not to exceed 90 days each. The date upon which a temporary window sign is first displayed shall be legibly (from the street or parking lot drive isle, whichever is closer to the building) marked on the sign. Once the 90 days has been reached that signage shall be removed and not reinstalled for 60 days.
G. A one time permit shall be obtained indicating the total aggregate square footage of all applicable windows for that business and indicating the total amount of permanent window signage. There will be no fee for the permit. The City reserves the right to verify any and all information provided on the permit. Any change in the window configuration shall require a new permit.

(4) Yard Sale/Garage Sale signs.
A. Permitted in Residential districts (R-1 - R-5) or Residential properties only.
B. Maximum size of four (4) square feet per sign.
C. One sale sign may be placed on the property where the sale is to be conducted and on other additional private properties with permission of the property owners.
D. In no case shall the signs be placed on public property including but not limited to city parks, rights-of-way, street signs (including stop signs) or utility poles.
E. Signs may be displayed two (2) days prior to the sale and during the event and shall be removed within twenty-four (24) hours of the end of the event.
F. Signs shall clearly state the specific date(s) of the sale and the address in which the sale is occurring.
G. Signs for sales outside of the City of Marysville corporation limits are prohibited.
H. No permit or fee is required.
I. Any signs placed in violation of this section will be confiscated by the City of Marysville.

(5) Vehicular signs.
A. Signs shall be permanently or magnetically attached to a business or commercial vehicle. They shall not be temporarily painted on or otherwise attached to a vehicle.
B. Vehicles with approved signage shall not be primarily or consistently parked in front of a business or on their property so as to function as an on or off premise sign.
C. Signs shall not be used to advertise specials or promotional events.
D. Vehicles shall be legally parked in a designated parking space.
E. No permit or fee is required.

(6) Festival/Special Event signs.
A. Events that have received a permit from the City of Marysville are permitted to have one sign per vehicular or pedestrian entrance. These entrances must be identified and submitted with the permit request and shall be subject to approval.
B. Signs shall not exceed six (6) square feet.
C. Maximum sign height shall be four (4) feet.
D. Signs shall only be displayed on the day of the event.
E. A permit shall be obtained for each period before the displaying of such sign. There will be no fee for the permit.

(7) Painted Holiday Window Murals.
A. Holiday murals, scenes, or decorations painted on windows of a business may be displayed for an total period not to exceed 45 days per calendar year.
B. The mural shall not include references to particular products, services, sales, or events.
C. No permit or fee is required.

(8) Light Pole Banners.
A. Prohibited except when used in the Uptown area for public events and seasonal decorations.
B. Banners shall not contain the name or other information of any business.
C. Banners shall only be erected and removed by City personnel.
D. A permit for all banners shall be submitted and approved by the Director of Administration or his or her designated representative before being displayed. There will be no fee for the permit.

(9) Seasonal Business signage.
A. Seasonal Businesses that have received a permit from the City of Marysville are permitted to have one (1) sign attached to the cart/stand or one (1) sign that is not attached in which the farthest point of a non attached sign shall be no more than three (3) feet from the cart/stand.
B. Sign shall not exceed six (6) square feet.
C. Maximum sign height shall be four (4) feet when placed on the ground or eight (8) feet if it is attached to the cart/stand.
D. Sign shall only be displayed during sale times.
E. Sign shall be at least one (1) foot from the City right of way.
F. Permit shall be obtained and the fee paid prior to the placement of any sign.

(10) Public or Quasi-Public signage.
A. Can display a maximum of 25 signs Citywide, including banners (see below).
B. Maximum height of any freestanding (not attached to a building or any other structure) sign is five (5) feet.
C. Maximum size is twenty (20) square feet, not to exceed ten (10) feet in length.
D. Free standing signs shall be located at least one (1) foot from the right-of-way.
E. Signs shall not be located on City property.
F. One sign is permitted per street frontage. In no case shall the number of signs exceed two per property.
G. Shall not include advertising, phone number, website, or e-mail address of/for another business. For sign sponsors, see Section 1143.09 (1).
H. If it is a banner type sign, it shall:
   1. Be attached at each corner, point and/or end so as to prevent movement.
   2. If it is located on a building, the banner shall not be placed any higher than fifteen (15) feet or any lower than ten (10) feet from the ground, unless unusual circumstances exist and an alternative is approved by the Zoning Inspector.
   3. The total number of banners for any one event shall not exceed six (6) Citywide. This number shall be included in the total number of signs permitted.
I. Shall not cover, in whole or in part, any existing sign. It shall also not be attached vertically to any existing structure as to exceed the allowable sign height for that type of sign or zoning district.
J. Shall not be attached to or displayed on a vehicle.
K. Signs shall not be displayed for more than thirty (30) days before the date of the event and shall be removed within seventy-two (72) hours after the event is over. If the sign is informational only and no specific date is involved, the sign is permitted to be displayed for a maximum of thirty (30) days.
L. Signs can be displayed up to six (6) times per year per entity organization.
M. Permits:
   1. A permit shall be obtained before the displaying of such signs.
   2. Up to six (6) display periods can be handled on one permit.
3. A map showing the approximate location of the placement of the signs shall be included with the permit.
4. There will be no fee for the permit.

(Ord. 24-11. Passed 7-28-11.)
(11) Educational/Public Service Light Pole Banner.
A. For Public and Quasi-Public uses and eligible users, an Educational/Public Service banner may be installed on light poles per the following requirements:
1. Shall be designed as an education or public service announcement to recognize school events, community interest and promotes good health and safety. Examples include: Heart Awareness Month, National Reading Month Monarch School Spirit, Buckle-Up and Happy 200th Birthday Marysville.
2. If the user is eligible for directional light pole banners/signs, the user may also install Educational/Public Service banners if:
   a. The banner is located on the same light pole as the directional banner/sign.
   b. The banner is the same size and shape as the complementary directional banner/sign.
3. Shall not contain logos, advertisements, or any information to affiliates of any business or services offered at other locations.
4. If the banner is being used to announce a specific event that is being held on a specific date and time, the banner shall not be installed any more than thirty (30) days prior to the event and removed within seventy-two (72) hours after the event is over. For all other purposes, it is encouraged that banners are rotated every 90 days so users can maximize their potential.
B. For each Educational/Public service parking lot light pole banner:
1. The banner shall be located on light poles located on private property. Light poles within a public right-of-way are prohibited from use (i.e. streets and alleyways.)
2. No additional lighting (internal or external) shall be installed for any banner.
3. One pole banner is permitted per public building entrance and they shall be spaced at least forty (40) feet apart.
4. Shall not exceed a maximum of eight (8) square feet.
5. Minimum vertical height shall be twelve (12) feet from the ground.
6. Each banner shall not extend any further than four (4) feet from the primary pole for which the banner and/or banner structure is attached to.
7. Banner supports/brackets shall complement the style and color of the light pole.
8. A permit for all banner shall be submitted and approved by the Design Review Board before being displayed. Review will include the location of banners as well as final design for each banner. There will be no fee for the Board Review or the permit.
C. Maintenance for banners. The following circumstances violate this subsection and require immediate action:
1. Perimeter is frayed.
2. Fabric is ripped or torn.
3. Stitching is loose.
4. Fabric is faded.
5. Banner is partially disconnected from its supports.
6. Frame or supports are rusted, bent or damaged.

(Ord. 16-14. Passed 4-10-14.)

(12) Grand Opening Sign.
A. Shall not exceed 20 sq. ft. in size.
B. Can be displayed for a length of time not to exceed fifteen (15) days after the official opening of the use.
C. If the use has a "Coming Soon" sign, the "Grand Opening" sign shall not be installed until "Coming Soon" is removed from the property.
D. A permit shall be obtained before the displaying of such sign. No permit fee is required.
(Ord. 18-14. Passed 4-10-14.)

(13) Coming Soon Sign.
A. Shall not exceed 20 sq. ft. in size.
B. Can be displayed for a length not to exceed ninety (90) days prior to the grand opening of the use.
C. Shall be removed prior to the installation of a "Grand Opening" sign.
D. A permit shall be obtained before the displaying of such sign. No permit fee is required.
(Ord. 19-14. Passed 4-10-14.)

(14) Banners.
A. One banner is permitted per building or if there are multiple businesses in a building, one banner is permitted per building unit with an exterior wall.
B. Maximum of twenty (20) square feet is permitted and it shall not exceed ten (10) feet in length.
C. The banner shall be displayed on the property for which the banner is advertising.
D. Can be displayed for six (6) periods per calendar year, each period not to exceed ten (10) days.
E. Can be used to display special events or promotional offers.
F. Shall not include the name, phone number, website or e-mail address of another business.
G. Shall be attached at each corner, point and/or end so as to restrict movement.
H. Shall not be attached to or on top of another sign.
I. Shall not be attached to or displayed on a vehicle.
J. Banners shall be displayed at least two (2) feet from the City right of way. Where the building setback is zero (0) feet, the banner shall be secured flush against the building.
K. When attached to a building the banner shall not be placed any higher than fifteen (15) feet or any lower than ten (10) feet from the ground, unless unusual circumstances exist and an alternative is approved. When the banner is freestanding, the maximum height is five (5) feet.

L. A permit shall be obtained for each period before the displaying of such banner. There shall be no permit fee for non-profits.

(Ord. 56-14. Passed 7-10-14.)

1143.091 PORTABLE SIDEWALK SIGNS.
The purpose of a portable sidewalk sign is to inform pedestrians of daily specials or sales that may be occurring within a business.

(a) General Requirements:

(1) Sign shall not be illuminated.
(2) Sign structure shall not be designed in such a way that the structure moves or sways in its environment.
(3) Sign shall not have balloons, streamers, pennants, or similar adornment attached to it.
(4) Sign shall not be attached to structures, poles, objects, signs, etc., by means of chains, cords, ropes, wire, cable, etc.
(5) Sign shall not lean or rest against a structure.
(6) The entire sidewalk area in front of the building where the sign is to be placed shall be clear of debris including leaves, snow, ice, etc. prior to placing the sign out for the day.
(7) The sign must be able to withstand wind and inclement weather without the aid of additional weighted materials that are not part of the original sign structure.
(8) The sign shall only be displayed during business operating hours.
(9) Changeable copy is prohibited.

(b) Sign Area: Maximum 6 square feet per panel of which a maximum of 4-112 square feet per panel may be of a synthetic material.

(c) Sign Height: Maximum (48) inches; minimum (36) inches.

(d) Sign Width: Maximum (24) inches; maximum (26) inches if sign panel is framed.

(e) Permitted sign materials and colors:

(1) Sign structure/framing: steel, iron, metal, finished wood and/or a synthetic material that has the appearance of steel, iron, metal and/or finished wood.
(2) Synthetic structure/framing colors: dark browns, greens, reds, blues, black and white.
(3) Sign panel: synthetic materials such as chalkboard and whiteboard.

(f) Number: One per business.

(g) Location: The furthest edge of the sign structure shall not be placed more than (5) feet from the public entrance and shall not be placed more than (3) feet away from the building. Sign shall not be located in a manner that prevents access to the building or impedes pedestrian traffic on the sidewalk.

(h) Maintenance: Portable sidewalk signs shall be maintained in good repair and design and shall be free of splinters, slivers, sharp projections, sharp edges, peeling and/or flaking paint.
Permit Required: A sign permit is required prior to the placement of a portable sidewalk sign. Only one permit for a portable sidewalk sign is allowed per business and such permit is not transferable. Permits are valid for one calendar year beginning January 1 and ending on December 31. A sign may be located within the public right-of-way if the business setback is less than 3 feet and if the business and property owner sign a hold harmless agreement alleviating the City of any liability for the use of said public right-of-way.

Submittal Requirements: A drawing including the dimensions, materials, colors, and location of the sign shall be attached to the permit application. The permit application must be approved by the Director of Administration or his/her designated representative and required fee paid per Chapter 1100 of this Planning and Zoning Code, prior to the sign being displayed. If the sign is displayed prior to obtaining an approved sign permit, the application may be denied.

Violations: Portable sidewalk signs placed in violation of this section will result in immediate removal of the sign and the business's portable sidewalk sign permit privileges shall be revoked for one year from the date of the violations. Signs displayed without approved permits shall be disposed of at the owner's expense.

Removal: Portable sidewalk signs within the public right-of-way may be moved/removed by the City for municipal purposes (i.e. traffic issues, emergencies, maintenance, etc.)

1143.10 POLITICAL SIGNS.

(a) The City of Marysville prefers that political signs regarding candidates or issues that will appear on the ballot, not be posted more than 10 days from the first date of absentee voting as carried out by the Union County Board of Elections.

(b) Permission to post political signs must be obtained from the property owner(s). Political signs shall not be posted on City-owned property.

(c) Political signs shall be located at least one foot from the street right-of-way.

(d) Candidates for election or organizations putting issues on the ballot shall be held responsible for the posting of political signs and shall remove such signs no later than five days after the election.

(e) Political signs shall not pose a safety or visibility hazard.

(f) The size of political signs in residentially zoned districts (AR, ER, SR, OR, BR, R-1, R-2, R-3, R-4 and R-5) shall be no more than ten square feet. Political signs in other districts shall be no more than thirty-two square feet except for commercial billboards.

(g) The Zoning Inspector and/or agent(s) will remove signs that are posted in violation of this section. Within two business days of the removal of the sign(s), the Zoning Inspector and/or agent(s) will notify the responsible party, who will have 48 hours after receiving said notice to pick up the sign(s). After such time, the sign(s) will be destroyed.

(Ord. 55-14. Passed 7-10-14.)

(Ord. 24-11. Passed 7-28-11.)
1143.11 APPLICATIONS FOR PERMITS.

Applications for permits to erect, place, move or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be submitted to the Zoning Inspector on forms furnished by the City. The fee shall be established by separate ordinance. The permit fee shall be waived in the case of a sign alteration or replacement in order to bring a legal nonconforming sign into conformance with the regulations of this chapter.

(a) Permit Required. All permanent and temporary signs shall be subject to the applicable regulations regarding permitted types, number, area, height and location. Permits shall be required for all permanent and temporary signs with the exception of the following:

(1) Nameplates.
(2) Real estate, house sale, and open house signs less than six square feet in area.
(3) Political signs.
(4) Normal maintenance or repainting which does not alter the size, placement or structure of a legal conforming sign (legal nonconforming signs see Section 1143.13).
(5) Signs as stated in Section 1143.08(a). (Ord. 34-12. Passed 6-28-12.)

