

CITY OF TIFFIN

ZONING CODE

effective September 4, 2002

TIFFIN ZONING CODE UPDATE

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TITLE THREE

ZONING ADMINISTRATION

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 - Chap. 1142. General Applicability.
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 - Chap. 1145. Enforcement; Permits and Fees; Penalty.
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CHAPTER 1141

GENERAL PROVISIONS

1141.01 TITLE.

These zoning provisions as codified herein under Titles Three through Seven of Part Eleven-Planning and Zoning Code shall be known, and may be cited and referred to as the “Zoning Ordinance” or “Zoning Code.” The map that accompanies this Ordinance, is incorporated herein, and made a part hereof, shall be referred to as the “Official Zoning Map of the City of Tiffin, Ohio.”

1141.02 PURPOSE.

This Ordinance is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity, or general welfare; for the limitations and regulation of the height, bulk, and location, including percentage of lot occupancy; set-back building lines, area and dimensions of yards, courts, and other open spaces; the uses of buildings and other structures, and of the premises in such zones or districts. This Ordinance is in accordance with powers granted by the **Revised Code of the State of Ohio (ORC), Section 713.06.**

1141.03 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS.

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare. When the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations or Ordinances, the most restrictive or those imposing the higher standards, shall govern.

1141.04 SEPARABILITY.

Should any section of this Ordinance be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Ordinance as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid.

1141.05 REPEAL OF CONFLICTING ORDINANCES.

All ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1141.06 EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided in **ORC 713.06**.

1141.07 AREA OF JURISDICTION.

The provisions of this Ordinance apply to all incorporated areas zoned by the City of Tiffin, Ohio.

CHAPTER 1142 GENERAL APPLICABILITY

1142.01 GENERAL APPLICABILITY OF ZONING ORDINANCE. Except as may be hereinafter specifically provided:

- (a) No building, or part thereof, shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used or occupied, except for a use permitted in the district in which the building and/or land is located.
- (b) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established, for the district in which such building is located.
- (c) No building shall be erected, converted, enlarged, reconstructed or structurally altered and no land shall be used except in conformity with the yard and lot area regulations of the district in which the building is located.
- (d) No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area or other space which is already less than the required minimum, shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.
- (e) No building shall be erected or structurally altered except in conformity with the off-street parking and loading regulations of the district in which the building is located.
- (f) Unless otherwise specifically allowed, the minimum yards, parking spaces, and open spaces including lot area per family, required by this Zoning Code for each building existing at the time of passage of this Zoning Code (December 21, 1965) or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building.
- (g) Unless otherwise specifically allowed, every building hereafter erected or structurally altered shall be located on a lot as defined in **Chapter 1143**. No more than one (1) principal building or structure may be constructed upon any one lot (1) for the purposes of this Ordinance, except as specifically provided in **Chapter 1181**. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of **Chapter 1187** of this Ordinance.
- (h) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition, any structure or part thereof declared unsafe by a proper authority.

CHAPTER 1143

DEFINITIONS

1143.01 INTERPRETATION OF TERMS.

For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

- (a) The word “person” or “applicant” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
 - (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - (c) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - (d) The words “used” or occupied” include the words “intended, designed or arranged to be used or occupied.”
 - (e) The word “lot” includes the words “plot” or “parcel.”
 - (f) The word “building” includes the word “structure”
1. **Accessory Building or Use:** A subordinate building or use located on the same lot as the principal building or use, which is naturally and normally incidental to that principal building or use. An accessory use is one which is naturally and normally incidental to the main use of the premises. (Ord. 2305. Passed 12-21-65.)
 2. **Adult Entertainment Business:** An adult bookstore, adult cabaret, adult motion picture theater, adult motion picture drive-in theater, or any adult-only entertainment establishment as defined by this Ordinance.
 - a. **Adult Bookstore:** An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representation that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or other instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - b. **Adult Cabaret:** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion

of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- c. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
 - d. **Adult Motion Picture Drive-In Theater:** An open air drive-in theater which is regularly used or utilizes a substantial portion of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined by this Ordinance.
 - e. **Adult-Only Entertainment Establishment:** An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material as defined in this Chapter; or which features exhibitions, dance routines, or gyrational choreography; or persons totally nude, topless, bottomless; or strippers (male or female), female impersonators; or similar entertainment or services which constitute adult material.
3. **Adult Day Care Facilities:** A facility where adults that are not normally capable of taking care of themselves are taken care of on an hourly or daily basis by qualified persons other than the primary care giver, without providing any overnight accommodations or routine medical service other than emergency service or administering of medication. The facility is characterized by the fact that the adults do not leave or are not capable of leaving the facility without assistance from a care giver.
4. **Adult Family Home (ORC 3722.11):** A residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults
5. **Adult Group Home (ORC 3722.01):** A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of three unrelated individuals. Typically, elderly persons occupy adult group homes.
6. **Agriculture:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities
7. **Alley:** See *Thoroughfare*.
8. **Amusement Arcade:** A place of business within a building or outdoor structure or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use,

or play of any table game or device commonly used as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, card or token of value by payment of a fee.

9. **Announcement Sign:** A sign with permanent or changeable wording directing attention to the use or event of a public or quasi-public institution and located upon the premises of the institution.
10. **Apartment:** A room or suite of rooms intended, designed, or used as a residence by an individual single family. (Ord. 2305. Passed 12-21-65.)
11. **Appeal:** A request for a review of the Zoning Administrator's interpretation of any provision of this chapter or a request for a variance.
12. **Awning:** A roof-like cover supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.
13. **Banner:** A sign written on a large strip of cloth, paper or other material, usually fastened between two fixed points, and referring to a specific event.
14. **Basement:** A story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.
15. **Bed and Breakfast:** A dwelling wherein lodging and/or food is provided by a resident family primarily for transient guests as distinguished from a boarding house, hotel, or motel.
16. **Boarding House:** A building other than a hotel or motel, where, for compensation by the week or month, meals or lodging and meals are provided for five (5) or more persons but not more than twenty (20) persons.
17. **Building:** Any structure having a roof supported by columns or walls for the support, enclosure, shelter, or protection of persons, animals or property of any kind.
18. **Building, Height:** The vertical distance measured from the average elevation of the 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 height between eaves and ridge for gable, hip, and gambrel roofs.
19. **Building Line:** See *Setback Line*.
20. **Building, Principal:** For any given lot or property, the building in which the principal use of the lot is conducted.
21. **Business Sign:** A sign which directs attention to the name of the business or establishment, the goods or commodities sold or manufactured, and/or services rendered on the premises on which the sign is located.

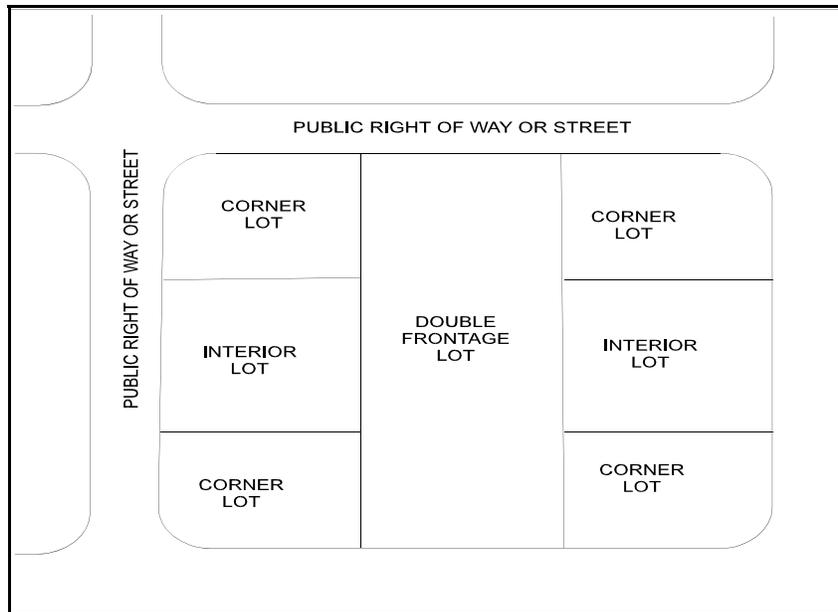
22. **Canopy:** A roof-like cover extending from part or all of a building face and constructed of some durable material such as metal, glass, plastic or wood.
23. **Cellar:** That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.
24. **Church or Place of Religious Worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious service of any denomination are held.
25. **Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
26. **Club:** A building or portion thereof, or premises owned or operated by a corporation, association, or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
27. **Conditional Use:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
28. **Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
29. **Convenience Stores:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
30. **Cooperative Apartment:** Dwelling units within a multiple dwelling or two-family dwelling in which each owner has an interest in the entire complex and a lease of his own apartment, though he does not own his apartment as in the case of a condominium. Cooperative apartment dwellings shall conform to the general laws of the State.
31. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
32. **Dish Antenna, Satellite:** Any antenna or receiver earth station designed, constructed, or modified to bring on or receive satellite signals excluding such antennas less than twenty inches (20") in diameter or equivalent area.
33. **District (also called Zone):** A portion of the city within which certain uses of land, premises, and buildings are regulated and within which certain yards and open spaces are required and certain height limits are established for buildings. .