(b) Contents of Application. Each application shall present the information required below through use of photographs and drawings at a scale which clearly shows details and design of the sign.

(1) The design and layout of each sign proposed, including the total area of all signs and the area, height, character, materials, colors and type of lettering or other symbols of individual signs.
(2) Photographs or drawings of the building for which the signs are proposed and photographs of surrounding buildings, signs and uses. Also included shall be the width of the building or building unit face or faces and the lot dimensions.
(3) The proposed illumination shall be described.
(4) A site plan showing the location of each sign in relation to the building and property. (Ord. 24-11. Passed 7-28-11.)

1143.12 MAINTENANCE AND REMOVAL OF SIGNS.

(a) All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with this Zoning Code or other governmental agency with competent jurisdiction shall be removed by the last permit holder or the building owner or by the City at the expense of such permit holder or building owner.

(b) Whenever the removal or maintenance of any permanent sign has been ordered by the Zoning Inspector and the person, firm or corporation who owns such sign or on whose premises such sign or display structure has been erected, affixed or attached, fails to remove or maintain the sign within thirty days after receiving such notice, the Zoning Inspector may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who owns such sign, or on whose premises it was erected, affixed or attached and each such person, firm or corporation shall be individually and separately liable for the expenses incurred in the removal of such sign. Prohibited and/or temporary signs shall be removed within five days after a removal order is received from the Zoning Inspector. The Board of Zoning Appeals may vary the thirty day period contained in this section.
If, in the opinion of the Zoning Inspector or other inspector qualified to make such a determination, a sign is so hazardous as to constitute an immediate danger to life, the Zoning Inspector shall promptly cause the repair or removal of the sign at the expense of the person, firm or corporation who owns such sign or the owner on whose premises the sign was erected, affixed or attached. (Ord. 24-11. Passed 7-28-11.)

1143.13 NONCONFORMING SIGNS.
Signs and sign structures in existence prior to or on the effective date of this chapter which violate or otherwise do not conform to the provisions of this chapter and which were erected in accordance with a City permit shall be deemed legal nonconforming signs. All such legal nonconforming signs and structures shall be maintained in accordance with this sign chapter.

(a) Loss of Nonconforming Status. It is the intent of this section that legal nonconforming signs eventually be brought into compliance with the provisions and regulations of this chapter. As a result a legal nonconforming sign shall immediately lose its legal nonconforming status and therefore must be brought into conformance with this chapter or be removed if the sign is enlarged, relocated or replaced; or if it is part of an establishment which discontinues operation for thirty consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. Similarly any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

(b) Maintenance and Repair. Any legal nonconforming sign may be painted, cleaned or maintained and structural or electrical parts may be repaired or restored to a safe condition provided the maintenance or repair does not alter, change, enlarge or relocate the existing sign or sign structures.

(c) Limitation on Reconstruction. A nonconforming sign or part thereof damaged or deteriorated to an extent exceeding fifty percent (50%) of its replacement cost shall not be reconstructed or replaced unless made to conform to the regulations of this Code. For a nonconforming sign damaged by a single incident (such as a storm) to an extent less than fifty percent (50%) of its replacement cost, reconstruction is permitted only if such work is begun within six months of the incident and is completed within twelve months of the incident.

(d) Temporary Signs. All nonconforming temporary signs including portable signs shall be removed or made to comply with the regulations of this Code within five days after issuance of a violation by the City. (Ord. 24-11. Passed 7-28-11.)

1143.14 SUPPLEMENTAL REGULATIONS.

(a) Shopping Centers. For purposes of this chapter, five or more businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one free-standing identification sign in addition to other permitted signs in accordance with the following regulations:

(1) Contents. Each shopping center identification sign shall display only the name of the center and may at the discretion of the shopping center owner list the names of businesses located within the center.

(2) Size. The maximum sign face area of a shopping center identification sign shall equal twenty square feet for each 10,000 square feet of gross floor area but shall not exceed 100 square feet. All shopping centers however shall be permitted a sign of at least thirty-two square feet. A maximum height of twenty-five feet shall be permitted.
(3) Other regulations. All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) Other sign. A lot displaying a shopping center identification sign may display no other free-standing identification or business sign.

(5) Secondary frontage. One additional shopping center identification free-standing sign and one additional shopping center identification wall sign shall be permitted on a secondary street frontage with a vehicular entrance to the shopping center.

(6) Outlets. If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e. "outlet") the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty square feet in area and five feet in height.

(b) Advertising. Permanent business signs or portions of permanent business signs devoted to the advertising of brand names of specific products or services which are not the principal products or services of the occupant of the building unit shall be limited to twenty percent (20%) of the maximum sign face area permitted in total for the building or unit thereof.

(c) Non-Exterior Direct Access. For uses not located on the ground floor and for ground floor uses which lack direct access from the building exterior, the following signs shall be permitted in addition to signs otherwise permitted for the building. Regardless of the number of such uses in a building, not more than one wall sign, a maximum of six square feet in area, may be placed at each ground floor entrance providing access to the uses in question. In addition, for each such use, window signs not exceeding twenty square feet in total area shall be permitted for display on the inside surface of windows within the subject area.

(d) Rear or Side Entrance. In addition to signs and sign face area otherwise permitted each building or building unit shall be entitled to one wall, window or canopy identification sign not exceeding six square feet in area that is located at a rear or side entrance as designated by the business owner or proprietor.

(e) Drive-Thru Restaurants. For restaurants providing direct service to customers in motor vehicles one free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurants menu and related instructions) shall be permitted for each drive-thru lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty square feet in area and six feet in height and shall meet setback regulations applicable to free-standing identification signs as specified in this section.

(f) Gasoline Service Stations. Gasoline service stations shall conform to the sign regulations applicable to the district in which each is located except as permitted below.

   (1) Gasoline service stations shall be permitted one free-standing permanent identification sign and one free-standing permanent business sign one of which identifies the name of the business or principal brand of gasoline and the other advertising the price of fuel by type or grade. No other information may be displayed on the free-standing identification or business signs.

   (2) For signs displaying the price of fuel the numerals on such sign shall not exceed two feet in height.
(g) Theaters. The following regulations shall apply to indoor and outdoor movie theaters which require (as determined by the Zoning Inspector) signs announcing shows or performances. Two poster-sized frames (copy to be changed) per theater screen for current and coming attractions. Total area cannot exceed forty percent (40%) of total permitted sign area. Indoor theaters are permitted canopy marquee signs announcing current or future attractions at a size not to exceed seventy-five percent (75%) of the fascia of each side of the canopy marquee. All other regulations of this chapter shall apply to theaters.

(Ord. 24-11. Passed 7-28-11.)

1143.15 VARIANCES.

(a) The Board of Zoning Appeals may in specific cases vary or permit exceptions to any of the provisions of this chapter if it finds that such variation or exception will not violate the spirit or intent of this chapter and is in accordance with the general criteria for the granting of variances as stated in Chapter 1129 except in the following instances:

1. Variances with regard to the type of sign may not be granted in Zoning Districts ER, SR, R-1, R-2, R-3, R-4 and R-5.

2. The Design Review Board may in specific cases vary or permit exceptions to any of the provisions of this chapter within the Historic Uptown Marysville Design Review District instead of the Board of Zoning Appeals. The granting of variances shall follow the general criteria and procedures as stated in Chapter 1129 and as supplemented by Chapter 1136.

(b) Application for variances shall follow the procedures outlined in Chapter 1129. When reviewing an application for a variance the Board of Zoning Appeals or Design Review Board as defined above shall consider at least the following in addition to the standards set forth in Chapter 1129:

1. Zoning district of the proposed sign(s).
2. Use type, structural type, area, height and location of the proposed sign(s).
3. Visibility of proposed sign with respect to pedestrian and vehicular traffic.
4. Illumination of the sign(s).
5. Design of the sign(s).
6. Unusual natural or man-made physical and/or topographic characteristics peculiar to site.
7. The intent of this chapter.

(Ord. 24-11. Passed 7-28-11.)

1143.16 SIGNS IN ER, SR, R-1, R-2, R-3, R-4, R-5 AND GOV ZONING DISTRICTS.

(a) Nameplates. Nameplates in ER, SR, R-1, R-2 and R-3 Zoning Districts and single family uses in R-4:

1. Free-standing wall or projecting.
2. Two per dwelling unit.
3. Two square feet maximum each.
4. Five feet minimum from any lot or right-of-way line.
5. Five feet maximum from the building line.

(b) Identification Signs. Identification signs for subdivisions and/or multi-family:

1. Free-standing wall or canopy/awning.
(2) One sign (additional free-standing sign shall be permitted at each vehicular entrance if minimum distance between any two such signs is at least 500 feet apart.)
(3) Twenty square feet.
(4) Five feet in height maximum.
(5) Fifteen feet minimum from any lot or right-of-way line.
(6) Twenty-five feet minimum from any dwelling.

(c) **Identification Signs.** Identification signs for public or quasi-public uses:
(1) Free-standing, wall or canopy/awning.
(2) One sign.
(3) Forty square feet.
(4) Five feet in height maximum.
(5) Fifteen feet minimum from any lot or right-of-way line.
(6) Twenty-five feet from any dwelling. (Ord. 34-12. Passed 6-28-12.)

(d) **Information Window/Wall Signs (GOV zoning only).**
(1) Combined total of three square feet maximum. (Ord. 54-14. Passed 7-10-14.)

(e) **Directional Signs.** Directional signs (on premises) not permitted for 1-4 unit residential buildings:
(1) Free-standing or wall.
(2) Minimum number necessary as determined by Zoning Inspector.
(3) Two square feet maximum.
(4) Free-standing - three feet in height maximum.
(5) Free-standing - Five feet minimum from any lot line, except one foot minimum from any right-of-way line. (Ord. 34-12. Passed 6-28-12.)

(f) **Real Estate Signs, Model Home and Sold Signs.** Real estate, model home signs and sold signs permitted on premise for individual lots or building until they are sold or rented:
(1) Free-standing, wall or window.
(2) One per street frontage for individual buildings and lots.
(3) Six square feet maximum.
(4) Four feet in height maximum.
(5) At least one foot from street right of way.
(6) At least five feet from side or rear lot lines.
(7) Sold signs shall be removed within five calendar days from closing. (Ord. 28-13. Passed 6-27-13.)
(g) **Real Estate Signs and Sold Signs.** Real estate signs and sold signs for subdivisions permitted until all lots or buildings are sold or rented:

1. Free-standing, wall or window.
2. One per frontage on each perimeter street.
3. Forty square feet maximum.
4. Eight feet in height maximum.
5. Twenty feet minimum from any lot or right-of-way line and seventy-five feet from any occupied dwelling.

(h) **Bulletin Boards.** Bulletin boards for public or quasi-public uses:

1. Free-standing or wall.
2. One per public or quasi public use.
3. Twenty square feet maximum.
4. Five feet in height maximum.
5. Twenty feet minimum from any lot line.

(Ord. 34-12. Passed 6-28-12.)

**1143.17 SIGNS IN AR, BR, AND OR ZONING DISTRICTS.**

(a) If located within the Historic Uptown Marysville Design Review District all signs shall conform to the color and material standards of Chapter 1136; applicant must obtain certificate of appropriateness for all signs.

(b) For residential and public and quasi-public uses located in business districts the regulations of Section 1143.16 shall apply. For each building unit not more than one identification sign shall be displayed as either a wall sign, a canopy fascia sign or a window sign unless restricted or not permitted in subsection (e) hereof. It is the intent of this section to prohibit freestanding identification signs on lots with street frontage insufficient to provide the required minimum distance from lot lines. The exterior style, size, scale, lighting and selection of materials for the sign shall be such that the proposed sign complements the immediate and surrounding neighborhoods. The Design Review Board shall review and approve proposed plans for all signage to be constructed in conjunction with a new structure, including 3-dimensional renderings.

(c) Two business signs per unit permitted. Each business sign cannot be more than twenty percent (20%) of permitted total permanent sign area per sign. Business signs shall be displayed as either a wall sign, a canopy fascia sign or a window sign.

(d) Wall and canopy signs shall not extend above the wall or surface to which they are attached. Wall signs shall be set back from the ends of the building and party wall lines a minimum distance of three feet.

(e) Maximum total sign face area of all permanent signs (excluding information signs and open and closed signs, which are exempt from this calculation) shall be related to the width of the building or building unit. Maximum total permanent sign face area shall not exceed 300 square feet and shall be determined as follows:

- Frontage width of building x 1.8 if building setback is less than 50 feet.
- Frontage width of building x 2 if building setback is 50 to 300 feet.
- Frontage width of building x 2.2 if building setback is 301 to 600 feet.
- Frontage width of building x 2.4 if building setback is over 600 feet.
(1) **Free-standing identification signs.**
   A. One per business*.
   B. Twelve square feet maximum.
   C. Five feet in height maximum.

   *More than two business units in a single building are not permitted a free-standing identification sign for each business unit. A single free-standing identification sign shall be permitted the size of which shall be:
   D. Twelve square feet for the first business unit.
   E. Eight square feet for each additional business unit to a maximum of seventy-two square feet.
   F. Nine feet in height maximum for four businesses or more.
   G. Twenty feet side and rear lot lines.

(2) **Wall/window identification signs.**
   A. One either wall or window.
   B. Width of building unit x 1.2 for wall.
   C. Twenty-five percent (25%) window area for window.

(3) **Canopy identification signs.**
   A. Can be displayed as soffit sign only.
   B. Six square feet maximum.

(4) **Projecting identification signs.** Not permitted.

(5) **Free-standing business signs.** Not permitted.

(6) **Wall and/or window business signs.**
   A. Two per business
      1. Cannot exceed twenty percent (20%) of permitted total permanent sign area.
      2. Twenty-five percent (25%) of window area for window signs.

(7) **Canopy business signs.** Not permitted.

(8) **Projecting business signs.** Not permitted.

(9) **Free-standing directional signs.**
   A. Minimum number necessary as determined by Zoning Inspector.
      1. Two square feet maximum.
      2. Three feet in height maximum.
      3. Ten feet from residential district line.
      4. One foot from street right-of-way line.
      5. Five feet from side and rear lot lines.

(10) **Wall directional signs.**
    A. Minimum number necessary as determined by Zoning Inspector.
    B. Two square feet maximum.

(11) **Window directional signs.**
    A. Minimum number necessary as determined by Zoning Inspector.
    B. Two square feet maximum.

(12) **Canopy directional and information signs.** Not permitted.

(13) **Projecting directional and information signs.** Not permitted.

(14) **Free-standing real estate and model home signs.**
    A. One per street frontage.
    B. Six square feet maximum.
    C. Four feet in height maximum.
D. Twenty feet from residential district line.
E. One foot from street right-of-way.
F. Twenty feet from side and rear lot lines.
G. Sold signs shall be removed within five calendar days from closing.

Wall or window real estate signs.
A. One per street frontage.
B. Twenty square feet maximum.
C. Maximum—no more than twenty-five percent (25%) of window area.

Canopy real estate signs. Not permitted.

Projecting real estate signs. Not permitted.

Temporary signs.
A. Shall be in conformance with Section 1143.09.

Temporary canopy signs. Not permitted.
Temporary projecting signs. Not permitted.

Portable sidewalk signs. Permitted (see Section 1143.091 for regulations)

Information window/wall signs.
A. Combined total of three square feet maximum.

Open/closed signs.
A. Three square feet maximum. (Ord. 53-14. Passed 7-10-14.)

1143.171 SIGNS IN HMD ZONING DISTRICT.

(a) For residential and public and quasi-public uses located in business districts the regulations of Section 1143.16 shall apply. For each building unit not more than one identification sign shall be displayed as either a wall sign, a canopy fascia sign or a window sign unless restricted or not permitted in subsection (d) hereof. It is the intent of this section to prohibit freestanding identification signs on lots with street frontage insufficient to provide the required minimum distance from lot lines. The exterior style, size, scale, lighting and selection of materials for the sign shall be such that the proposed sign complements the immediate and surrounding neighborhoods. The Design Review Board shall review and approve proposed plans for all signage to be constructed in conjunction with a new structure, including 3-dimensional renderings.

(b) Two business signs per unit permitted. Each business sign cannot be more than twenty percent (20%) of permitted total permanent sign area per sign. Business signs shall be displayed as either a wall sign, a canopy fascia sign or a window sign.

(c) Wall and canopy signs shall not extend above the wall or surface to which they are attached. Wall signs shall be set back from the ends of the building and party wall lines a minimum distance of three feet.

(d) Maximum total sign face area of all permanent signs (excluding information signs and open and closed signs, which are exempt from this calculation) shall be related to the width of the building or building unit. Maximum total permanent sign face area shall not exceed 300 square feet and shall be determined as follows:

- Frontage width of building $\times$ 1.8 if building setback is less than 50 feet.
- Frontage width of building $\times$ 2 if building setback is 50 to 300 feet.
- Frontage width of building $\times$ 2.2 if building setback is 301 to 600 feet.
- Frontage width of building $\times$ 2.4 if building setback is over 600 feet.
Free-standing identification signs.
A. One per business*.
B. Twelve square feet maximum.
C. Five feet in height maximum.
*More than two business units in a single building are not permitted a free-standing identification sign for each business unit. A single free-standing identification sign shall be permitted the size of which shall be:
D. Twelve square feet for the first business unit.
E. Eight square feet for each additional business unit to a maximum of seventy-two square feet.
F. Nine feet in height maximum for four businesses or more.
G. Twenty feet side and rear lot lines.

Wall/window identification signs.
A. One either wall or window.
B. Width of building unit x 1.2 for wall.
C. Twenty-five percent (25%) window area for window.

Canopy identification signs.
A. Can be displayed as soffit sign only.
B. Six square feet maximum.

Projecting identification signs. Not permitted.

Free-standing business signs. Not permitted.

Wall and/or window business signs.
A. Two per business
   1. Cannot exceed twenty percent (20%) of permitted total permanent sign area.
   2. Twenty-five percent (25%) of window area for window signs.

Canopy business signs. Not permitted.

Free-standing directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Two square feet maximum.
   2. Three feet in height maximum.
   3. Ten feet from residential district line.
   4. One foot from street right-of-way line.
   5. Five feet from side and rear lot lines.

Wall directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
B. Two square feet maximum.

Window directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
B. Two square feet maximum.

Canopy directional and information signs. Not permitted.

Projecting directional and information signs. Not permitted.

Directional sign (parking lot light pole banner/sign).
A. Shall be used for parking lot or building identification only.
   1. The Design Review Board shall approve the location and design of the directional light pole banner/sign.
   2. Shall be placed in parking lots that serve a Hospital.
   3. One pole banner/sign is permitted per public building entrance and one additional pole banner/sign is permitted for each 75 off-street parking spaces and they shall be spaced at least 40 feet apart.
4. Shall not exceed a maximum of 8 square feet.
5. Banners/signs shall have only required information for location of entrance such as:
   a. Letter or Number to signify the entrance (i.e. "A").
   b. Description of the entrance or service (i.e. Emergency Entrance).
   c. Other information that is required as determined by the Design Review Board to clarify the direction, parking and entrance to the building.

B. For each directional parking lot light pole banner/sign:
   1. The name of the Hospital and recognized affiliates shall be limited to 10 percent (10%) of the total sign area for each banner/sign.
   2. No additional lighting (internal or external) shall be installed for any banner/sign.
   3. Each banner/sign shall not extend any further than 4 feet from the primary pole for which the banner/sign and/or banner/sign structure is attached to.
   4. Minimal vertical height clearance each banner/sign shall be no less than 12 feet.

(15) Information window/wall signs.
   A. Combined total of three square feet maximum.

(16) Open/closed signs.
   A. Three square feet maximum. (Ord. 46-14. Passed 7-10-14.)

1143.18 SIGNS IN B-1, TOC AND SD-1 ZONING DISTRICTS.

(a) For each building unit, not more than one identification sign shall be displayed as either a wall sign, a canopy fascia sign, a window sign, or a free-standing sign, unless restricted in subsection (d)(1)-(24) hereof. It is the intent of this section to prohibit free-standing identification signs on lots with street frontage insufficient to provide the required minimum distance from lot lines. If frontage is less than sixty feet, free-standing identification signs are not permitted. The exterior style, size, scale, lighting and selection of materials for the sign shall be such that the proposed sign complements the immediate and surrounding neighborhoods. The Planning Commission shall review and approve proposed plans for all signage to be constructed in conjunction with a new structure, including 3-dimensional renderings.

(b) Two business signs per unit permitted. Each business sign cannot be more than twenty percent (20%) of permitted total permanent sign area per sign. Business signs shall be displayed as either a wall sign, a canopy fascia sign, or a window sign, unless restricted in subsection (d)(1)-(24) hereof.

(c) Wall and canopy signs shall not extend above the wall or surface to which they are attached. Wall signs shall be set back from the ends of the building and party wall lines a minimum distance of three feet.

(d) Maximum total sign face area of all permanent signs (excluding information signs and open and closed signs, which are exempt from this calculation) shall be related to the width of the building or building unit. Maximum total permanent sign face area shall not exceed 300 square feet and shall be determined as follows:
   Frontage width of building x 1.8 if building setback is less than 50 feet as measured from the right-of-way
   Frontage width of building x 2 if building setback is 50 to 300 feet as measured from the right-of-way
Frontage width of building x 2.2 if building setback is 301 to 600 feet as measured from the right-of-way.
Frontage width of building x 2.4 if building setback is over 600 feet as measured from the right-of-way.

(1) **Free-standing identification signs.** Free-standing identification signs if lot frontage is at least sixty feet but less than eighty feet in width:
   A. One per business unit.
   B. Twenty square feet maximum sign face area.
   C. Five feet height maximum.
   D. One foot from street right-of-way.
   E. Thirty feet from side and rear lot lines.

(2) **Free-standing identification signs.** Free-standing identification signs if lot frontage is at least eighty feet but less than 125 feet in width:
   A. One per lot.
   B. Fifty square feet maximum.
   C. Twenty feet in height maximum.
   D. One foot from street right-of-way.
   E. Forty feet from side and rear lot lines.

(3) **Free-standing identification signs.** Free-standing identification signs if lot frontage is at least 125 feet in width:
   A. One per lot or vehicular entrance per Section 1143.05(a)(2).
   B. Seventy-two square feet maximum.
   C. Twenty-five feet in height maximum.
   D. One foot from street right-of-way.
   E. Sixty feet from side and rear lot lines.

(4) **Wall identification signs.**
   A. One per business unit.
   B. Maximum sign face area - width of building X 1.2 (subject to maximum limitations as calculated in this subsection).

(5) **Window identification signs.**
   A. One per business unit.
   B. Maximum sign face area not to exceed twenty-five percent (25%) of total window glass area (excluding door windows).

(6) **Canopy identification signs.**
   A. One per business unit.
   B. Six square feet maximum for soffit.
   C. Thirty-two square feet maximum for fascia.

(7) **Projecting identification signs.** Not permitted.

(8) **Free-standing business signs.**
   A. One per business unit only if the business sign is a changeable copy sign and the changeable copy sign is attached to the same structure and in addition to a free-standing identification sign.
   B. Maximum size - twenty-five percent (25%) of the permitted free-standing identification sign face area. This area is included within maximum sign face area and is not in addition to sign face area.

(9) **Wall and/or window business signs.** *Theaters only.
   A. Two per business unit.
   B. Each sign cannot exceed twenty percent (20%) of permitted total permanent sign area.
   *Two per theater screen for current and coming attractions - total area not to exceed forty percent (40%) of total sign area.
Canopy business signs. Not permitted. *Except for indoor theaters which shall be permitted canopy marquee signs announcing current or future attractions at a size not to exceed seventy-five percent (75%) of the fascia of each side of the canopy or marquee.

Projecting signs. Not permitted.

Free-standing directional signs.
A. Minimum number necessary as determined by Zoning Inspector
   1. Two square feet maximum.
   2. Three feet in height maximum.
   3. Ten feet from residential district line.
   4. One foot from street right-of-way.
   5. Five feet from side and rear lot lines.

Wall directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Six square feet maximum.

Window directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Six square feet maximum.

Canopy directional and information signs. Not permitted.

Projecting directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Four square feet maximum.

Free-standing real estate signs.
A. One per street frontage.
B. Thirty-two square feet maximum.
C. Eight feet in height maximum.
D. Twenty feet from residential district line.
E. One foot from street right-of-way.

Wall or window real estate signs.
A. One per street frontage.
B. Twenty square feet maximum.
C. No more than twenty-five percent (25%) of window area.

Canopy real estate signs. Not permitted.

Projecting real estate signs. Not permitted.

Temporary free-standing signs. Shall be in conformance with Section 1143.09.

Temporary canopy signs. Not permitted.

Temporary projecting signs. Not permitted.

Portable sidewalk signs. Permitted (see Section 1143.091 for regulations)

Information window/wall signs.
A. Combined total of three square feet maximum.

Open/closed signs.
A. Three square feet maximum.

Commercial Parks. In addition to signs otherwise permitted, a commercial park identification sign shall be permitted for a unified development of five or more commercial firms and/or buildings served by a common access road. Such sign shall conform to the following:
(1) One for each primary vehicular entrance to the commercial site as determined by the Design Review Board. The vehicular entrance sign may be off-site providing all other legal requirements are met. An additional sign may be permitted to meet special conditions with the approval of the Design Review Board.

(2) The sign may contain the name and address of the Commercial Park and names of firms located in the park.

(3) The maximum sign face area of a commercial park identification sign shall equal twenty square feet for each 50,000 square feet of gross floor area but shall not exceed 100 square feet.

(4) A maximum height of 25 feet shall be permitted.

(5) Such sign shall be located one foot from street right of way lines, ten feet from side and rear lot lines, and 75 feet from any residential district line.

(6) If a commercial park identification sign is displayed, no other free-standing identification sign in the development shall be located within 100 feet of the road or street on which the commercial park has vehicular access.

(Ord. 24-11. Passed 7-28-11.)

1143.19 SIGNS IN B-3 ZONING DISTRICT.

(a) If located within the Historic Uptown Marysville Design Review District all signs shall conform to the color and material standards of Chapter 1136; applicant must obtain a certificate of appropriateness for all signs.

(b) For each building unit not more than one identification sign shall be displayed as either a wall sign, a canopy fascia sign, projecting sign or a window sign.

(c) Two business signs per unit permitted unless otherwise stated in this section. Business signs cannot be more than twenty percent (20%) of permitted total permanent sign area per sign. Business signs shall be displayed as either a wall sign, a canopy fascia sign or a window sign.

(d) Wall and canopy signs shall not extend above the wall or surface to which they are attached. Wall signs shall be set back from the ends of the building and party wall lines a minimum distance of three feet.

(e) Maximum total sign face area of all permanent signs (excluding information signs and open and closed signs, which are exempt from this calculation) shall be related to the width of the building or building unit. Maximum total permanent sign face area shall not exceed 300 square feet and shall be determined as follows:

<table>
<thead>
<tr>
<th>Frontage width of building</th>
<th>Maximum total sign face area</th>
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<tbody>
<tr>
<td>10 feet</td>
<td>300 square feet</td>
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<tr>
<td>20 feet</td>
<td>600 square feet</td>
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<tr>
<td>30 feet</td>
<td>900 square feet</td>
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<td>40 feet</td>
<td>1,200 square feet</td>
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<td>50 feet</td>
<td>1,500 square feet</td>
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<tr>
<td>60 feet</td>
<td>1,800 square feet</td>
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<tr>
<td>70 feet</td>
<td>2,100 square feet</td>
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<tr>
<td>80 feet</td>
<td>2,400 square feet</td>
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<td>90 feet</td>
<td>2,700 square feet</td>
</tr>
<tr>
<td>100 feet</td>
<td>3,000 square feet</td>
</tr>
</tbody>
</table>

(1) Free-standing identification signs. Not permitted.

(2) Wall identification signs.
   A. One per business.
   B. Twenty square feet maximum.

(3) Window identification signs.
   A. One per business.
   B. Twenty square feet maximum.

(4) Canopy identification signs.
   A. One per business.
   B. Six square feet maximum for soffit.
   C. Twenty square feet maximum for fascia.

(5) Projecting identification signs.
   A. One per building unit provided there is exterior direct access.
B. No part of any sign shall be closer to either end of the building face on which it is erected than three feet. Where more than one sign is erected on the same face of a building, there shall be a distance of at least nine feet between signs.

C. All measurements shall be from where the sign structure mounts to the building face.

D. Eight square feet maximum.

E. Sign panel, including letters and graphics, shall be no more than four inches thick.

F. Sign panel shall be no closer than six inches from the face of building.

G. Sign panel shall be located at ninety-degrees from the face of the building.

H. Shall be located on the ground level of the building. If a fascia board or other architectural feature exists defining the ground from the upper levels of the building, the sign shall not extend above the fascia board or architectural feature.