34. **Dwelling:** A building designed or used as the living quarters for one (1) or more families. “Dwelling,” “single-family dwelling,” “two-family dwelling,” or “multiple-family dwelling” shall not be deemed to include motel, hotel, or rooming house. A dwelling may include an industrialized unit (as defined herein) and a manufactured home (as defined herein) provided it meets all of the following requirements:
- a. The manufactured home is affixed to a permanent foundation and connected to appropriate utilities.
 - b. The manufactured home, excluding any addition, has a width of at least twenty-two feet (22 ft.) at one point, a length of at least twenty-two feet (22 ft.) at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least nine hundred square feet (900 sq. ft.) or equal to or greater than any minimum dwelling size applicable within an applicable zoning district.
 - c. The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch (6 in.) minimum eave overhang, including appropriate guttering.
 - d. The manufactured home was manufactured after January 1, 1995.
 - e. The manufactured home is not located in a manufactured home park as defined herein.
35. **Dwelling, Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or 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. An industrialized unit does not include a manufactured home or mobile home as defined herein.
36. **Dwelling, Multiple-Family:** A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units designed for or occupied exclusively by three or more families.
37. **Dwelling, Single-Family (attached):** One of two residential buildings having a common or party wall separating dwelling units.
38. **Dwelling, Single-Family (detached):** A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot designed for or occupied exclusively by one family.
39. **Dwelling, Two-Family:** A residential building designed for or occupied exclusively by two families.

40. **Engineering Department:** The Engineering Department of the City of Tiffin, its chief enforcement official, and his/her authorized employees.
41. **Face of Sign:** Any side of a sign in a plane different from all other sides.
42. **Family:** An individual, or a group of persons living together in a dwelling unit as a bona fide single housekeeping, excepting three or more individuals who are not related by blood, marriage, or adoption.
43. **Floor Area:** The sum of total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches (6' 6") or more; penthouses, attic space, whether or not a floor has actually been laid; providing structural headroom of six feet, six inches (6'6") or more; interior balconies; and mezzanines.
44. **Freestanding Sign:** A sign which is not attached to a building.
45. **Frontage:** The frontage is the lot line abutting a right-of-way ordinarily regarded as the front of the lot.
46. **Garage, Private:** An accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles that are owned and used by the occupants of the building with no facilities for mechanical service or repair of a commercial or public nature.
47. **Garage, Public:** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
48. **Home Occupation:** An occupation, profession, activity, or use that is clearly and entirely incidental and secondary to the use of a residential dwelling, which does not alter the exterior of the property or affect the residential character of the neighborhood.
49. **Hotel:** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
50. **Identification Sign:** A sign which is limited to the name, address, and number of a building and the institution or persons occupying the building.
51. **Institution:** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
52. **Laundromat:** An establishment providing washing, drying or ironing machines for hire to be used by customers on the premises.
53. **Loading Space:** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having minimum dimensions of twelve

feet by thirty—five feet and a vertical clearance of at least fourteen feet.

54. **Lot:** A parcel of land occupied or intended to be occupied by one (1) or more dwellings in a residential district, or a permitted building or use in a commercial or industrial district, intended as a unit for transfer of ownership, together with accessory buildings and uses customarily incident thereto. A lot includes open spaces and minimum area provisions as are required by this Ordinance for the district in which the lot is situated. Occupancy by a use permitted in this Zoning Code, including one main building together with its accessory buildings, the open spaces and parking spaces required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved place.
55. **Lot Coverage:** 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.
56. **Lot Measurements:** Lot measurements are defined as follows:
- a. **Lot Depth:** The average horizontal distance between the front and rear lot lines.
 - b. **Lot Width:** The distance between the lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
 - c. **Lot, Minimum Area of:** The area of a lot exclusive of any portion of the right-of-way of any public or private street.
 - d. **Lot of Record:** A lot which is part of a subdivision recorded in the office of the Seneca County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.
57. **Lot Types:** Terminology used in this Ordinance with reference to corner lots, interior lots, and through lots is as follows (*Also see **Figure A in Appendix***):
- a. **Double Frontage Lot:** A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.
 - b. **Corner Lot:** A lot located at the intersection of two (2) 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 point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135).
 - c. **Interior Lot:** A lot with only one (1) frontage on a street.
 - d. **Through Lot:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double-frontage lots.
 - e. **Reversed Frontage:** 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.



58. **Manufactured Home Park:** Any tract of land upon which two (2) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.
59. **Manufactured Home:** A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.
60. **Marquee:** See *Canopy*.
61. **Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit as defined by SB 142.
62. **Motel:** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit

or a motor lodge are also deemed a motel.

63. **New Construction:** Structures for which the “start of construction” commenced on or after the effective date of this chapter.
64. **Nonconforming Use:** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
65. **Nursing Home:** A home or facility used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled care services.
66. **Open Space:** 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, and other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, and buildings are not included as open space.
67. **Parking Lot:** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.
68. **Parking Space, Off-Street:** A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
69. **Place:** An open unoccupied space for a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
70. **Real Estate Sign:** A sign directing attention to the promotion, development, rental, sale or lease of the land or buildings on which the sign is located.
71. **Recreational Facilities:** Commercial or noncommercial facilities that offer non-passive recreational services to a group of people or the general public. Included in this definition are outdoor recreational facilities, such as golf courses, driving ranges, gaming clubs, riding clubs, tennis courts, and swimming pools; and indoor recreational facilities in which all activities are conducted indoors. This definition could also include a combination of indoor and outdoor recreational services.
72. **Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.
73. **Restaurant, Drive-In/Drive-Through:** A retail establishment that delivers prepared food and/or beverages to customers in motor vehicles or at a drive-through window; regardless of whether or not it also serves prepared food and/or beverages to customers who are not

in motor vehicles; for consumption either on or off the premises.

74. **Right-of-Way:** A strip of land dedicated for use as a public way and may include but is not limited to curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. Usually includes streets, alleys, boulevards, and sidewalks. Legally defined on plat maps in the County Recorder's Office.
75. **Roof Sign:** Any sign erected, constructed and maintained upon or over the roof or parapet wall of any building, and having its principal support on the roof or walls of the building.
76. **Rooming House:** A building that is the primary residence of the owner and in which rooms are provided by the owner for compensation to three or more adult persons not related by blood, marriage, or adoption to the owner.
77. **Safety Sign:** A sign alerting the public to certain hazards.
78. **Satellite Dish:** See **Dish Antenna, Satellite**
79. **Scrap:** Materials intended for recycling, dilapidated metal, paper, building materials and equipment, bottles, glass, plastic, appliances, motor vehicles, and parts thereof.
80. **Scrap Shops, Scrap Yards:** Any land, property, structure, building, or combination of the same, on which scrap is stored or processed.
81. **Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also called Gas Station.
82. **Setback Line:** 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 buildings, or structure may be located above ground, except as may be provided in said code.
83. **Sexual Activity:** Sexual conduct or sexual contact, or both, as defined in 2907.01 ORC.
84. **Sexual Contact:** Any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttocks, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
85. **Sexual Excitement:** The condition of the human male or female genitals when in a state of sexual stimulation or arousal.
86. **Sign:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located. For the purposes of this Code, the word "sign" does not include the American flag, the insignia of any government, governmental agency, or of

any charitable organization.