I. Sign or sign support shall be no less than eight feet in height above grade over a walkway or sidewalk.

J. No part of the sign shall extend any further than six feet from the building.

K. Sign support material shall be steel, iron, metal, finished wood and/or a synthetic material that has the appearance of steel, iron, metal and/or finished wood.

L. Sign or sign support shall not be permitted to extend or project beyond a line drawn perpendicularly upward from two feet inside the curb line facing a street.

M. Sign shall not be internally illuminated.


(7) Wall and/or window business signs.
A. Two per business.
B. Cannot exceed twenty percent (20%) of permitted total permanent sign area.


(9) Projecting business signs. Not permitted.

(10) Free-standing directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
B. Two square feet maximum.
C. Three feet in height maximum.
D. Ten feet from residential district line.
E. One foot from street right-of-way.
F. Five feet from side and rear lot lines.

(11) Wall directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
B. Two square feet maximum.

(12) Window directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
B. Two square feet maximum.

(13) Canopy directional and information signs. Not permitted.

(14) Projecting directional and information signs. Not permitted.

(15) Free-standing real estate signs.
A. One per street frontage.
B. Six square feet maximum.
C. Four feet in height maximum.  
D. Twenty feet from residential district line.  
E. One foot from street right-of-way (two feet from corner lot).  
F. Twenty feet from side and rear lot lines.  

(16) Wall or window real estate signs.  
A. One per street frontage.  
B. Twenty square feet maximum.  
C. No more than twenty-five percent (25%) of wall or window area.  

(18) Projecting real estate signs. Not permitted.  
(19) Temporary signs. Shall conform to Section 1143.09.  
(20) Temporary canopy signs. Not permitted.  
(21) Temporary projecting signs. Not permitted.  
(22) Portable sidewalk signs. Permitted (see Section 1143.091 for regulations).  
(23) Information window/wall signs.  
A. Combined total of three square feet.  
(24) Open/closed signs.  
A. Three square feet maximum. (Ord. 51-14. Passed 7-10-14.)

1143.20 SIGNS IN M-1 AND M-2 ZONING DISTRICTS.  
(a) For each building unit not more than one identification sign shall be displayed as either a wall sign, a canopy fascia sign, a window sign or a free-standing identification sign.  
(b) Maximum total sign face area of all permanent signs (excluding information signs and open and closed signs, which are exempt from this calculation) shall be related to the width of the building or building unit. Maximum total permanent sign face area is determined by the following formulas:

Frontage width of building x 2 if building setback is less than 50 feet  
Frontage width of building x 2.3 if building setback is 50 to 300 feet  
Frontage width of building x 2.6 if building setback is 301 to 600 feet

(1) Free-standing identification signs.  
A. One per business street frontage.  
B. 100 square feet maximum.  
C. Twenty feet in height maximum.  
D. Seventy-five feet from residential district line.  
E. Twenty feet from street right-of-way.  
F. Forty feet from side and rear lot lines.  

(2) Wall, window or canopy identification signs.  
A. One either wall, window or canopy fascia.  
B. Width of building unit x 1.2 for wall.  
C. Twenty-five percent (25%) of window area for window.  
D. Width of building unit x 1.2 for canopy fascia.  

(3) Projecting identification signs. Not permitted.  
(5) Wall and/or window business signs. Not permitted.  
(7) Projecting business signs. Not permitted.  
(8) Free-standing directional signs.  
A. Minimum number necessary as determined by Zoning Inspector.  
   1. Four square feet maximum.  
   2. Four feet in height maximum.  
   3. Ten feet from residential district line.  
   4. Five feet from street right-of-way.
5. Five feet from side and rear lot lines.

(9) Wall directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Two square feet maximum.

(10) Window directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Two square feet maximum.

(11) Canopy directional signs.
A. Soffit only.
B. Minimum number necessary as determined by Zoning Inspector.
   1. Two square feet maximum.

(12) Projecting directional signs.
A. Minimum number necessary as determined by Zoning Inspector.
   1. Two square feet maximum.

(13) Free-standing real estate signs.
A. One per street frontage.
B. Forty square feet maximum.
C. Ten feet in height maximum.
D. Forty feet from residential district line.
E. Five feet from street right-of-way.
F. Thirty feet from side and rear lot lines.

(14) Wall real estate signs.
A. One per street frontage.
B. Fifty square feet maximum.
C. Twelve feet in height maximum.

(15) Window real estate signs.
A. One per street frontage.
B. Twenty square feet maximum.
C. Maximum- no more than twenty-five percent (25%) of window area.


(17) Projecting real estate signs. Not permitted.

(18) Temporary signs. Shall conform to Section 1143.09.

(19) Temporary canopy signs. Not permitted.

(20) Temporary projecting signs. Not permitted.

(21) Portable sidewalk signs. Permitted (see Section 1143.091 for regulations)

(22) Information window/wall signs.
A. Combine total of four square feet maximum.

(23) Open/closed signs.
A. Four square feet maximum.

(c) Industrial Parks. In addition to signs otherwise permitted, an industrial park identification sign shall be permitted for a unified development of three or more industrial firms and buildings served by a common local access road. Such sign shall conform to the following regulations:

A. One for each street frontage containing vehicular entrance to the industrial park (vehicular entrance may be off-site, providing all other siting for sign is permitted).
B. Can contain name and address of the industrial park and names of firms located in the park.
C. Must be located at a vehicular entrance to the industrial park.
D. 100 square feet maximum sign face area per side.
E. Twelve feet in height maximum.
F. Seventy-five feet from residential district line.
G. One foot from street right-of-way.
H. Ten feet from side and rear lot lines.

If an industrial park identification sign is displayed, no other free-standing identification sign in the development shall be located within 100 feet of the road or street on which the industrial park has vehicular access.

(Ord. 47-14. Passed 7-10-14.)

1143.21 SIGN ILLUSTRATIONS.
(See Code Book for illustrations)
(Ord. 24-11. Passed 7-28-11.)

1143.99 PENALTY.
Any person, entity or corporation who does not correct a violation of this chapter after receiving notice in accordance with Section 1143.12 and within the time limits imposed by Section 1143.12, shall be fined not more than one hundred dollars ($100.00). Each day such violations continue, after the time limit imposed by Section 1143.12 shall constitute a separate and distinct offense. (Ord. 24-11. Passed 7-28-11.)
## CHAPTER 1144
### Design Review

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### CROSS REFERENCES
Ohio Constitution, Art. XVIII, Sec. 3

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**1144.01 PURPOSE.**
The purpose of Design Review is to apply standards that preserve and/or enhance the architectural integrity and exterior appearance of development in the City of Marysville, and by so doing, promote the public health, safety, and welfare of the residents and visitors to the community. (Ord. 33-16. Passed 9-26-16.)

**1144.02 INTENT.**
The intent of the design review process is to:

(a) Ensure that the location, configuration, and architectural design of buildings and their materials and colors are visually harmonious on the planned site and with surrounding development and the environment.

(b) Ensure that the location, configuration, and design of signs and their materials and colors are consistent with the character and scale of the buildings to which they relate and surrounding development.

(c) Safeguard and enhance the visual and aesthetic character, diversity and quality of the City to protect and enhance the City's attractiveness to residents, tourists and visitors, and to stimulate business and industry by encouraging excellence in design.

(d) Encourage superior design quality of the City and strengthen civic pride in the aesthetic environment of Marysville. (Ord. 33-16. Passed 9-26-16.)
1144.03 ESTABLISHMENT; DUTIES AND RESPONSIBILITIES.

(a) Establishment. The Design Review Board is hereby established. The Design Review Board shall consist of seven members. Of the seven members, four members shall be appointed by City Council, each being residents of the City. The remaining three members shall be appointed by the City Manager from members of the Planning Commission. Terms of office shall be for four years, provided that upon initial formation of the Board, one Council appointee shall be appointed for one year, one Council appointee shall be appointed for two years, one Council appointee shall be appointed for three years, and one Council appointee shall be appointed for four years. The term for a City Manager appointed Board member shall expire at the same time as his/her term on the Planning Commission expires. Term shall begin thirty days after enactment of this legislation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of the term. As determined appropriate by City Council, members of the Design Review Board may receive compensation. To provide a well qualified Design Review Board, a good faith effort should be made to appoint at least four of the seven members who have the following professional experience:

1. An individual who is a commercial property owner or business person who operates a commercial business;
2. An engineer, an architect or a person who has engineering or architectural experience;
3. A contractor or a person who has construction experience;
4. A landscape architect or landscape contractor or a person who operates a nursery or has landscaping experience; or,
5. A historic preservation specialist, or an individual who has extensive historical preservation or building inspection experience.

(b) Duties and Responsibilities. The Design Review Board shall review Certificate of Appropriateness and Exterior Plan applications in accordance with Chapters 1136, 1140, and 1144. The Design Review Board shall also perform any other duties outlined in the Planning and Zoning Code and approved Rules of Procedure for its operation.

(c) Rules of Procedure. The Rules of Procedure are on file with the City and shall be available for public inspection upon request.

(d) Maintaining a System for the Survey of Historic Properties. The Design Review Board shall maintain a system for the survey and inventory of historic properties, including the following:

1. The Board shall initiate or maintain a process approved by the Ohio Historic Preservation Office for the survey and inventory of resources within its jurisdiction.
2. The Board shall maintain a detailed inventory of the designated districts, sites and structures under its jurisdiction.
3. The Board shall maintain securely all inventory material, and have that inventory available to the public.
4. The Board shall maintain the inventories on Ohio Historic Inventory/Ohio Archaeological Inventory forms, or forms compatible with the Ohio Historic Preservation Office’s computerized inventory.
5. The Board shall make the appropriate inventory forms available to the Ohio Historic Preservation Office through duplicates (with contact prints).
6. The Board shall periodically update the inventory forms to reflect changes.

(Ord. 33-16. Passed 9-26-16.)
1144.04 DEFINITIONS.

For the purposes of this chapter, certain terms are herewith defined.

(a) **Accenting Colors.** Color(s) that accentuate or contrast with something else, such as a touch of color that makes the features of an image stand out.

(b) **Board.** Means the Design Review Board of the City of Marysville as established in Section 1144.03.

(c) **Contemporary Durable Materials.** Includes but is not limited to those building materials that appear identical to natural materials and have the same or a higher level of durability than natural materials, but are manufactured through alternative methods and materials.

(d) **Design Review District.** Shall mean the established Design Review District as described in this chapter.

(e) **Earth Tone Color.** Color scheme(s) that draws from a color palette of browns, tans, grays, greens, blues, purples and some reds.

(f) **Facade.** The exterior walls of a structure.

(g) **Harmonious.** A quality which produces an aesthetically pleasing whole as in the arrangement of architectural and landscape elements.

(h) **Historic Colors.** Those colors taken from any paint manufacturer's historic paint palette. Historic colors shall be appropriate to the era of the structure and/or district.

(i) **Mechanical/Electrical Hardware and Equipment.** Includes but is not limited to equipment, devices and accessories, the use of which relates to ventilating, air conditioning, heating and similar purposes.

(j) **New Structure.** Shall mean anything newly constructed or erected, except for fences, decks, signs, trash enclosures, swimming pools, playground equipment and accessory structures under 250 sq. ft., which requires location on the ground.

(k) **Modification.** Includes additions and any exterior alterations that involve exterior material changes, additions and/or removal of architectural features.

(l) **Opacity.** The quality or state of a body that makes it impervious to the rays of light; the relative capacity of matter to obstruct the transmission of radiant energy.

(m) **Site Hardware.** Includes but is not limited to street furniture, lighting standards, mailboxes, control boxes, newspaper boxes and similar appurtenances.

(Ord. 33-16. Passed 9-26-16.)

1144.05 EXTERIOR PLAN REQUIRED BY DESIGN REVIEW BOARD FOR DESIGN REVIEW DISTRICTS.

(a) A zoning permit for a structure(s) classified as a New Structure or Modification shall be issued only after an Exterior Plan has been submitted to and approved by the Design Review Board, or as approved per Section 1144.071 or Section 1144.072.

(b) The Exterior Plan, as approved, shall be part of the zoning permit and the structure or complex shall be constructed in conformity with the Exterior Plan as approved by the Design Review Board.

(c) Properties located within the Historic Design Review District(s) and landmark(s) (including the Historic Uptown Marysville Design Review District) shall be subject to Chapter 1136 of this Zoning Code and the Design Guidelines for Historic Uptown Marysville, Ohio and shall not be subject to the Design Review standards in this chapter.

(Ord. 33-16. Passed 9-26-16.)
1144.06 EXTERIOR PLAN APPLICATION.
(a) Applications for the approval of the Exterior Plan Application:
   (1) Shall be filed with the City on forms provided by the City;
   (2) Shall include all required supplemental information;
   (3) Shall be submitted by the application deadline as established by the City;
   (4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(b) Staff shall review the submitted materials for completeness and shall:
   (1) If it is found to be complete, place the Exterior Plan application on the next appropriate Design Review Board agenda; or
   (2) If it is found to be incomplete, reject the application and return the application and fee to the applicant with an itemization of deficiencies.

(c) Exterior work on a structure that requires approval by the Design Review Board shall not commence until approval is granted by the Design Review Board. Should work commence prior to the Design Review Board approval, the property owner shall be subject to penalties per Section 1125.99 of the Planning and Zoning Code.
(Ord. 33-16. Passed 9-26-16.)

1144.07 EXTERIOR PLAN APPROVAL.
(a) The Design Review Board shall, after receipt of reports from City staff and the applicable City Commissions, determine whether the Exterior Plan shall be approved, conditionally approved, or disapproved. The Exterior Plan shall not be approved unless the Design Review Board finds that:
   (1) All of the applicable provisions in the Planning and Zoning Code are complied with.
   (2) That the site plan meets the purpose and intent of this chapter, including the location and configuration of the building(s), landscaping, off-street parking, driveways and site amenities are visually harmonious within the site and its surroundings.

(b) If the Exterior Plan is disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.

(c) Exterior Plans must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt. This thirty day period may be extended by the mutual agreement of the Design Review Board and the applicant.

(d) Exterior Plan approval shall be for a period not to exceed two years from the approval date of the Exterior Plan. If no construction has begun within two years after approval is granted, the approved Exterior Plan shall become null and void.
(e) Exterior plans approved prior to the adoption of this section, in which work has not commenced, shall become null and void one (1) year after the adoption of this section.
(Ord. 33-16. Passed 9-26-16.)

**1144.071 REVISIONS TO PLANS AFTER APPROVAL.**
Exterior Plans which have been previously approved by the Design Review Board, and require minor modifications may be made with the approval of the City Manager, City Engineer and the Chair of the Design Review Board. To apply, the applicant shall submit to the City Zoning Administrator four (4) sets of the previously approved plans and the proposed minor modification, along with a written statement explaining the reason for the proposed minor modification. Within ten (10) working days after the plan submission, the City Manager, City Engineer and the Chair of the Design Review Board shall review and approve or disapprove the minor modification. Approval shall be granted only if the City Manager, City Engineer and the Chair of the Design Review Board unanimously agree the minor modification does not significantly change the previously approved plan. If unanimous consent is not obtained, the proposed minor modifications are disapproved and can only be made if approved by the Design Review Board.
(Ord. 33-16. Passed 9-26-16.)

**1144.072 EXTERIOR PLAN APPROVAL FOR NEW STRUCTURES AND/OR MODIFICATIONS TO EXISTING STRUCTURES NOT VISIBLE FROM ANY STREET RIGHT-OF-WAY.**
Exterior Plan Approval for new structures and/or modifications to existing structures may be approved by the Zoning Administrator if the Zoning Administrator, City Engineer, City Manager and the Chair of the Design Review Board unanimously determine that the new structures and/or modifications will not be visible from any existing or foreseeable future street right-of-way. The proposed new structures and/or modifications shall meet all applicable design requirements established in Sections 1144.08 - 1144.11. Said section shall not apply to properties located within any designated Historic Design Review District(s) and Landmark(s); including the Historic Uptown Marysville Design Review District.
(Ord. 33-16. Passed 9-26-16.)

**1144.08 DESIGN REVIEW DISTRICTS ESTABLISHED.**
In order to apply the appropriate design review standards to different land uses and areas within the community, the following Design Review Districts are hereby established:

(a) Multi-Family Residential Design Review District (DRD-1). The Multi-Family Review District (DRD-1) shall include any multi-family dwelling and any property located within a planned unit development that is to be developed as multi-family residential.

(b) Commercial and Office Design Review District (DRD-2). The Commercial and Office Design Review District (DRD-2) shall include all properties, excluding those containing single-family dwelling units, within the City boundaries that are zoned OR, BR, NC, B-1, SD-1, TOC, GOV and HMD, any property located within a planned unit development that is to be developed as a commercial use or for office use, and any created commercial or office zoning district.
Manufacturing Design Review District (DRD-3). The Manufacturing Design Review District (DRD-3) shall include all properties, excluding those containing single-family dwelling units, within the City boundaries that are zoned M-1 and M-2, any property located within a planned unit development that is to be developed as manufacturing use, and any created manufacturing zoning district.

The Design Review Board also reviews Certificate of Appropriateness applications for any Historic Design Review District(s) and Landmark(s) as defined in Chapter 1136.

(Ord. 33-16. Passed 9-26-16.)

1144.09 DESIGN REVIEW STANDARDS FOR MULTI-FAMILY RESIDENTIAL DESIGN REVIEW DISTRICT (DRD-S)

The purpose of the DRD-1 District is to encourage a high quality, attractive, and lasting style in multi-family residential developments.

(a) Building Architecture.

(1) Design. All buildings shall provide visual interest that will be consistent with the community's identity, character and scale. Buildings shall be designed to be seen from three hundred sixty (360) degrees and have the same level of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials and construction to that of the existing or principle structure.

(2) Color. Specific colors and color schemes shall be designed to be compatible and harmonious with those of the buildings in the surrounding area. Colors shall be natural earth tone. The color white is also encouraged. Facade colors shall be subtle and of low reflectance. Accent colors may be used to highlight architectural features. Prohibited accent colors shall include metallic and fluorescent.

(3) Articulation. A building frontage that exceeds a width of fifty (50) feet shall incorporate articulation and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the facades. Where a structure has a front loaded garage, the garage shall be placed a minimum of two feet behind the front building facade.

(4) Materials. Building materials shall be of high quality and durability, and architectural features shall be used to create visual interest and liability of the multi-family dwellings. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. All exterior walls shall be comprised of forty (40) percent natural material with brick or stone as the predominant material. Other natural materials may also be incorporated into the building's exterior design. Use of "newer" materials are subject to approval by the Design Review Board. Stucco, EFIS or contemporary durable materials may be used as accents provided the total square footage of accent materials does not exceed sixty (60) percent of the gross exterior building wall square footage.

(5) Roofing. Roofing shall be compatible and harmonious with building materials and color scheme. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.
(b) **Site Design.**

1. **Site layout.** Principal buildings, accessory buildings, fencing, parking areas, access drives, storm water facilities, pedestrian walkways, and landscaping shall be arranged to provide a visually appealing development that takes the existing topographic features and neighboring properties into consideration. Aesthetically pleasing attributes shall be visible throughout the entire development and the public right-of-way. Multi-family structures shall be located no closer than twenty (20) feet from other such structures.

2. **Natural features.** Existing natural features such as lakes, ponds, streams, ravines, woodlands, and wetlands shall be retained and incorporated into the new development.

3. **Open Space.** Open space areas in multi-family developments shall be provided for recreational activities for the residents and shall maintain the residential character of the development. If the development is adjacent to a public park, school, recreational area or commercial area, or similar type area, the developer shall provide pedestrian access to those areas.

4. **Parking and access drives.** All vehicle use areas, including but not limited to parking areas and access drives, shall consist of a paved surface material with concrete curb. Paved surface materials shall consist of a sealed surface material of asphalt or concrete and along with the curbing shall be constructed to City standards unless a viable or environmentally friendly solution is recommended by the Design Review Board and approved by the City Engineer. The length from the parking area to the building should not be greater than 250 feet.

5. **Sidewalk and bike path.** Site design shall provide a pedestrian friendly system. All developments shall provide pedestrian walkways between public sidewalks/streets and building entrances. Sidewalks shall also be installed along all existing public streets if sidewalks do not presently exist. Sidewalks shall be constructed according to the minimums set forth in the "Standard Construction Drawings" of the City.

6. **Lighting.** Lighting shall enhance the visual appearance of the development. The color and design of the light poles and fixtures shall be designed to compliment the architectural character of the buildings.

7. **Fencing.** Chain link, barbed wire, razor barb, and electrically charged fencing are not permitted. Masonry, wood, vinyl fencing, or decorative metal fencing is encouraged.

8. **Landscaping.** Landscaping shall comply with the requirements outlined in Chapter 1140.

(c) **Trash Enclosures.** Trash containers or receptacles (including recycling containers) shall be screened or enclosed with a trash enclosure meeting the following criteria:

1. Trash containers, service areas and loading zones shall be located at the rear of the building. Trash containers, service areas and loading zones may be permitted on the side of a building if not oriented towards a public or private street and properly screened from public or private streets and residential zoning districts.

2. The trash enclosure shall have four (4) sides with opening doors for the purpose of trash removal.

3. The trash enclosure shall be constructed of a wooden or vinyl fence structure, or masonry wall with an opacity of one hundred percent (100%) and a height of one foot above the top of the tallest container.
(4) The trash enclosure shall be constructed and located so that the opening doors are wide enough to accommodate a garbage truck emptying and replacing the trash container or receptacle.

(5) The building materials used for the trash enclosures shall be compatible with the building materials used on the principal building. A reinforced concrete pad and approach apron shall be constructed under and in front of the enclosed area.

(6) Gates and doors on the enclosure shall be of wood, vinyl, hardiplank or any alternative material the Board deems suitable. Fencing with slats is prohibited.

(7) The location of trash enclosures shall be as inconspicuous as possible.

(d) Signs. In addition to the requirements in Chapter 1143 - Signs, the following guidelines should apply:

(1) Height. Signage shall be low profile to avoid adversely affecting the residential area.

(2) Design. Signage shall be compatible with topographic features and the architectural design of the principal building, with a color scheme that is compatible with that of the principal building.

(Ord. 33-16. Passed 9-26-16.)

1144.10 DESIGN REVIEW STANDARDS FOR COMMERCIAL AND OFFICE DESIGN REVIEW DISTRICT (DRD-2).

The purpose of the DRD-2 District is to encourage a high quality, attractive and lasting style in commercial and office development.

(a) Building Architecture.

(1) Design. All buildings shall provide visual interest that will be consistent with the community's identity, character and scale. Buildings shall be designed to be seen from three hundred sixty (360) degrees and have the same level of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure.

(2) Color. Specific colors and color schemes shall be designed to be compatible and harmonious with those of the buildings in the surrounding area. Colors shall be natural earth tone. The color white is also encouraged. Facade colors shall be subtle and of low reflectance. Accent colors may be used to highlight architectural features. Prohibited accent colors include metallic and fluorescent.

(3) Architectural Features. The purpose of requiring four-sided architecture is to avoid large areas of blank exterior. For every one hundred (100) feet of elevation width, each side and rear elevation must contain at least two (2) design elements and each front elevation must contain at least three (3) design elements. For multi-story buildings, each story on a single elevation shall contain at least two (2) design elements. Typical design elements are as follows:

A. A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Design Review Board.

B. A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered as one element.
C. A chimney.
D. An articulated Gable Vent of at least four (4) square feet in area.
E. Porches, decks or similar structures.
F. A similar significant permanent architectural feature consisting with this style of the building upon approval by the Design Review Board.

(4) Articulation. A building frontage that exceeds a width of fifty (50) feet shall incorporate articulation and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the facades.

(5) Materials. All exterior walls shall be comprised of eighty (80) percent natural material with brick or stone as the predominant material. Other natural materials may also be incorporated in to the building's exterior design. Use of "newer" materials is subject to approval by the Design Review Board. Stucco, EFIS or contemporary durable materials may be used as accents provided the total square footage of accent materials does not exceed twenty (20) percent of the gross exterior building wall square footage.

(6) Glass. Elevations facing the primary street shall be a minimum of forty (40) percent glass between the height of two (2) feet and ten (10) feet and have an unobstructed view of the building interior to a depth of four (4) feet. The use of black, gold, green, silver or any other reflective colored glass on a building is prohibited. The use of spandrel glass is also prohibited. Frosted glass may be permitted in some cases, subject to approval of the Design Review Board.

(7) Building Orientation. Buildings shall be oriented to face the primary street right-of-way. An entryway shall be located on the front of the building. Corner entrances are acceptable to meet this requirement if one side of the corner entrance faces the primary street right-of-way.

(8) Roofing. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.

(9) Mechanical Equipment. All external and rooftop mechanical equipment, including satellite antennas, and trash dumpsters shall be screened from view at all property lines on which the building is located. Screening materials shall be complimentary to those used on the majority of the building. For ground mounted equipment, landscaping is the preferred method of screening. If two or more buildings are located on the same property, rooftop equipment shall not be visible at ground level within fifty (50) feet from any building.

(10) Drive Thru Features. A drive thru shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru, including, but not limited to canopies, awnings, and support posts, shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pick-up windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the front of the building and street right-of-way.

(11) In-Line Retail Exemption. Side or rear elevations of in-line retail developments may be exempt from the building design standards of Section 1144.10 if such elevations are not visible to customer traffic, a public right-of-way or if a future phase of the inline retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding, fencing or a combination thereof, as outlined in Section 1144.10 and as deemed appropriate by the Design Review Board.
Outdoor Display and Storage Areas. Outdoor display of merchandise for sale, including outdoor dining and outdoor storage or foods and materials, other than for automotive sales, shall comply with the following:

A. General Requirements.
   1. Location.
      a. Areas devoted to outdoor display or outdoor storage shall comply with all building setbacks and yard regulations for the district in which they are located as set forth in this chapter.
      b. All outdoor display and storage areas must be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Department, to satisfy any safety requirements.
      c. No outdoor display or storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks, or pedestrian access.
   2. Area. The area of the lot devoted to outdoor display and storage shall not exceed twenty-five percent (25%) of the ground floor area of the principal building. This limitation shall not apply when outdoor display is listed as a permitted use.
   3. Surfacing. Areas devoted to outdoor display and storage shall be paved with asphalt or concrete and free of dust.
   4. Height.
      a. Outdoor display area located in front of a principal building shall not exceed a height of six (6) feet.
      b. The height of outdoor display or outdoor storage areas which are located to the side or rear of the building shall be determined by the Design Review Board. Such determination shall take into account such issues as proposed fencing and/or walls, roofing materials, if any, and landscape and screening.
   5. Signs.
      a. No signs shall be permitted in conjunction with outdoor display or outdoor storage areas except those otherwise in compliance with the sign regulation in Chapter 1143 or as regulated in (b) and (c) below.
      b. Within an enclosed outdoor storage or outdoor display area. Pricing signs may be used as long as signs are related to the product being sold and are incorporated into the product display. Pricing signs shall not be permitted on a wall or fence used to demarcate the outdoor display or storage area unless in compliance with the sign regulations in Chapter 1143.
c. Within an unenclosed outdoor storage or outdoor display area, pricing signs which are related to the product being sold and which are incorporated into the product display shall be permitted. The total area of such signs shall not exceed two (2) square feet.

B. Supplemental Regulations for Outdoor Display. The outdoor display area must be defined by or contained within an appropriate architectural or decorative demarcation as approved by the Design Review Board. This may include the use of landscaping elements, fencing, walls or other appropriate material. If building materials are utilized, the materials shall be consistent with the architectural design of the principal structure as approved by the Design Review Board.

(b) Site Design.

(1) Built-to-Line. To promote quality streets, buildings shall be located at the built-to-lines along public roadway frontages. Build-to-lines shall refer to the associated front yard setback as state in each applicable zoning district.

A. In order to achieve quality streetscapes, variation from the build-to-line will be permitted to allow for added green space, amenities, outdoor seating and the like. Buildings may be located further from the right-of-way than the established build-to-line per the following:

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Variation from Build-to-Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Story Building</td>
<td>0 feet to 5 feet</td>
</tr>
<tr>
<td>Two Story Building</td>
<td>0 feet to 10 feet</td>
</tr>
<tr>
<td>Three Story Building</td>
<td>0 feet to 15 feet</td>
</tr>
</tbody>
</table>

B. At least fifty (50) percent of the building’s front elevation shall be located within the applicable variation from the build-to-line range.

C. Uncovered seating areas or architectural features may project up to five (5) feet closer to the right-of-way than the established build-to-line.

D. Buildings larger than twenty thousand (20,000) square feet or attached to existing in-line retail space shall be exempt from the build-to-line requirements if located more than three hundred (300) feet from the right-of-way.