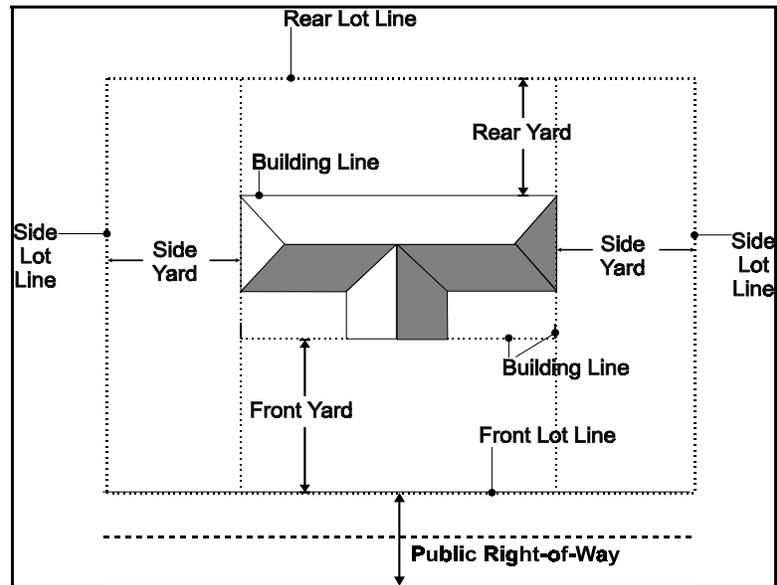
- a. **Sign, On-Premises:** Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises which such sign is located.
 - b. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
 - c. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
 - d. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
 - e. **Sign, Projecting:** Any sign which projects from the exterior of a building.
87. **Sign Area:** That surface area which is included by a line drawn to surround all elements of communication where those elements include lettering, accent color, pattern or texture areas and/or background features which are not a usual part of another structure. Unless otherwise specified, references to limitations on sign area refer to each face of a sign.
88. **Storage Lot:** A lot without a main building used for unenclosed storage of materials and equipment.
89. **Story:** That part of a building between the surface of a floor and the ceiling immediately above.
90. **Story, Half:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.
91. **Street:** A public or private thoroughfare which affords the principal means of access to abutting property. *See also Thoroughfare*
92. **Street Line:** A street line is the right-of-way line or the established property line of a street as indicated by dedication or by deed of record.
93. **Structure:** Anything constructed or erected, either permanent or portable, the use of which requires location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to buildings, manufactured homes, walls, fences, parking lots, sidewalks, and billboards.
94. **Structural Alterations:** Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, other than a change in doors or windows or a

minor alteration which affects primarily the appearance and not the life of the structure.

95. **Swimming Pool:** A pool, pond, lake, or open tank having a span of at least six feet (6') and intended for human recreational use and maintained by the owner or manager. Farm ponds and pools, ponds, or lakes developed as landscape design features where swimming is not intended and does not occur, shall be excluded.
- a. **Private Pool:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multiple-family development or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.
 - b. **Community Pool:** Operated with or without a charge for admission and is open to the general public for recreational use.
96. **Thoroughfare, Street, or Road:** The full width between property lines and binding every public way with a part thereof to be used for vehicular traffic. All thoroughfares, streets, or roads are designated as follows:
- a. **Alley:** A minor public right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
 - b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
 - c. **Collector Street:** 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:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 - e. **Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
 - f. **Local Street:** A street primarily for providing access to residential or other abutting property.
 - g. **Loop Street:** 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 one hundred eighty degree (180) system of turns are not more than one thousand feet (1,000') from said arterial or collector street, nor normally more than six hundred feet (600') from each other.
 - h. **Marginal Access Street:** 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.)

97. **Through Lot:** *See Lot Types.*
98. **Topless:** The showing of female breasts with less than a full opaque covering of any portion, thereof, below the top of the nipple.
99. **Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
100. **Variance:** 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.
101. **Window Sign:** Any sign placed inside or upon the inside of a window and intended for viewing outside the premises.
102. **Wireless Telecommunications Equipment Shelter:** A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.
103. **Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.
104. **Wireless Telecommunications Tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures.
105. **Yard:** An open space between a building or between the portion of the lot which is used for storage or servicing purposes, and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein, and measured as the minimum horizontal distance between the lot line and the main building.
- a. **Yard, Front:** A yard extending across the front of a lot between the side yard lines and measured between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- b. **Yard, Rear:** A yard extending across the rear of a lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On all lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. **Yard, Side:** A yard between the main wall of the main building and the side line of

the lot, and extending from the front lot line to the required rear yard.



106. **Zoning Code:** Ordinance 2305, passed December 21, 1965, and as amended, and codified herein as Titles Three through Seven of this Part Eleven-Planning and Zoning Code.
107. **Zero Lot-Line Development:** An arrangement of housing on adjoining lots in which one required side yard is reduced to zero.
108. **Zoning Map:** The Official Zoning Map of the City of Tiffin which is part of this Zoning Ordinance and delineate the boundaries of zoned districts.
109. **Zoning Inspector:** The person designated by the City Administrator to administer the Zoning Ordinance and issue Zoning Permits.
110. **Zoning Permit:** A document signed by the Zoning Inspector, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the City Zoning Ordinance.

CHAPTER 1145

ENFORCEMENT; PERMITS AND FEES; PENALTY

1145.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

1145.02 ZONING PERMITS.

No building or structure (including patios and decks) within the City shall hereafter be erected, moved, added to, or razed; nor shall any building, structure, or land be established or changed in use without a Zoning Permit issued by the Zoning Inspector. A Zoning Permit issued by the Zoning Inspector shall state that the proposed use for the building or land complies. Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

1145.03 CONTENTS OF APPLICATIONS FOR ZONING PERMIT.

The application for a Zoning Permit shall be made in writing and signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information and accompanied by all required fees:

- (a) Name, address, and phone number of applicant.
- (b) Existing use.
- (c) Proposed use.
- (d) Zoning district.
- (e) On all applications for new buildings, permits shall be accompanied by a drawing, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of this Zoning Code. A careful record of the original copy of such applications shall be kept in the office of the Zoning Inspector, and the duplicate copy shall be kept at the building site at all times during construction.
- (f) Building height.
- (g) Number of off-street parking spaces or loading berths and their layout.
- (h) Location and design of access drives.
- (i) Number of dwelling units.
- (j) If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted.

- (k) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Ordinance.

1145.04 APPROVAL OF ZONING PERMIT.

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. One copy of the permit 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 permit, similarly marked, shall be posted, by the applicant, in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

1145.05 EXPIRATION OF ZONING PERMIT.

If the work described in any Zoning Permit has not begun within one year from the date of issuance thereof, said permit shall expire. If the work described in any Zoning Permit has not been substantially completed with two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector. Further work, as described in the canceled permit, shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

1145.06 RECORD OF ZONING PERMITS.

A record of all permits shall be kept on file in the office of the Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

1145.07 FAILURE TO OBTAIN A ZONING PERMIT.

Failure to obtain a Zoning Permit shall be a punishable violation of this Ordinance (Refer to **Section 1145.15**).

1145.08 CONSTRUCTION AND USE AS PROVIDED IN APPLICATIONS AND PLANS.

Zoning Permits 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 thereof and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

1145.09 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, a person may file a complaint with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

1145.10 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

1145.11 STOP WORK ORDER.

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.

1145.12 ZONING PERMIT REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1145.13 NOTICE OF VIOLATION.

- (a) Whenever the Zoning Inspector or his/her agent determines that there is a violation of any provision of this Ordinance, a notice shall be issued. Such notice of violation shall include the following:
 - (1) A statement of the reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 - (2) State the time by which the violation shall be corrected.
- (b) Service of notice of violation shall be as follows:
 - (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - (2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at the last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

- (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1145.14 TICKETING PROCEDURE.

If the condition has not been corrected upon re-inspection following the issuance of a notice of violation, the person or persons responsible shall be issued a ticket by the police. Such ticket shall:

- (a) Be served by registered mail.
- (b) Be in writing.
- (c) Identify the violation.

1145.15 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) and, in addition, shall pay all costs and expenses involved in the case. 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.

1145.16 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, Law Director, or owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

1145.17 SCHEDULE OF FEES.

City Council shall by ordinance, establish a schedule of fees for Zoning Permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application,

appeal, or administrative procedures.

CHAPTER 1147 ADMINISTRATION

1147.01 PURPOSE.

This Chapter sets forth the powers and duties of the Zoning Inspector, Planning Commission, and the Zoning Board of Appeals with respect to the administration of the provisions of this Ordinance.