(2) Natural Features. Existing natural features such as lakes, ponds, streams, ravines, woodlands, and wetlands are highly encouraged to be retained and incorporated into the new development.

(3) Fencing. Chain link fencing shall be limited to areas behind the front facade(s) of the primary building. Masonry, wood, vinyl, or decorative metal fencing is encouraged. Barbed wire, razor barb and electrically charged fencing are not permitted.

(4) Landscaping. Landscaping shall comply with the requirements outlined in Chapter 1140.
(5) Sidewalk and Bike Path. Site design shall provide a pedestrian friendly system. All developments shall provide pedestrian walkways between public sidewalks/streets and building entrances. Sidewalks shall also be installed along all existing public streets if sidewalks do not presently exist. Sidewalks shall be constructed according to the minimums set forth in the "Standard Construction Drawings" of the City.

(6) Adjacent Pavement. Pavement is prohibited directly adjacent to any building elevation, except for loading areas, vehicular building entrances, and drive thru windows, or at entrance walkways into the building.

(7) Utility Boxes. Utility boxes shall be located to the rear of the building and painted the same, or primary color of the building elevation where the utility box is located.

(c) Trash Enclosures. Trash containers or receptacles (including recycling containers) shall be screened or enclosed with a trash enclosure meeting the following criteria:
   (1) Trash Containers, service areas and loading zones shall be located at the rear of the building. Trash containers, service areas and loading zones may be permitted on the side of a building if not oriented towards a public or private street and properly screened from public or private streets and residential zoning districts.
   (2) The trash enclosure shall have four (4) sides with opening doors for the purpose of trash removal.
   (3) The trash enclosure shall be constructed of a wooden or vinyl fence structure, or masonry wall with an opacity of one hundred percent (100%) and a height of one foot above the top of the tallest container.
   (4) The trash enclosure shall be constructed so that the opening doors are wide enough to accommodate a garbage truck emptying and replacing the trash container or receptacle.
   (5) The building materials used for the trash enclosures shall be compatible with the building materials used on the principal building. A reinforced concrete pad and approach apron shall be constructed under and in front of the enclosed area.
   (6) Gates and doors on the enclosure shall be of a wood, vinyl, hardiplank or any alternative material the Board deems suitable. Fencing with slats is prohibited.
   (7) The location of enclosures shall be as inconspicuous as possible.

(d) Parking Lot Design. Parking lot areas shall be designed to reduce their visual impact, production of excess heat and effect on drainage. Appropriately sized landscape areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted that will not buckle the parking lot surface and at the same time provide shade. Therefore, all off-street parking lot areas shall be designed using the "parking bay" concept, which consists of parking spaces grouped together and each parking bay separated by landscape tree islands.
   (1) Parking and Access Drives. All vehicle use areas, including but not limited to parking areas, driveways, aisles, access drives and other circulation areas, shall consist of a paved surface material with concrete asphalt or concrete and along with the curbing shall be constructed to City standards unless a viable or environmentally friendly solution is recommended by the Design Review Board and approved by the City Engineer.
   (2) Parking Lot Locations. All parking spaces, drives or other structures for vehicular parking or movement shall be located to the rear or side of the principal building with no more than fifty (50) percent of such parking area located to the side of the principal building.
a. Buildings larger than twenty thousand (20,000) square feet or attached to existing in-line retail space shall be permitted to have parking to the front of the building if the building is located more than three hundred (300) feet from the right-of-way and the parking lot is located no closer than two hundred (200) feet from the right-of-way.

b. If a drive thru is located on-site and designed per Section 1144.10(a)(10) of this Zoning Code, a drive lane may be permitted to be located in front of the building. In such case, the building shall be moved the furthest away from the build-to-line as indicated in Section 1144.10(b)(1)A.

(3) Parking Bays. No parking bay shall contain more than twenty-four (24) total parking spaces, with a maximum of twelve (12) spaces in a single row.

(4) Maximum Number of Parking Spaces. Off-street parking areas shall only be permitted to have twenty-five (25) percent more spaces than stated as the applicable minimum in Section 1141 of this Zoning Code.

a. Parking spaces above the maximum shall be permitted with an additional sixty (60) square feet of landscaping provided for every one (1) additional parking spaces. The provided additional landscaping shall be in addition to the minimum landscaping required in Section 1140 of this Zoning Code.

b. Additional landscaping shall include a mix of trees and shrubs and be clearly identified as additional landscaping on the site's landscape plan.

(5) Parking Lot Islands. Each landscaped tree island in a single loaded parking stall design shall be a minimum area of one hundred and sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscaped island located in a double loaded parking stall design shall have a minimum area of three hundred twenty-four (324) square feet, with a minimum width of nine (9) feet. The landscaped tree island(s) shall contain at least one shade tree and include at least fifty (50) square feet of other plant materials.

(6) Bioswales. Bioswales, also referred to as rain gardens, may be incorporated in the overall parking lot design. In addition to separating parking bars, when properly designed bioswales/rain gardens can also assist with stormwater quality and quantity management.

(7) Intersection Site Distance. When a drive isle intersects with an internal service road, nothing shall materially impede the vision between a height of two and one-half (2½) feet and ten (10) feet for the area bounded by the intersecting street lines of those roadways and a line joining points along said roadways fifteen (15) feet from the point of intersection.

(e) Site Lighting. Site lighting shall be required for all developments and be designed to sufficiently illuminate the site and minimize spillover off of the property.

(1) Design. All external lighting shall be decorative or historic in design. Typical "shoe box" light fixtures are not acceptable. Pack light, wall pack lights and similar lights that primarily shine perpendicular to (away from) a building's elevation are not permitted on any building elevation. Decorative wall lights that shine parallel to (up or down) a building's elevation are subject to approval by the Design Review Board.

(2) Lighting Intensity. Foot candles measure the intensity of light. One foot candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. All Parking lot areas shall have lighting intensity meeting the following standard as measured at grade:
### Maximum intensity

<table>
<thead>
<tr>
<th>Maximum intensity</th>
<th>20 Foot Candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average intensity</td>
<td>1 to 3 Foot Candles</td>
</tr>
</tbody>
</table>

(3) **Light Spillage.** All outdoor lighting shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians, or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillage shall not exceed one tenth (0.1) foot candles when adjacent to a residential district or existing residential use.

(4) **Light Pole Height.** Pole heights should be in harmony with the parcel, building and parking lot size as well as the surrounding area. Smaller parcels in a more dense condition pole height should be limited in height to respond to the smaller parcels and more human scale of the site. In large commercial centers with large building footprints, parcels and parking lots, the pole heights can be higher to reduce the number of poles needed to adequately light the site. Parking lots with thirty (30) or less spaces shall have a maximum lighting pole height of eighteen (18) feet. Parking lots with more than thirty (30) spaces shall have a maximum lighting pole height of thirty (30) feet.

(f) **Signs.** In addition to the requirements in Chapter 1143 - Signs, the following guidelines should apply:

1. **Height.** Signage shall be low profile to avoid adversely affecting the commercial and office areas.

2. **Design.** Signage shall be compatible with topographic features and the architectural design of the principal building, with a color scheme that is compatible with that of the principal building.

3. **Monument Signs.** All freestanding signs shall be monument-type, have a base consistent with the primary building material and have a minimum of fifty (50) square feet of year-round landscaping around all sides of the monument sign.

4. **Prohibited Signs.** Cabinet box, exposed neon, exposed LED, changeable copy (manual or electronic), roof-mounted, monopole, rotating, signs with flashing messages or bare bulbs, signs on backlit awnings off-premise signs, billboards, and bench signs are not permitted.

Ord. 33-16. Passed 9-26-16.)

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1144.11 DESIGN REVIEW STANDARDS FOR MANUFACTURING DESIGN REVIEW DISTRICT (DRD-3).

The purpose of the DRD-3 District is to encourage a high quality, attractive and lasting style in manufacturing development.

(a) **Building Architecture.**

1. **Design.** All buildings shall provide visual interest that will be consistent with the community's identity, character and scale. Buildings shall be designed to be seen from three hundred sixty (360) degrees and have the same level of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials and construction to that of the existing or principal structure.
(2) **Materials.** Building materials shall be of high quality and durability, and architectural features shall be used to create visual interest and usability of the manufacturing buildings. All exterior walls shall be comprised of forty (40) percent natural material with brick, stone or contemporary durable material as the predominant material. Other natural materials may also be incorporated into the building’s exterior design. Use of ”newer” materials are subject to approval by the Design Review Board. Stucco, EFIS and like materials may be used as accents provided the total square footage of accent material does not exceed sixty (60) percent of the gross exterior building wall square footage.

(3) **Color.** Specific colors and color schemes shall be designed to be compatible and harmonious with those of the buildings in the surrounding area. Colors shall be natural earth tones. The color white is also encouraged. Facade colors shall be subtle and of low reflectance; Accent colors may be used to highlight architectural features. Prohibited accent colors include metallic and fluorescent.

(4) **Facades and exterior walls.** Facades shall be articulated to reduce the massive scale and impersonal appearances of large manufacturing buildings and shall provide visual interest that will be consistent with the community’s identity, character and scale. Facades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate material breaks, projections and/or recesses. No uninterrupted length of any facade shall exceed seventy-five (75) feet. The office portions of the building(s) shall meet the guidelines required for office buildings constructed in the DRD-2 Design Review District.

(5) **Roofing.** Pitched roofs are encouraged for building facades along public rights-of-way. Flat roofs shall be permitted along public rights-of-way only with the integration of strong cornice lines. All flat roofs shall be required to have a parapet and/or a means of screening all rooftop mechanical equipment. All rooftop screening must be consistent and harmonious to the building’s facade and character.

(b) **Site Design.**

(1) **Site layout.** Principal buildings, accessory buildings, fencing, parking areas, access drives, storm water facilities, pedestrian walkways, and landscaping shall be arranged to provide a visually appealing development that takes the existing topographic features and neighboring properties into consideration.

(2) **Natural features.** Existing natural features such as lakes, ponds, streams, ravines, woodlands, and wetlands shall be retained and incorporated into the new development.

(3) **Parking and access drives.** All vehicle use areas, including but not limited to parking areas and access drives, shall consist of a paved surface material with concrete curb. Paved surface materials shall consist of a sealed surface material of asphalt or concrete and along with the curbing shall be constructed to City standards unless a viable or environmentally friendly solution is recommended by the Design Review Board and approved by the City Engineer. Vehicular storage or heavy equipment use areas may also use alternative surface materials, as recommended by the Design Review Board and approved by the City Engineer.
(4) **Pedestrian safety.** Site design shall provide a pedestrian friendly system. All developments shall provide pedestrian walkways between public sidewalks/streets and building entrances. Sidewalks shall also be installed along all existing public streets if sidewalks do not presently exist. Sidewalks shall be constructed according to the minimums set forth in the "Standard Construction Drawings" of the City.

(5) **Lighting.** Lighting shall enhance the visual appearance of the development. Color and design of the light poles and fixtures shall be designed to compliment the architectural character of the buildings.

(6) **Fencing.** Chain link fencing shall be limited to areas behind the front facade(s) of the primary building. Masonry, wood, vinyl or decorative metal fencing is encouraged.

(7) **Landscaping.** Landscaping shall comply with the requirements outlined in Chapter 1140.

(c) **Outdoor Storage, Mechanical Hardware and Equipment, Trash Collection, and Loading Areas.** Loading docks, truck parking, outdoor storage, utility meters, mechanical hardware and equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized to adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

(d) **Trash Enclosures.** Trash containers or receptacles (including recycling containers) shall be screened or enclosed with a trash enclosure meeting the following criteria.

(1) Trash containers, service areas and loading zones shall be located at the rear of the building. Trash containers, service areas and loading zones may be permitted on the side of a building if not oriented towards a public or private street and properly screened from public or private streets and residential zoning districts.

(2) The trash enclosure shall have four (4) sides with opening doors for the purpose of trash removal.

(3) The trash enclosure shall be constructed of a wooden or vinyl fence structure, or masonry wall with an opacity of one hundred percent (100%) and a height of one foot above the top of the tallest container.

(4) The trash enclosure shall be constructed so that the opening doors are wide enough to accommodate a garbage truck emptying and replacing the trash container or receptacle.

(5) The building materials used for the trash enclosures shall be compatible with the building materials used on the principal building. A reinforced concrete pad and approach apron shall be constructed under and in front of the enclosed area.

(6) Gates and doors on the enclosure shall be of a wood, vinyl, hardiplank or any alternative material the Board deems suitable. Fencing with slats is prohibited.

(7) The location of enclosures shall be as inconspicuous as possible.

(8) The trash enclosure shall not be required if the trash containers or receptacles are otherwise screened or enclosed from public view as determined by the Design Review Board.
(e) **Signs.** In addition to the requirements in Chapter 1143 - Signs, the following guidelines should apply:

1. **Height.** Signage shall be low profile to avoid adversely affecting the areas surrounding the industrial site.
2. **Design.** Signage shall be compatible with topographic features and the architectural design of the principal building.
3. **Monument Signs.** All freestanding signs shall be monument-type, have a base consistent with the primary building material and have a minimum of fifty (50) square feet of year-round landscaping around all sides of the monument sign.
4. **Prohibited Signs.** Cabinet box, exposed neon, exposed LED, changeable copy (manual or electronic), roof-mounted, monopole, rotating, signs with flashing messages or bare bulbs, signs on backlit awnings, off-premise signs, billboards and bench signs are not permitted.

(Ord. 33-16. Passed 9-26-16.)

**1144.12 APPEAL.**

Any person whose plan has been disapproved or who has otherwise been aggrieved by a decision of the Design Review Board, Zoning Inspector or designee may appeal that decision to the Board of Zoning Appeals. Please refer to Chapter 1129.

(Ord. 33-16. Passed 9-26-16.)


CHAPTER 1145
Planned Unit Development

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CROSS REFERENCES
Planning Commission powers and duties- see Ohio R.C. 713.02, 713.06
Planned unit development application- see P. & Z. 1105.02
Planned unit development defined- see P. & Z. 1123.01(b)(74)
Ohio Constitution, Art. XVIII, Sec. 3

1145.01 OBJECTIVES FOR A PLANNED UNIT DEVELOPMENT (PUD).
(a) General Objective. A planned unit development shall be classified as a unique zoning district or combination of districts that is subject to the provisions of this chapter. The purpose is to encourage and allow more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD is intended to allow flexibility in planning and design and overall benefits to the City. A PUD also permits the establishment of a variety of uses brought together as parts of a compatible and unified plan. This flexibility should result in a development that has unique characteristics and features that are not found in a development produced in accordance with standard zoning district and subdivision regulations.

(b) Specific Objectives.
(1) To encourage unified projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet is consistent with all applicable plans including but not limited to the Comprehensive Plan, Thoroughfare Plan and the intent of the Planning and Zoning Code.
(2) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on and destruction of sensitive environmental areas.

(3) Promote economical and efficient use of land and reduce infrastructure cost through unified development.

(4) To provide amenities and enhancements that will sustain the quality of life and property values within the development as well as the properties surrounding the proposed PUD.

(5) Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.

(6) Where appropriate, provide for community facilities, open space and recreational areas.

(7) To provide a maximum choice of business and living environments by allowing for a variety of housing, building types and imaginative architectural design.

(8) To provide an opportunity for a mix of complementary uses otherwise not permitted within the standard zoning classifications.

(9) To develop land in an orderly, coordinated and comprehensive manner that is consistent with accepted land planning, landscape architecture practices and engineering principles.

(Ord. 17-10. Passed 5-27-10.)

1145.02 DEFINITIONS.

(a) Planned Unit Development (PUD). A PUD is a zoning district where one use or a variety of uses may be accommodated. A PUD offers more flexible standards than those found in conventional zoning districts.

(b) Sub Area. A "sub area" is a defined use area within a PUD that is its own zoning district. Each "Sub Area" shall designate its specific use(s), as well as acreage, development standards, conceptual road alignments, gross densities, and other standards that may be required by the Planning Commission. (Ord. 17-10. Passed 5-27-10.)

1145.03 AMENDMENTS TO PLANNED UNIT DEVELOPMENTS.

(a) Existing Planned Unit Developments. Planned Unit Developments and all associated development plans and supporting documentation adopted prior to the effective date of these regulations shall continue in effect and be considered legally conforming under this code. The procedures for amendments of those developments must conform to the regulations indicated in this code. Zoning amendments passed during the time period granted for the approved development plan shall not in any way affect the terms under which approval of the PUD was granted.

(b) Changes to Development Plans. After City Council has approved a development plan, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Unit Development. However, minor technical adjustments to the development plan, resulting from field conditions, detailed engineering data, or topography, may be authorized in writing with the concurrence of the City Engineer and the City Planner. Such
adjustment requests shall be supported by documentation. The City Engineer and the City Planner shall review the adjustment request and determine that it conforms to the original purpose and intent of the Planned Development approval. If the City Engineer and/or the City Planner do not agree with such adjustments, the adjustments shall not be allowed except by amendment. The Planning Commission shall be advised of all minor adjustments authorized.
(Ord. 17-10. Passed 5-27-10.)

1145.04 PROJECT OWNERSHIP.
The land proposed to be developed as a Planned Unit Development may be in single ownership, or if in multiple ownership all procedural application shall be filed jointly by all the owners of the properties included in the proposed development boundaries.
(Ord. 17-10. Passed 5-27-10.)

1145.05 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS.
Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this Zoning Ordinance, the provisions of this chapter shall prevail. The requirements of other applicable chapters of this Zoning Ordinance shall govern subjects not covered by this chapter
(Ord. 17-10. Passed 5-27-10.)

1145.06 USES PERMITTED AND CONDITIONAL.
A Planned Unit Development may include any combination of uses when such use(s) are found to be compatible with one another and in keeping with the intent of the criteria, provided the proposed location of the uses will not adversely affect adjacent property and/or the public health, safety, and general welfare.
(a) The list of specific uses to be included in the proposed Planned Unit Development shall be clearly stated;
(b) Uses shall be identified as either permitted uses or conditional uses;
(c) Listed uses shall be specifically defined using the most recent version of NAICS, unless they are defined by this Zoning Code
(d) The Planning Commission may limit the location of any listed use because of compatibility or other constraints.
(Ord. 17-10. Passed 5-27-10.)

1145.07 COMMON OPEN SPACE.
The intent of the common open space is to provide space between or among buildings/structures for recreational purposes and/or aesthetic amenities. Public utility and similar easements and rights of way for water courses and other similar channels and detention and retention ponds are not acceptable for common open space unless such land or right of way is usable as a trail or other similar purpose and approved by the Planning Commission. The Planning Commission may require additional open space or amenities, recreational improvements or a combination thereof.

The amount of common open space required shall be determined by (a) or (b) below, whichever is greater.
(a) Type of development.
   (1) Residential development of 40 acres or more- a minimum of 10% of the land developed in any residential area of a PUD shall be reserved for common open space.
   (2) Residential development of less than 40 acres- less than 10% of open space may be considered, based on the parcel's potential to meet the intent.
1145.08 DISPOSITION OF OPEN SPACE.

The common open space land shall be defined by legal instruments setting forth the ownership and perpetual maintenance of the required open space by the developer, home owner's association, condominium association or similar entity. Common open space for parks, recreation and related uses may, at the discretion of the Planning Commission, be dedicated to the City. All land dedicated to the City must meet the requirements as to size, shape and location as determined by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Development Plan.

(Ord. 17-10. Passed 5-27-10.)

1145.09 PROCEDURE FOR APPROVAL OF A PUD.

The review of a PUD shall proceed sequentially through steps a-d:

(a) Pre-application meeting required
   (1) The applicant shall provide an overview of the development and the advantages of developing the land as a PUD.

(b) Sketch Plan and information required in Section 1145.11.
   (1) Public notification- Section 1145.12.

(c) Development Plan - Section 1145.14 through 1145.16 and

(d) Action by City Council- Section 1145.18 and 1145.19.

Additional processes that shall occur after PUD Development Plan approval include:

(a) Preliminary and Final Plats per Section 1105. (if applicable)

(b) Design Review per Section 1144.

(Ord. 17-10. Passed 5-27-10.)

1145.10 PREAPPLICATION MEETING REQUIRED.

The applicant shall meet with the Director of Administration and/or his/her designated representative(s) prior to submitting the PUD sketch plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with existing plans (i.e. comprehensive plan, thoroughfare plan, etc.) the capital improvements program, the zoning regulations, the drainage, sewerage and water systems for the City and to become acquainted with the Planning Commission's requirements. At this meeting the applicant and the Director of Administration or his/her designated representative(s) shall discuss details regarding proposed streets, parks, playgrounds, school sites and other planned developments. The schedule of fees, as set forth in Chapter 1100 will also be discussed. (Ord. 23-12. Passed 2-23-12.)
1145.11 PUD SKETCH PLAN.
Applications for review by the Planning Commission for PUD Sketch Plan:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;
(c) Shall be submitted by the application deadline as established by the City;
(d) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
(Ord. 39-14. Passed 5-22-14.)

1145.12 FILING OF THE SKETCH PLAN.
The sketch plan shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. A filing fee shall be collected as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete the application and fee shall be returned to the applicant with an itemization of deficiencies.
(Ord. 17-10. Passed 5-27-10.)

1145.13 PUBLIC NOTIFICATION.
(a) At least 10 calendar days before the regularly scheduled Planning Commission meeting regarding the Sketch Plan, the City Staff shall mail notifications to the adjacent property owners by mail of the proposed development. The notification shall include:
   (1) The general concept of the proposed development.
   (2) The location of the proposed development.
   (3) The date, time and location of the Planning Commission meeting.
   (4) A statement that this is early in the development process and citizen input is encouraged.

Notice of the meeting shall also be given in one or more newspapers of general circulation in the City at least seven days before the date of the meeting. The notice shall include the information set forth in (1) through (4) above.
(Ord. 17-10. Passed 5-27-10.)

1145.14 PLANNING COMMISSION REVIEW OF SKETCH PLAN.
(a) The Planning Commission shall review the sketch plan and:
   (1) Approve the sketch plan in principle, or
   (2) Approve in principle with modifications, or
   (3) Table the sketch plan allowing the developer an opportunity to return to the next regularly scheduled meeting or at a future regular meeting as requested by the developer, with a revised plan; or
   (4) Reject the sketch plan.
(Ord. 17-10. Passed 5-27-10.)
1145.15 DEVELOPMENT PLAN REQUIRED.

(a) After approval in principle of the Sketch Plan, an application for approval of the Development Plan shall be submitted to the City.

(b) Applications for review by the Planning Commission for Development Plan:
   (1) Shall be filed with the City on forms provided by the City;
   (2) Shall be submitted by the application deadline as established by the City;
   (3) Shall include all required supplemental information;
   (4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(c) Sections 1137.09 through 1137.35 and 1144.09 through 1144.11 can be used as a guide to these requirements. (Ord. 40-14. Passed 5-22-14.)

1145.16 FILING OF DEVELOPMENT PLAN.

(a) The development plan shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete the application and fee shall be returned to the applicant with an itemization of deficiencies.

(b) Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall place the Development Plan submittal on the next appropriate Planning Commission agenda. (Ord. 17-10. Passed 5-27-10.)

1145.17 DEVELOPMENT PLAN APPROVAL.

Within 60 days after accepted or within such further time frame as the applying party may agree to, the Planning Commission shall recommend that the Development Plan be approved as presented, approved with supplementary conditions, or disapproved. If disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting. The Planning Commission shall then transmit the recommendation to City Council. (Ord. 17-10. Passed 5-27-10.)

1145.18 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION.

(a) Before making its recommendation as required in Section 1145.16, the Planning Commission shall find that the information submitted with the application establishes that:
   (1) The development is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained and the uses proposed will not be detrimental to present and potential surrounding uses;
   (2) The streets and thoroughfares proposed and affected are suitable and adequate to carry anticipated traffic for the development and any adjacent developments that will connect to the PUD.
(3) Undeveloped adjacent areas can be planned and zoned in coordination and substantial compatibility with the proposed development and the development will be reasonably compatible with adjacent developments.

(4) The planned unit development is in conformance with any and all City plans;

(5) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

(6) The written presentation submitted with the Sketch Plan, and any necessary revisions, is suitable and adequate.

(7) The proposed development meets the objectives set forth in Section 1145.01.

(Ord. 17-10. Passed 5-27-10.)

1145.19 ACTION BY COUNCIL.
The number of copies of the Development Plan as determined by the Council Clerk shall be provided by the applicant for submission to City Council along with the recommendation of the Planning Commission. The applicant must also meet the requirements of Section 1131.08 through 1131.12. (Ord. 17-10. Passed 5-27-10.)

1145.20 SUPPLEMENTARY CONDITIONS.
In approving any PUD, Council may require additional conditions. Violation of such conditions, when made a part of the terms under which the PUD is approved, shall be deemed a violation of the City Zoning Ordinance. (Ord. 17-10. Passed 5-27-10.)

1145.21 VARIATION FROM THE APPROVED DEVELOPMENT PLAN.
All variations from the approved Preliminary Development Plan that relate to any of the criteria set forth in Section 1145.14, and including all use changes and all changes to development standards shall require the applicant amend the development plan (See Section 1145.03). (Ord. 17-10. Passed 5-27-10.)
CHAPTER 1147
Mobile Home Parks

1147.01 Intent.
1147.02 Approval procedures.
1147.03 General standards for mobile home parks.
1147.04 Incidental uses permitted.
1147.05 Mobile home park requirements.
1147.06 Minimum floor area.
1147.07 Travel trailer.

1147.01 INTENT.
It is the intent of this chapter to regulate the location of, and to encourage, stabilize and protect the development of well-planned mobile home parks.
(Ord. 1005-77. Passed 12-8-77.)

1147.02 APPROVAL PROCEDURES.
Mobile Home parks shall be permitted only as a Conditional Use in the R-5 District and shall be developed according to the general standards and regulations stated and referenced in this chapter.
(Ord. 44-91. Passed 7-25-91.)

1147.03 GENERAL STANDARDS FOR MOBILE HOME PARKS.
(a) The Planning Commission and the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home park development:
   (1) 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 that such use will not change the essential character of the same area;
   (2) Will not be hazardous or detrimental to existing or future neighboring uses;
   (3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
CROSS REFERENCES
Trailer parks - see Ohio R. C. Ch. 3733
Definitions- see Ohio R. C. 4501.01(1), (K)
Tax levy on house trailers - see Ohio R. C. 4503.06 et seq.
Mobile home subdivisions - see P. & Z. Ch. 1111
Mobile home dwelling defined- see P. & Z. 1123.0l(b)(35)
(4) Will be consistent with the intent and purpose of this Zoning Ordinance and the comprehensive plan;
(5) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
(6) Will not result in the destruction, loss or damage of natural features of major importance;
(7) Minimum mobile home park shall not be less than five acres;
(8) Every mobile home must have skirting installed within ninety days after mobile home is placed on lot. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for skirting.

(Ord. 1005-77. Passed 12-8-77.)

1147.04 INCIDENTAL USES PERMITTED.
Uses incidental to the operation of a mobile home park are also permitted within the park. The uses include but are not limited to sales and service of new and used mobile homes and trailers and sales of parts. Intended incidental uses should be included in the proposal to the Board of Zoning Appeals when conditional use permits are requested to begin operation or expansion of a mobile home park.
(Ord. 1005-77. Passed 12-8-77.)

1147.05 MOBILE HOME PARK REQUIREMENTS.
Mobile home parks shall meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of Ohio R.C. 3733.02.
(Ord. 1005-77. Passed 12-8-77.)

1147.06 MINIMUM FLOOR AREA.
Individual mobile homes located within a park shall have, using accepted industry standards, a minimum area of 600 square feet, except that within a mobile home park having ten or more individual lots occupied by mobile homes, up to ten percent of the lots may be occupied by mobile homes of less than 600 square feet. However, in no event shall the area of any mobile home be less than 400 square feet. However, a mobile home park existing at the time of the passage of this Zoning Ordinance may locate individual mobile homes of 400 square feet or more upon existing developed areas. The requirements of the first sentence of this section shall apply to all new mobile home parks and newly developed areas of existing mobile home parks.
(Ord. 1005-77. Passed 12-8-77.)

1147.07 TRAVEL TRAILER.
A travel trailer of any size may be kept in a mobile home park for not more than thirty days out of any one year. Such use on a lot shall be counted in determining the ten percent occupancy above provided for newly developed areas.
(Ord. 1005-77. Passed 12-8-77.)
CHAPTER 1149
Family Care and Group Homes

1149.01 General.
(a) A family care home is allowed as a Permitted Use in districts R-4, and R-5 and is allowed as a Conditional Use in R-1, R-2, and R-3, but only after having complied with the approval of procedures relating to Conditional Uses specified in this Zoning Ordinance and the following conditions.