1147.02 GENERAL PROVISIONS.

The formulation, administration, and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within the City of Tiffin government:

- (a) Zoning Inspector.
- (b) Planning Commission.
- (c) Zoning Board of Appeals.

1147.03 ZONING INSPECTOR.

It shall be the duty of the Zoning Inspector to enforce the provisions of this Zoning Code. He or she may be provided with the assistance of such other persons as the City Administrator may direct.

- (a) Duties of the Zoning Inspector.
For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:
 - (1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions, as well as ordering in writing the discontinuance of any known condition found in violation of this Zoning Ordinance. Request the Director of Law to commence appropriate legal action when necessary.
 - (2) Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning Map.
 - (3) Issue Zoning Permits as provided by this Ordinance and keep a record of same with a notation of any special conditions involved.
 - (4) Act on all applications upon which he or she is authorized to act by the provisions of this Ordinance within thirty (30) days, or notify the applicant in writing of refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Zoning Board of Appeals.
 - (5) Conduct inspections of buildings and uses of land to determine compliance

with this Ordinance and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

- (6) Maintain in current status the Official Zoning Map which shall be kept on permanent display in the City Offices.
- (7) Maintain permanent and current records required by this Ordinance including, but not limited to, Zoning Permits, zoning certificates, and inspection documents. Records of all variances, amendments, and conditional uses shall be kept by the Zoning Inspector.
- (8) Make such records available for the use of the City Council, Planning Commission, the Zoning Board of Appeals, and the public.
- (9) Review site plans pursuant to this Ordinance.
- (10) Determine the existence of any violations of this Ordinance and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations.

1147.04 PLANNING COMMISSION.

A description of the organization and responsibilities of the Planning Commission are provided in the City of Tiffin Charter and in this Ordinance.

- (a) Appointment and Organization.
 - (1) The Planning Commission shall be composed of seven (7) voting members in accordance with Section 7.01 of the Charter of the City of Tiffin.
 - (2) The term of office shall be four (4) years and their terms shall be so arranged that the term of two (2) members shall expire every two (2) years. Any vacancy shall be filled for the remainder of the unexpired term in the manner the original appointment was made.
- (b) Proceedings of the Planning Commission.
 - (1) The Commission shall elect a Chairperson and Vice-Chairperson from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance.
 - (2) Commission meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine.
 - (3) All meetings shall be open to the public.
 - (4) The Planning Commission shall keep minutes of its proceedings showing the

vote for 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 minutes shall be public record and immediately filed in the office of the Commission.

(c) Duties of the Planning Commission.

For the purpose of this Ordinance, the Commission shall have the following duties:

- (1) Review all proposed amendments to the text of this Ordinance and the Official Zoning Map and make recommendations to the City Council.
- (2) Initiate advisable Official Zoning Map changes or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendations to the City Council.
- (3) Review all Planned Unit Development Applications and make recommendations to the City Council as provided in this Ordinance.
- (4) Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
- (5) Administer the Subdivision Regulations as set forth in Chapters 1121-1129 of Codified Ordinances.
- (6) Administer the conditional use permits in accordance with 1148.04

1147.05 ZONING BOARD OF APPEALS.

The Zoning Board of Appeals is described as a quasi-judicial body that shall hear requests for conditional uses, variances, and appeals and decide whether or not to grant the request. A description of the organization and responsibilities of the Board of Zoning Appeals is provided in the City of Tiffin Charter and in this Ordinance.

(a) Appointment and Organization.

In accordance with Section 7.03 of the Charter of the City of Tiffin, the Zoning Board of Appeals (Board) shall consist of qualified voting members

(b) Proceedings of the Zoning Board of Appeals.

- (1) The Board shall elect a Chairperson and Vice-Chairperson, adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance, and appoint a Secretary who may or may not be a member of the Board.
- (2) The Secretary shall record Board action and keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.

- (3) Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- (4) The concurring vote of three 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 over which the Board has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

(c) DUTIES OF THE ZONING BOARD OF APPEALS.

For the purpose of this Ordinance, the Board shall have the following powers and duties:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector in the enforcement of this Zoning Code.
- (2) Interpret the provisions of this Zoning Code and Official Zoning Map in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts and made a part of this Zoning Code, where the actual street layout on the ground varies from the street layout as shown on the map.
- (3) Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.
- (4) In the case of a use that is not specifically mentioned in this Ordinance, the Zoning Board of Appeals may classify the use of a similar nature to a use that is already listed in this Ordinance. The use that is approved as a similar use shall be recommended by the Planning Commission and Council for addition to the permitted uses in the zoning districts previously described in this Ordinance.
- (5) The Zoning Board of Appeals is hereby granted authority to grant permits after a public hearing, in accordance with the procedure for variations in use, for the installation, replacement, additions, or alterations for trailer occupancy. Three or more trailers shall constitute a trailer court which shall require at least two thousand square feet (2,000 s.f.) of land area for each trailer, and no trailer shall be closer than twenty feet (20') to any property line. All State and City sanitary regulations shall be complied with in each

instance.

- (6) The Zoning Board of Appeals may also permit upon appeal, the following exceptions:
 - A. The reconstruction of a nonconforming building which has been more than seventy-five percent (75%) destroyed or partially destroyed by fire or act of God, provided such reconstruction work is begun and completed within two (2) years of the occurrence of the damage or destruction.
 - B. The erection and use of a structure or the use of premises in any location for public utility or railroad purposes which the Board deems reasonable and necessary for the public convenience or welfare.
 - C. Variation of the parking and loading requirements of this Zoning Code, whenever it is clearly demonstrated that the provision of the full parking or loading facilities where such a requirement would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or a convenience.
 - D. A temporary building used in conjunction with construction work but only for a period not exceeding one (1) year unless the permit is renewed, during which the construction is in progress. Any such temporary building shall be removed on completion of the construction work.
- (7) In exercising the above-mentioned duties, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination which should be made, and to that end shall have all the powers of the Zoning Inspector. (Ord. 2305. Passed 12-21-65)
- (8) Perform such other functions and have such other powers as Council may provide.

1147.06 REMOVAL FOR MISCONDUCT AND VACANCY APPOINTMENTS.

Each member of the Zoning Board of Appeals and the Planning Commission shall serve until his or her successor is appointed and qualified. Members shall be subject to removal according to Section 11.02 of the Charter of City of Tiffin.

1147.07 DUTIES OF THE ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEALS.

- (a) It is the intent of this 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. Recourse from the decisions of the Board shall be to the courts as provided by law.

- (b) It is further the intent of this Ordinance that the duties of the City Council, in connection with this 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 Ordinance.
- (c) Under this Ordinance, the City Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated in Section 1145.17 of this Ordinance.
- (d) Interpretation of District Map.
Where the street or lot layout, actually on the ground or as recorded, differs from the street line and lot lines as shown on the Official Zoning Map, the Zoning Board of Appeals, may interpret the map in such a way as to carry out the intent and purpose of the Zoning Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Official Zoning Map may be made to the Board and a determination shall be made by the Board.
- (e) Board May Reverse or Affirm Orders.
In exercising its power, the Zoning Board of Appeals may, in conformity with the provisions of statute and the Zoning Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as ought to be made and to that end, shall have all powers of the officer from whom the appeal is taken.

CHAPTER 1148

PROCEDURES AND REQUIREMENT FOR APPEALS, VARIANCES. AND CONDITIONAL USE PERMITS

1148.01 APPEALS .

Appeals to the Zoning Board of Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved, or by any officer or bureau of the legislative authority of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within ten (10) days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds upon which the appeal is being taken as well as payment in full of any applicable fees (refer to Section 1145.17). The Zoning Inspector shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

1148.02 VARIANCES.

The Zoning Board of Appeals may authorize a variance from the terms of this Ordinance which shall not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

A variance shall not be granted unless the Board makes a specific finding based directly on the particular evidence presented to it which supports conclusions that the standards and conditions imposed by this section have been met by the applicant. No variance shall be granted which will alter the character and use of a zoning district or to correct an error of judgment in zoning laws.

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 Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district

(a) Application and Standards for Variances.

Except as otherwise permitted in this Ordinance, a variance from the terms of this Zoning Ordinance shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Zoning Board of Appeals. At a minimum, the application shall include:

- (1) Name, address, and phone number of applicant(s).
- (2) Legal description of property.
- (3) Description of nature of variance requested.
- (4) A list of all property owners and their addresses who are within 200' of the affected property, contiguous to, or directly across the street and on either side of the properties across the street, and may have interest in the variance.

- (5) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - A. 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.
 - B. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - C. That special conditions and circumstances do not result from the actions of the applicant.
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

1148.03 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Zoning Board of Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

(a) Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 1148.03, notice of such hearing shall be given by the Chairperson of the Zoning Board of Appeals in one (1) or more newspapers of general circulation in the City at least ten (10) days prior to the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

(b) Notice to Parties of Interest.

Prior to conducting the public hearing required in Section 1148.03, written notice of such hearing shall be mailed by the Chairperson of the Zoning Board of Appeals by first class mail at least ten (10) days before the day of the hearing to property owners of adjoining parcels or parcels within two hundred feet (200') of affected property. The notice shall contain the same information as required of notices published in newspapers, as specified in Section 1148.03(a). The ten (10) day notice provisions of (a) and (b) may be waived by the applicant filing a waiver of notice from all the owners within 200' of affected property.

(c) Action by the Zoning Board of Appeals.

- (1) Within thirty (30) days after the public hearing required in Section 1148.03, the Zoning Board of Appeals shall either approve, approve with supplementary conditions as specified in Section 1148.03(d), or disapprove the request for appeal or variance.
- (2) The Zoning Board of Appeals shall further make a finding in writing 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. A copy of this decision shall be transmitted to the applicant and the Zoning Inspector.

- (3) Appeals from Board decisions shall be made in the manner specified in Section 1148.01 and ORC 2505.07 et seq.

(d) Supplementary Conditions and Safeguards.

In granting any appeal or variance, the Board of Zoning Appeal may prescribe any appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance has been granted, shall be deemed a violation and punishable under Section 1145.15 of his Ordinance.

1148.04 CONDITIONAL USES.

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 **Title Five**, shall follow the procedures and requirements set forth in this section, inclusive of this Ordinance.

(a) Contents of Application For Conditional Use Permit.

An application for a Conditional Use Permit shall be filed with the Zoning Inspector by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, and phone number of applicant.
- (2) Legal description of property.
- (3) Description of existing use.
- (4) Zoning district.
- (5) Description of proposed conditional use.
- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Planning Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- (7) A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

(b) General Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Ordinance, the Planning Commission 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 is at the proper location:

- (1) Is in fact, a conditional use established under the provision of **Title Five**, inclusive.
- (2) Will be harmonious and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance.
- (3) 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.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will be adequately served 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.
- (6) 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.
- (7) 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, vibration, smoke, fumes, glare, or odors.
- (8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.
- (9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(c) Specific Criteria for Conditional Uses.

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this 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 Ordinance and punishable under Section 1145.15.

(1) Public Hearing by the Planning Commission

The Planning Commission shall hold a public hearing within forty-five (45) days after the receipt of an application for a conditional use from the Zoning Inspector or an applicant.

A. Notice of Public Hearing in Newspaper

Prior to holding the public hearing required in Section 1148.04(c)(1), notice of such hearing shall be given by the Chairperson of the Planning Commission in one (1) or more newspapers of general circulation of the City, at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the specific item to be considered. The ten (10) day notice may be waived by the applicant filing a waiver of notice from all the owners within 200' of affected property.

B. Notice to Parties of Interest

Prior to holding the public hearing required, written notice of such hearing shall be mailed by the Chairperson of the Planning Commission to property owners of adjoining parcels or parcels within two hundred feet (200') of affected property, by first class mail at least ten (10) days before the day of the hearing. The mailing list shall be supplied to the Chairperson of the Planning Commission by the property owners requesting the conditional use. The notice shall contain the same information as required of notices published in newspapers, as specified in Section 1148.04(c)(1)A.

(2) Action by the Planning Commission

A. Within forty-five (45) days after the public hearing required in Section 1148.04(c)(1), the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1148.04(c)(5), or disapprove the application as presented.

B. If the application is approved or approved with modification, the Planning Commission shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions specified by the Planning Commission for approval. If the application is disapproved by the Planning Commission, the applicant may appeal to the Zoning Board of Appeals.

C. Appeals from decisions shall be made in the manner specified in Section 1148.01 and ORC 2505.07 et seq.

(3) Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one (1) particular conditional use. Such permit shall automatically expire if, for any reason, the conditional use has not been implemented within one (1) year of issuance of the permit or if such use ceases for more than two (2) years.

(4) Revocation of a Conditional Use Permit

Violation of the conditional use as approved shall be grounds for revocation of the Conditional Use Permit. The Planning Commission may revoke a conditional use permit but only after a public hearing is conducted according to procedures outlined in Section 1148.04(c)(1).

(5) Supplementary Conditions and Safeguards

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this 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 Ordinance and punishable under Section 1145.15` of this Ordinance.

CHAPTER 1149 CHANGES AND AMENDMENTS

1149.01 PROCEDURE.

This Ordinance may be amended utilizing the procedures established in **Section 4.04 of the Charter of the City of Tiffin.**

1149.02 GENERAL.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, City Council may, by ordinance after receipt of recommendation from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1149.03 INITIATION OF ZONING AMENDMENTS.

Amendments to this Ordinance may involve an amendment of the text of this Ordinance or the Official Zoning Map, and may be initiated in one of the following ways:

- (a) By the introduction of an ordinance by a member of City Council.
- (b) By the filing of a petition signed by property owners of fifty percent (50%) or more of all the property within the boundary of two hundred feet (200') of the boundaries proposed to be changed. Council shall act upon such petition within ninety days (90) after the filing thereof.

1149.04 CONTENTS OF PETITION FOR AN OFFICIAL ZONING MAP AMENDMENT.

Petition for amendment to the Official Zoning Map adopted as part of this Ordinance by **Chapter 1160**, shall contain at a minimum, the following information:

- (a) The name, address, and phone number of the petitioners..
- (b) A statement of the reason(s) for the proposed amendment.
- (c) Present use.
- (d) Present zoning district.
- (e) Proposed use.
- (f) Proposed zoning district.
- (g) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- (h) A list of all property owners and their mailing addresses who are within, contiguous

to or directly across the street from the parcel(s) proposed to be rezoned and any others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.

- (i) A statement on the ways in which the proposed amendment relates to the Comprehensive Plan.
- (j) A fee as established by City Council and adopted by ordinance (refer to **Section 1145.17**).

1149.05 CONTENTS OF PETITION FOR ZONING TEXT AMENDMENT.

Petitioners for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance other than the Official Zoning Map, shall contain at least the following information:

- (a) The name, address, and phone number of the petitioner.
- (b) The proposed amending Ordinance or Resolution approved as to form by the Director of Law.
- (c) A statement of the reason(s) for the proposed amendments.
- (d) A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan.
- (e) A fee as established by City Council and adopted by ordinance.

1149.06 JOINT PUBLIC HEARING.

Immediately after the first reading of the proposed Ordinance or Resolution, the presiding officer of Council shall set a date for a public hearing before a joint meeting of Council and the Planning Commission not earlier than fifteen (15) days after the first reading.

- (a) **Notice of Public Hearing in Newspaper.**
Notice of the joint public hearing shall be given by one (1) or more newspapers of general circulation in the City at least seven (7) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing, and provide a summary of the proposed amendment.
- (b) **Notice to Property Owners.**
If the proposed amendment intends to rezone or redistrict a parcel of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council.
 - (1) Notice shall be sent by certified mail with return receipt requested at least seven (7) 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.

- (2) Notices shall be addressed to the property owners appearing on the County Auditor's current tax list or to other lists as may be required by Council.
- (3) 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 1149.06(a)**.

1149.07 TRANSMITTAL TO PLANNING COMMISSION.

Immediately after the public hearing required in **Section 1149.06**, the proposed ordinance or resolution shall be transmitted to the Planning Commission. Within fifteen (15) days after receipt, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission.

1149.08 ACTION BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, the proposed ordinance or resolution shall be given its second reading at the next regularly scheduled meeting of City Council, unless an earlier special meeting is called for that purpose.

- (a) In the event the City Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths (3/4) of the full membership of the City Council.
- (b) In case the proposed amendment, supplement or change is disapproved by the Planning Commission or a protest against a change is presented, duly signed by the following:
 - (1) Owners of sixty percent (60%) or more either of the area of the lots included in such proposed change, or
 - (2) Sixty percent (60%) or more of the area if all the property within a radius of 200 feet of any area proposed to be changed, or
 - (3) Of those immediately adjacent in the rear thereof extending 200 feet therefrom, or
 - (4) Of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, then

Such amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all the members of Council.