(b) Group Homes are allowed as a Conditional Use in R-3, R-4, and R-5 Districts, but only after having complied with the approval of procedures relating to Conditional Uses specified in this Zoning Ordinance and the following conditions.
(Ord. 36-97. Passed 6-26-97.)

1149.02 Definitions.
(a) "Family care home" means a home licensed by the State which provides residential services and supervision for eight or fewer individuals who need not be related to the resident houseparents or supervisors, and who are developmentally disabled, mentally retarded, mentally ill, aged, handicapped or children in need of adult supervision.

(b) "Group home" means a home licensed by the State which provides residential services and supervision for more than eight but not more than sixteen individuals who need not be related to the resident houseparents or supervisors, and who are developmentally disabled, mentally retarded, mentally ill, aged, handicapped or children in need of adult supervision.
(Ord. 36-97. Passed 6-26-97.)

1149.03 Building, fire, health and safety standards.
Family care homes and group homes shall not maintain lower than the minimum building, fire, health and safety standards set by State and local laws and regulations applicable to such a home. No family care home or group home shall be occupied until a certificate of occupancy has been obtained from the Zoning Inspector. (Ord. 36-97. Passed 6-26-97.)
1149.04 LICENSING.
A family care home or group home shall not be permitted to be constructed or operated until the agency, organization or institution supervising such a home satisfies the Board of Zoning Appeals that the home and its operation comply or will, within a reasonable time, comply with all licensing requirements of the appropriate State agency. (Ord. 36-97. Passed 6-26-97.)

1149.05 DISPERSAL.
(a) Statement of Intent. In order to prevent the creation of a defacto social service district and to avoid impacting either a residential block or a neighborhood, the Board of Zoning Appeals shall exercise care in considering a request to establish a family care home which would increase the number of persons living in family care homes (and group homes in a multi-family district) on a block beyond sixteen persons (or beyond approximately one percent of the total number of persons, according to the most recent census figures, living within one-half mile of the applicant home). These provisions are intended to assure that family care homes or group homes do not exceed the limit capacity of a neighborhood's existing social structures to accommodate them. These provisions are also intended to avoid an over-concentration of family care homes and group homes which may inadvertently recreate an institutional setting, and thus impede successful functioning of such homes.

(b) Limitation of Homes on a Block. No more than one family care home or group home shall be permitted on the same block in a single-family district.

(c) Limitation of Homes in a Neighborhood. No family care home or group home shall be permitted if it is shown that such home would increase the number of persons living in such homes beyond one percent of the total number of persons, according to the most recent census figures, living within a radius of one-half mile of the applicant home. (Ord. 36-97. Passed 6-26-97.)
CHAPTER 1150
Alternative Energy

1150.01 Purpose.
To establish regulations for alternative energy in order to preserve and protect public health and safety and to permit residents and businesses of the City of Marysville to take advantage of alternative energy while maintaining the integrity of the Marysville Comprehensive Plan.
(Ord. 30-11. Passed 8-25-11.)

1150.02 Definitions.
(a) "Anemometer" is an instrument that measures the force and direction of the wind.

(b) "Clear Fall Zone" means an area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine shall fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.

(c) "Ground mounted" means an alternative energy project which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

(d) "Cowling" means a streamlined removable cover that encloses the turbine's nacelle.

(e) "Megawatt" means a unit of power equal to one million watts.

(f) "Monopole tower" means a tower constructed of a single, self supporting metal tube, anchored to a foundation.
(g) "Nacelle" sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

(h) "Owner" means any of the following:
(1) "Equipment owner" means the person or entity that owns an alternative energy project.
(2) "Participating owner" means the owner of the property on which an alternative energy project is built.
(3) "Non-participating landowner" means an owner of property on which an alternative energy project is not being built.

(i) "Roof/building mounted" means an alternative energy project which is attached to a building or roof.

(j) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.

(k) "Small wind energy project" means a wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. Small wind energy projects shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (V AWTs), and Blade Tip Power System (BTPSs) as shown in Figure 1.

(l) "Solar energy system" is a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

(m) "Total height" means any of the following:
(1) Means for a horizontal and vertical axis turbine; the vertical distance from ground level to the tip of the wind generator blade when the tip is at its highest point.
(2) Means for a blade tip power system; the vertical distance from ground level to the highest point of the turbine structure.

(n) "Wind energy project" mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Ohio R. C. 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the project.

(o) "Wind generator" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

(p) "Zoning Inspector" means the City of Marysville Zoning Inspector.

(Ord. 59-13. Passed 12-19-13.)
1150.03 SMALL WIND ENERGY PROJECTS.
Wind Energy Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a small wind project less than 5MW shall be a permitted use if the regulations in Sections 1150.04 - 1150.06 are met. (Ord. 30-11. Passed 8-25-11.)

1150.04 STANDARDS - SMALL WIND ENERGY PROJECT.
(a) Small Wind Energy Projects are permitted in all zoning districts.

(b) **Setbacks:**
(1) **Ground mounted.**
   A. A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility.
   B. A distance equal to 1.1 times its total height from all adjacent property lines.
   C. A distance equal to 1.1 times its total height from all road right-of-way lines.
   D. The owner shall provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone", along with the manufacturer's recommendations of such a zone must be attached to the engineering report submitted as part of the application.
   E. May be placed in the side and rear yards, but shall not be placed closer to the street than the front of the principal structure.
(2) **Roof or building mounted.**
   A. Total height of the wind energy project plus 10 feet.
   B. Shall be located on the rear half of the principal structure.

(c) **Maximum Height:**
   (1) **Ground mounted.**
      A. AR, ER, SR, R-1, R-2, R-3, R-4, R-5 OR, BR, B-1, B-3, NC and HMD: 50 feet
      B. SD-1, TOC and GOV: 90 feet
      C. M-1 and M-2: 150 feet
   (2) **Roof or building mounted.**
      A. Maximum permitted height of the principal building, plus 15 feet.

(d) **Location.** Small wind energy projects shall not be located or co-located on existing and/or future public and private utility structures including but not limited to cell towers, radio antennas, television antennas.

(e) **Design.** Small wind energy projects shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting safety requirements. Towers and poles shall be monopole in design. Turbines, towers and poles shall be black, white, off-white or unpainted metal, unless colors are required by federal regulations.

(f) **Lighting.** Small wind energy projects shall not be illuminated except if required by the Federal Aviation Administration, Ohio Department of Transportation or other applicable authorities. The City Zoning Inspector may, however, approve lighting in other instances if it is determined that the proposed lighting will enhance the appearance of the small wind energy project and will not result in nuisances or hazards on nearby properties or streets. If lighting is required, a design that minimizes disturbances to nearby properties shall be utilized.

(g) **Signs.** No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.

(h) **Signal Interference.** The owner of a small wind energy project must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwaves, radios, telephones, or television signals.

(i) **Decibel Levels.** Decibel levels shall not exceed those provided by the manufacturer.

(j) **Wiring and Electrical Apparatuses.** All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground, within the monopole or within the principal building and meet all applicable local, state and federal codes including the County Building Regulations and the Residential Building Code of Ohio.

(k) **Utility Interconnection.** A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

(Ord. 30-11. Passed 8-25-11.)
1150.05 PERMIT REQUIREMENTS - SMALL WIND ENERGY PROJECTS.

(a) A zoning permit shall be required before construction can commence on an individual small wind energy project. The application for zoning permit:

(1) Shall be filed with the City on forms provided by the City;
(2) Shall include all required supplemental information;
(3) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application;
(4) Shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within eighteen (18) months.

(b) As part of the permit process, the applicant shall inquire with the County and the City as to whether or not additional height restrictions are applicable due to the unit's location in relationship to the Union County Airport. (Ord. 41-14. Passed 5-22-14.)

1150.06 MAINTENANCE - SMALL ENERGY PROJECTS.

(a) Wind energy projects shall be maintained in good working order. A complete inspection of the system shall occur every two years at the cost of the owner. Inspections shall occur no later than September 30th of the required inspection calendar year and a copy of the inspection report shall be submitted to the City by no later than October 31st of said inspection calendar year.

(b) The owner shall within 30 days of permanently ceasing operation of a small wind energy project, provide written notice of abandonment to the Zoning Inspector.

(c) A small wind energy project that is unused or out-of-service for a continuous 6 month period shall be deemed to have been abandoned. The Zoning Inspector may issue a Notice of Abandonment to the owner of the wind project that the project has been deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Inspector's Notice of Abandonment within 30 days from the Notice date. The Zoning Inspector shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the wind project has not been abandoned.

(d) If the small wind energy project is determined to be abandoned or the Zoning Inspector receives a Notice of Abandonment from the equipment owner, the small wind project shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/ or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade if ground mounted. If the owner fails to remove a small wind energy project, the City may cause the removal of the structures at the expense of the permit holder or other responsible party.

(Ord. 30-11. Passed 8-25-11.)
1150.07 STANDARDS - SOLAR ENERGY SYSTEM.

(a) Permitted in all zoning districts.

(b) System shall be ground, roof or wall mounted. Only one type of mounting shall be permitted per lot.

(c) It is encouraged that the energy generated by a solar energy system is supplemental to the primary source.

(d) Location and/or setbacks.
   (1) Ground mounted.
      A. Shall be located in the side or rear yard only and in accordance with the setbacks established for all accessory uses. In no instance shall the system be placed any closer to the street than the front of the main building on any lot.
      B. Any portion of the structure shall not exceed a maximum of 6 feet in height.
   (2) Roof mounted.
      A. Shall be installed on the plane of the roof (flush mounted) or made part of the roof design and shall not extend above the ridgeline of the roof or extend beyond the existing roof width. In no instance shall the system extend greater than 18 inches from the roofs surface.
   (3) Wall mounted.
      A. Shall be installed on the plane of the wall (flush mounted) or made part of the wall design. In no instance shall the system extend greater than 18 inches from the walls surface.

(e) Design.
   (1) Ground mounted.
      A. All conduits, plumbing lines and related appurtenances shall be located underground.
      B. Excluding maximum lot coverage requirements per Section 1137, systems shall not cover more than 10% of the total lot area.
   (2) Roof mounted.
      A. All exposed conduits, plumbing lines and related appurtenances shall be painted a color that closely matches the roof materials.
      B. May be placed on the main building and/or accessory building.
   (3) Wall mounted.
      A. All exposed conduits, plumbing lines and related appurtenances shall be painted a color that closely matches the walls material.
      B. May be placed on the main building and/or accessory building.
      C. Shall not be visible from any street right-of-way.

(f) System shall comply with all applicable building, plumbing and electrical codes.

(g) System shall be placed so that the concentrated solar radiation or glare shall not be directed onto other properties, roadways or airstrips in the vicinity.
(h) No signs, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a solar energy system. Maximum allowable signage to be determined by the Zoning Inspector.

(i) Systems shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting all safety requirements.
(Ord. 60-13. Passed 12-19-13.)

1150.08 PERMIT REQUIREMENTS - SOLAR ENERGY SYSTEM.
A zoning permit shall be required before the installation of solar energy system. The application for zoning permit:
(a) Shall be filed with the City on forms provided by the City;
(b) Shall include all required supplemental information;
(c) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application;
(d) Shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within eighteen (18) months. (Ord. 42-14. Passed 5-22-14.)

1150.09 MAINTENANCE - SOLAR ENERGY SYSTEM.
(a) A solar energy system that is unused or out-of-service for a contiguous 6 month period shall be deemed to have been abandoned. The Zoning Inspector may issue a Notice of Abandonment to the owner of the system that the system has been deemed to have been abandoned. The system owner shall have the right to respond to the Zoning Inspector’s Notice of Abandonment within 30 days from the Notice date. The Zoning Inspector shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates the system has not been abandoned.

(b) If the solar energy system is determined to have been abandoned or the Zoning Inspector receives a Notice of Abandonment from the system owner, the system shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. “Reclamation” induces the removal of all equipment and apparatuses, supports and/or other hardware associated with the existing system, including removal of the above mentioned items to a depth of three (3) feet below grade if ground mounted. If the owner fails to remove a system, the City may cause the removal of the structures at the expense of the permit holder or other responsible party.
(Ord. 60-13. Passed 12-19-13.)

1150.10 EXEMPTIONS.
Systems used exclusively for traffic control signals or devices are exempt from Sections 1150.07-1150.09. (Ord. 60-13. Passed 12-19-13.)
TYPES OF LOTS

- Corner Lot
- Interior Lot
- Through Lot
- Reversed Frontage Lot
- Reversed Corner Lot

LOT LINE
PLANTING STRIP
CURB
CHAPTER 1123
DEFINITIONS

The following illustrations clarify and explain selected definitions from Chapter 1123.

LOT TERMS

LOT AREA = TOTAL HORIZONTAL AREA
LOT COVERAGE = PER CENT OF LOT OCCUPIED BY BUILDING
ROOF TYPES AND BUILDING HEIGHT

H = HEIGHT OF BUILDING

END VIEW  GABLE ROOF  SIDE VIEW

END VIEW  HIP ROOF  SIDE VIEW

END VIEW  GAMBREL ROOF  SIDE VIEW

END VIEW  MANSARD ROOF  SIDE VIEW
BASEMENT & STORY

FLOOD PLAIN TERMS
CLASSIFICATION OF THE THOROUGHFARE SYSTEM
MOBILE HOME PARK
A Representative Design
PLANNED UNIT DEVELOPMENT
A Representative Design
OFF-STREET PARKING AND LOADING FACILITIES

Example and dimensional table for off-street parking design requirements.

OFF-STREET PARKING

OFF-STREET PARKING DIMENSIONAL TABLE

<table>
<thead>
<tr>
<th></th>
<th>45°</th>
<th>60°</th>
<th>90°</th>
<th>Parallel</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Width of Parking Space</td>
<td>12'</td>
<td>10'</td>
<td>9'</td>
</tr>
<tr>
<td>B</td>
<td>Length of Parking Space</td>
<td>19'</td>
<td>19'</td>
<td>19'</td>
</tr>
<tr>
<td>C</td>
<td>Width of Driveway Aisle</td>
<td>13'</td>
<td>17'6&quot;</td>
<td>25'</td>
</tr>
<tr>
<td>D</td>
<td>Width of Access Driveway</td>
<td>17'</td>
<td>14'</td>
<td>14'</td>
</tr>
</tbody>
</table>