- (c) In no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority of the vote of the members of Council.

TITLE FIVE

ZONING DISTRICTS AND REGULATIONS

Chap 1160	Districts and Boundaries.
Chap. 1161	R-1 Single-Family Residential District.
Chap. 1162	R-1A Assisted Care/Independent Living Facility District
Chap 1163	R-2 Single-Family Residential District.
Chap. 1164	R-3 Single-Family Residential District.
Chap 1165	R-4 Multiple-Family Residential District.
Chap 1167	C-1 2 Local Commercial District.
Chap 1169	C-2 General Commercial District.
Chap 1171	C-3 Central Business District.
Chap 1172	MHP Manufactured Home Park District.
Chap 1173	PUD Planned Unit Development District.
Chap 1175	M-1 Light Industrial District.
Chap 1176	M-1-a Medium Industrial Manufacturing District.
Chap 1177	M-2 Heavy Industrial District.

CHAPTER 1160

ESTABLISHMENT OF ZONING DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP

1160.01 ESTABLISHMENT OF DISTRICTS .

For the purpose of regulating and restricting the location of buildings, structures, and land use, the City is divided into zoning districts as shown on the Official Zoning Map. These districts include the following:

R-1	Single-Family Residential District
R-1a	Assisted Care/Independent Living District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Multiple-Family District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Central Business District
MHP	Manufactured Home Park District
PUD	Planned Unit Development District
M-1	Light Industrial District
M-1-a	Medium Industrial Manufacturing District
M-2	Heavy Industrial District

1160.02 ZONING DISTRICT MAP.

The location and boundaries of zoning districts are shown on the map titled "Official Zoning Map." A certified copy of this map is on file in the City Hall and said map, together with all notations, dimensions, and designations shown thereon is hereby declared to be a part of this Ordinance. The Official Zoning Map shall be signed and attested to by the City Engineer.

1160.03 INTERPRETATION OF DISTRICT BOUNDARIES.

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:

(a) Parallel District Boundaries.

Where district boundaries appear to be approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefore 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.

(b) Lot Lines, Railroad Lines, and Waterways.

- (1) Where district boundaries approximately follow lot lines, such lot lines shall be construed as a boundary of a zoning district.
- (2) 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 said railroad line.
- (3) Where the boundary of a district follows (or parallels) a waterway, such boundary shall be deemed to be located in the middle (or parallel to) the centerline of said waterway.
- (4) Any area within the corporate limits of the City which is under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. Where the water area adjoins two or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

(c) Vacation of Streets and Alleys.

Whenever any street, alley or other public way is vacated by official action of Council as provided by law, the zoning district adjoining each side of the street, alley or public way shall be extended automatically to the center of such vacation. Depending on the side or sides to which such lands revert, all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district or districts.

(d) Interpretation by Board of Zoning Appeals.

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Zoning Board of Appeals for determination, in

accordance with **Section 1148.03(d)**.

1160.04 ZONING UPON ANNEXATION.

Areas at any time annexed to the City shall be subject to the same zoning restrictions and requirements as to uses of property which previously were applicable under the zoning resolution, ordinance or law, if any, of the governmental entity under whose jurisdiction the area had been prior to such annexation, and all such provisions as to uses of property shall continue to apply in full force and effect in any area so annexed until otherwise zoned by the City of Tiffin. The following regulations shall apply to any areas annexed to the City:

- (a) In every case where property has not been specifically included within a township zoning district, the same is hereby declared to be in the R-1 District.
- (b) Such zoning ordinance shall, prior to its introduction in Council, be subject to a public hearing at a joint meeting of Council and the Planning Commission.
- (c) Such ordinance may then be introduced and considered as other amendments to the zoning ordinances but shall be of no effect until the territory in question is annexed to the City.
- (d) Should such territory not be annexed within one (1) year from the effective date of the Zoning Ordinance, such ordinance shall be void.
- (e) Should the territory not be zoned pursuant to this section prior to the effective date of annexation, the territory shall, from the effective date of the annexation ordinance, become part of the R-1 District. Such districting shall be temporary, and the Planning Commission shall recommend to Council, within a period not to exceed six (6) months from such date of annexation or consolidation, a final Zoning Map designation for the annexed territory.

1160.05 ZONING MAP AMENDMENTS.

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change and shall note the effective date of such change together with appropriate reference to the Ordinance authorizing such change. The Official Zoning Map shall then be signed by the City Engineer.

CHAPTER 1161

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

1161.01 PURPOSE.

The purpose of this District is to encourage the establishment of single-family dwellings and recreational and associated uses.

1161.02 PERMITTED USES.

Permitted uses in the R-1 Single-Family Residential District include the following:

- (a) Single-family dwellings.
- (b) Adult family homes.
- (c) Country club or golf course, except a miniature course or practice driving range operated for commercial purposes.
- (d) Child day care facilities (1-6 children). (Refer to **Section 1185.06.**)
- (e) Accessory building or use, customarily incidental to the above uses. Storage of nonoperative motor vehicles is prohibited.

1161.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**:

- (a) Agriculture, excluding animal or poultry husbandry, and provided that any lot in such use shall not be less than five (5) acres.
- (b) Churches and other places of religious worship.
- (c) Public or private schools.
- (d) Cemeteries.
- (e) Adult day care facilities.
- (f) Bed and breakfast operations.
- (g) Non-commercial equestrian stables and riding facilities.
- (h) Governmentally-owned buildings, utility buildings, museums, libraries, or art galleries.

1161.04 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with requirements set forth in **Chapter 1181**.

1161.05 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with requirements set forth in **Chapter 1183.**

CHAPTER 1162

R-1-A AL ASSISTED CARE/INDEPENDENT LIVING FACILITY DISTRICT

1162.01 PURPOSE.

The purpose of the R-1-a District is to encourage the development of facilities whose purpose is to provide persons aged sixty (60) or above with assistance in activities of daily living (ADL) (i.e. walking, bathing, eating, recreating) in multiple residential dwellings, and independent living dwellings (i.e. villas), and dining, laundry, and recreation facilities and accessory buildings (garages, maintenance buildings, etc.), for use primarily by the occupants and employees of the facility. (Ord. 96-77. Passed 1-6-97.)

1162.02 PRINCIPAL PERMITTED USES.

A building or premises in an R-1-a District shall be used only for the following purposes:

- (a) Any use permitted in a R-1 Single Family Residence District;
- (b) Single-family dwellings for persons aged 60 or above;
- (c) Dwellings for multiple residents aged 60 or above utilizing assisted living services;
- (d) Accessory buildings or uses customarily incidental to any of the above uses, including administrative offices, garages, maintenance buildings, and storage buildings.
(Ord. 96-77. Passed 1-6-97.)

1162.03 NON-PERMITTED USES.

The following buildings or premises uses shall not be permitted in an R-1-a District:

- (a) Dormitory;
- (b) Boarding or rooming house, or apartment building other than for persons utilizing assisted living services;
- (c) Hospital, sanitarium or medical care facility;
- (d) Nursing or convalescent home;
- (e) Mental/psychological/psychiatric health care facility;
- (f) Private club, fraternity, sorority or lodge.
(Ord. 96-77. Passed 1-6-97.)

1162.04 HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in Chapter 1181 shall be observed, except that the combined total dedicated area shall consist of not less than 10,000 square feet per each single family dwelling and 3,000 square feet for each unit of a two family dwelling and also 3,000 square feet for each unit of a multiple unit dwelling and 2,000 square feet for each residential sleeping unit of a multiple unit assisted care living building.
(Ord. 96-77. Passed 1-6-97.)

1162.05 PARKING REGULATIONS.

Parking spaces shall be provided for in accordance with the requirements for specific uses set forth in **Chapter 1183**. In no case shall less than one (1) parking space be provided for each two (2) residents. (Ord. 96-77. Passed 1-6-97)

CHAPTER 1163

R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

1163.01 PURPOSE.

The purpose of this District is to encourage the establishment of single-family dwellings.

1163.02 PERMITTED USES.

Permitted uses in the R-2 Single-Family Residential District include the following:

- (a) The same permitted uses allowed in **Section 1161.02.**

1163.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148:**

- (a) The same conditionally permitted uses listed in **Section 1161.03.**

1163.04 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with requirements set forth in **Chapter 1181.**

1163.05 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with requirements set forth in **Chapter 1183.**

CHAPTER 1164

R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS

1164.01 PURPOSE.

The purpose of this District is to encourage the establishment of single family dwellings and two family dwellings approved as conditionally permitted uses.

1164.02 PERMITTED USES.

Permitted uses in the R-3 Single-Family Residential District include the following:

- (a) The same permitted uses allowed in **Section 1163.02.**

1164.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148:**

- (a) The same conditionally permitted uses allowed in **Section 1163.03.**
- (b) Two-family dwellings.

1164.04 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with requirements set forth in **Chapter 1181.**

1164.05 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with requirements set forth in **Chapter 1183.**

CHAPTER 1165

R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

1165.01 PURPOSE.

This district is established for the purpose of providing a multiple-family district, which includes zero lot-line dwellings commonly used in the construction of duplexes that will have two (2) separate owners with the property line being the party wall.

1165.02 PERMITTED USES.

Permitted uses in the R-4 Multiple Residential District include the following:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Two-family and multiple-family dwellings for three (3) or more families.
- (d) Dwellings for multiple residents, who utilize assisted living services.
- (e) Adult family homes.
- (f) Adult group homes.
- (g) Dormitories and student housing.
- (h) Boarding or rooming houses.
- (i) Child day care facilities (1-6 children) (Refer to **Section 1185.05**).
- (j) Child day care centers (Refer to **Section 1185.05**).
- (k) Institutions of higher learning, and of a religious, educational, charitable, or philanthropic nature.
- (l) Nursing or convalescent home.
- (m) Condominiums and cooperative apartments.
- (n) Country club or golf course, except miniature courses or private driving tees operated for commercial purposes.
- (o) Accessory buildings or uses customarily incidental to any of the above uses.

1165.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**:

- (a) The same conditionally permitted uses allowed in **Section 1164.03**, except for two-family dwellings.
- (b) Hospital or sanitarium, except a criminal, mental or animal hospital.
- (c) Funeral homes.
- (d) Business and professional offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations.
- (e) Private clubs, fraternities, sororities or lodges, excluding those that are customarily conducted as a gainful business.
- (f) Zero lot-line development.

1165.04 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with requirements set forth in **Chapter 1181**.

1165.05 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 1183**.

CHAPTER 1167

C-1 LOCAL COMMERCIAL DISTRICT

1167.01 PURPOSE.

The purpose of the C-1 District is to encourage the establishment of areas for convenience commercial uses which tend to meet the daily or weekly needs of the residents of an immediate neighborhood, and to provide a lower intensity of use for the general public.

1167.02 PERMITTED USES.

Permitted uses in the C-1 District include the following:

- (a) Agriculture (grain crops), but not including animal or poultry husbandry, and provided that any lot in such use shall not be less than five (5) acres.
- (b) Single-family dwellings.
- (c) Two-family dwellings.
- (d) Two-family and multiple-family dwellings for three (3) or more families.
- (e) Zero lot-line single-family homes.
- (f) Adult day care facilities.
- (g) Child day care facilities (1-6 children) (Refer to **Section 1185.06**).
- (h) Child day care centers (Refer to **Section 1185.06**).
- (i) Churches and other places of religious worship.
- (j) Funeral homes.
- (k) Hospital, sanitarium, except a criminal, mental or animal hospital.
- (l) Institutions of higher learning and of a religious, educational, charitable or philanthropic nature.
- (m) Convenience store, grocery store, drug store, meat market, florist, delicatessen, notion or stationery store; except that no such building shall have a total ground floor area in excess of fifteen thousand square feet (15,000 sf).
- (n) Clinic.
- (o) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, laundry and dry cleaning/pressing, and bakery with sale of bakery products

on the premises, and other uses of a similar character, provided that no use permitted in this paragraph shall employ more than ten persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees.

- (p) Service station.
- (q) Personal service shop including barber or beauty shop, bank, photographic or artist studio, messenger or telegraphic service, newspaper substation, dry cleaning or laundromat, and any other personal service establishment of similar character.
- (r) Off-street parking lot.
- (s) Restaurants, ice cream parlors, not including entertainment or dance halls, or drive-in or drive-through restaurants.
- (t) Adult group homes.
- (u) Bed and breakfast operations.
- (v) Boarding or rooming houses.
- (w) Condominiums and cooperative apartments.
- (x) Single-and multiple-family dwellings for persons aged sixty (60) or above.
- (y) Public or private schools.
- (z) Outdoor and indoor commercial recreational facilities.
- (aa) Governmentally owned, community building, museum, library, or art gallery.
- (bb) Business and professional offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations.
- (cc) Private clubs, fraternities, sororities or lodges, excluding those that are customarily conducted as a gainful business.
- (dd) Swimming pool (community or club) (Refer to **Section 1185.12**).
- (ee) Accessory building or use customarily incidental to any of the above uses, including administrative offices, garages, and maintenance, and storage buildings.

1167.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**:

- (a) Drive-in and drive-through restaurants.
- (b) Dance halls.
- (c) Nursing or convalescent home.
- (d) Business or commercial school.
- (e) Non-commercial equestrian stables and riding facilities.
- (f) Dancing or music academy.
- (g) Wireless telecommunication towers (Refer to **Section 1185.13**)
- (h) Any other use which is determined by the Zoning Board of Appeals to be of the same general character as the above uses.

1167.04 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with requirements set forth in **Chapter 1181**. Additionally, every building or portion thereof which is used for dwelling purposes, shall comply with the side and rear yard and lot area per-family requirements of the R-4 Multiple Family District.

1167.05 PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 1183**.

CHAPTER 1169

C-2 GENERAL COMMERCIAL DISTRICT

1169.01 PURPOSE.

The purpose of the General Commercial District is to encourage the establishment of commercial uses to meet the needs of a regional market area.

1169.02 PERMITTED USES.

Permitted uses in the C-2 District include the following:

- (a) Any use permitted in the C-1 Local Commercial District, without any limitations upon the floor area.
- (b) Automobile, boat or trailer, farm implement, recreational vehicle, and manufactured home sales and service display and sales rooms, and when located at least fifty feet (50') from the boundary of any R District, a used car or trailer sales or storage lot.
- (c) Business or commercial school.
- (d) Service stations and automobile repair garages (with or without convenience store).
- (e) Car washing facilities.
- (f) Commercial printing businesses.
- (g) Indoor commercial and noncommercial recreational facilities.
- (h) Amusement arcades.
- (i) Dancing or music academy.
- (j) Frozen food locker/butcher shop.
- (k) Hotels and motels.
- (l) Parking or public garage.
- (m) Plant nursery or greenhouse.
- (n) Radio or television broadcasting station or studio.
- (o) Restaurants with or without drive-in or drive-through facilities.
- (p) Theater.

- (q) Mini-storage facilities.
- (r) Painting, plumbing or tinsmithing shop, printing shop, tire sales and service, upholstering shop not involving furniture manufacturing, and any other general service or repair establishment of similar character.
- (s) Art or antique stores, interior decorating shops, furniture and appliance stores, music stores, travel agencies, department stores, variety and discount stores, jewelry stores, dry goods and apparel stores, mail order houses.
- (t) Billiard parlors, pool halls, bowling alleys, and similar establishments (coin operated machines, pinballs, etc.).
- (u) Building materials, sales yard, and lumber yards, including mill work when within a completely enclosed building. Storage yards related to this use shall be fenced.
- (v) Commercial art, photographic, music, and dancing studios.
- (w) Drive-in and drive-through restaurants.
- (x) Dance halls.
- (y) Taverns, nightclubs, and cafes.
- (z) Printing, publishing, or engraving.
- (aa) Service industry such as laundry, cleaning or dyeing establishment or similar use.
- (bb) Accessory building or uses customarily incidental to the above uses.

1169.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**:

- (a) Veterinary clinic or animal hospital provided no such building, kennel or exercise runway is closer than fifty feet (50') to the boundary of any R District. Animal runs shall be enclosed on four sides by unpierced fence or wall at least five feet (5') in height.
- (b) Nursing or convalescent home.
- (c) Non-commercial equestrian stables and riding facilities.
- (d) Drive-in theaters.
- (e) Wireless telecommunications towers (Refer to **Section 1185.11**).
- (f) Hospital and sanitarium of any type.

- (g) Any other use which is determined by the Zoning Board of Appeals to be of the same general character as the above uses.

1169.04 HEIGHT AND AREA REGULATIONS.

The height and area regulations shall be in accordance with requirements set forth in **Chapter 1181.**

1169.05 PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 1183.**

CHAPTER 1171

C-3 CENTRAL BUSINESS DISTRICT

1171.01 PURPOSE.

The C-3 Central Business District is established to provide and encourage further expansion and renewal in the historical core business area of the community. A variety of businesses; institutional, public, cultural, and other related uses are encouraged in an effort to provide the mix of activities necessary to establish urban character.

1171.02 PERMITTED USES.

Permitted uses in the C-3 District include the following:

- (a) Convenience stores.
- (b) Adult group homes.
- (c) Bed and breakfast operations.
- (d) Boarding or rooming houses.
- (e) Condominiums and cooperative apartments.
- (f) Hotels and motels.
- (g) Single-family dwellings.
- (h) Multiple-family dwellings for three (3) or more families.
- (i) Two-family dwellings.
- (j) Zero lot-line development.
- (k) Business or commercial schools.
- (l) Child day care facilities (1-6 children) (Refer to Section **1185.06**).
- (m) Churches and other places of religious worship.
- (n) Clinics.
- (o) Funeral homes.
- (p) Hospitals and sanitariums, except criminal, mental or animal hospital.
- (q) Institutions of higher learning and of religious, educational, charitable or

philanthropic nature.

- (r) Outdoor and indoor commercial and non-commercial recreational facilities.
- (s) Governmentally-owned community buildings, museum, libraries, or art galleries.
- (t) Business and professional offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations.
- (u) Art or antique stores, interior decorating shops, furniture and appliance stores, music stores, travel agencies, department stores, variety and discount stores, jewelry stores, dry goods and apparel stores, mail order houses.
- (v) Billiard parlors, pool halls, bowling alleys, and similar establishments (coin operated machines, pinballs, etc).
- (w) Car washing facilities.
- (x) Commercial art, photographic, music, and dancing studios.
- (y) Dancing or music academies.
- (z) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, and bakery with sale of bakery products on the premises, and other uses of a similar character.
- (aa) Personal service shops including barber or beauty shop, bank, photographic or artist studio, messenger or telegraphic service, newspaper substation, dry cleaning or laundromat, and any other personal service establishment of similar character.
- (bb) Printing, publishing or engraving.
- (cc) Private clubs, fraternities, sororities or lodges, excluding those that are customarily conducted as a gainful business.
- (dd) Radio or television broadcasting stations or studio.
- (ee) Restaurants and ice cream parlors, not including entertainment or dance halls or drive-in or drive-through facilities.
- (ff) Restaurants with or without drive-in or drive-through facilities.
- (gg) Taverns, nightclubs, and cafes.
- (hh) Retail shops or stores such as a grocery store, drug store, meat market, florist, delicatessen, notion or stationery store (15,000 s.f. or more).

- (ii) Service industries such as laundry, cleaning or dyeing establishment or similar uses.
- (jj) Service stations and automobile repair garages, with or without convenience stores.
- (kk) Theaters.
- (ll) Painting, plumbing or tinsmithing shops; printing shops; tire sales and services, upholstering shops not involving furniture manufacturing; and any other general service or repair establishments of similar character.
- (mm) Off-street parking lots.
- (nn) Parking or public garages.
- (oo) Accessory buildings or uses customarily incidental to any of the above uses.

1171.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**.

- (a) Nursing or convalescent homes.
- (b) Automobile, boat or trailer, farm implement, recreational vehicle, and manufactured home sales and service display and sales room.
- (c) Plant nurseries and greenhouses.
- (d) Hospital or sanitarium of any type.
- (e) Any other uses determined by the Board of Zoning Appeals to be of a similar nature as the above uses.

1171.04 HEIGHT AND AREA REGULATIONS.

The height and area regulations shall be in accordance with requirements as set and in forth in **Chapter 1181** shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the R-4 Multiple Dwelling District.

1171.05 LOADING REGULATIONS.

Off-street loading spaces shall be provided in accordance with the requirements of **Chapter 1183**.

CHAPTER 1172

MH MANUFACTURED HOME PARK DISTRICT

1172.01 Purpose

The purpose of the MHP Manufactured Home Park District is to provide for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.

(a) Approval Procedure

Manufactured home parks shall be located only in the MHP District and shall be developed according to the standards and regulations referenced in this Section. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in **Chapter 1149**.

(b) General Standards for Manufactured Home Parks

The Planning Commission and City Council shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards before amending the Official Zoning Map and establishing an MHP District:

- (1) The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that persons involved in the establishment of the park will provide such services adequately.
- (2) The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on the surrounding public streets or roads.
- (3) The establishment of the proposed park will not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhood.
- (4) The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
- (5) The establishment of the proposed park is in general conformance with this Zoning Ordinance.

(c) Manufactured Home Park Requirements

All manufactured home parks shall comply with the requirements of **Ohio Administrative Code Chapter 3701** promulgated by the Ohio Public Health Council in accordance with **Chapter 3733 of the Ohio Revised Code**.

(d) Application for Manufactured Home Park Approval

A written application shall be filed with the Chairperson of the Planning Commission. At a minimum, the application shall contain the following information:

- (1) Name, address, and phone number of applicant.
- (2) Legal description of property.
- (3) Present use.
- (4) Present zoning district.
- (5) Proposed zoning district.
- (6) A plan, at a scale approved by the Commission, showing the location and dimension of streets and other roadway; lots, typical for improvements; areas for recreation, storage and off- or on-street parking; buffering, screening or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary.

(e) Permitted Uses

- (1) Manufactured home parks
- (2) Sale of manufactured homes or retail sales related to manufactured home parks.

(f) Conditional Uses

- (1) Mini-warehouses, public and private.

(g) Enlargement of Pre-Existing Manufactured Home Parks

Any manufactured home park that is non-conforming in any manner shall not be enlarged or expanded unless authorization to do so is obtained from the Planning Commission and any such authorization shall be granted only if all of the following provisions are complied with:

- (1) The enlarged or expanded portion of the mobile home park shall be developed in full compliance with all development standards and other requirements inclusive of this Ordinance.
- (2) If the existing portion of an MHP District is redeveloped, it shall be developed according to this Zoning Code.

CHAPTER 1173

PUD PLANNED UNIT DEVELOPMENT DISTRICT

1173.01 PURPOSE.

The purpose of the Planned Unit Development District (PUD) is to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative design of development. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

1173.02 GENERAL REQUIREMENTS AND PUD DISTRICT DESIGNATION.

Subsequent to the approval of the City Council, the designation of PUD may be applied to any existing zoning district, with the limitations described herein. There are two (2) types of PUDs:

- (a) A PUD may be a predominantly residential development, and in which case is referred to as a PUD-RS. A PUD-RS may only be applied to an existing residential district. The tract of land proposed to be developed as a PUD-RS must be owned, leased, or controlled by one (1) person or single entity, and must be at least five (5) contiguous acres in size.
- (b) A PUD may also be a mixed use development, referred to as a PUD-MX. A PUD-MX may be applied to any existing non-residential zoning district. The tract of land proposed to be developed as a PUD-MX must be owned, leased, or controlled by one (1) person or single entity, and must be at least five (5) contiguous acres in size.

Upon the approval of the final development plan according to this Chapter, the Official City Zoning Map shall be amended to designate the property "PUD-RS" or "PUD-MX."

1173.03 PERMITTED USES.

The permitted uses in both the PUD-RS and PUD-MX district are as set forth below:

- (a) **Permitted Uses - PUD-RS.**
An applicant may propose to include any mixture of permitted or conditional uses in any existing residential use district as well as land uses which are allowed as a permitted use in the C-1 district, provided that not more than twenty-five percent (25%) of the net acres in the development is devoted to non-residential uses.
- (b) **Permitted Uses - PUD-MX.**
An applicant may propose to include any mixture of non-residential land uses in a proposed PUD-MX development, provided that at least sixty percent (60%) of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application.

1173.04 GENERAL DEVELOPMENT STANDARDS.

The following standards represent broad parameters under which all PUD developments must be designed:

- (a) Central Water and Sewer Facilities.**
All structures in developments approved as a PUD must be served by central or public water and sewer facilities.
- (b) Development Layout and Design.**
The design and layout of all PUDs shall display excellence in design by properly considering significant site features, such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffers shall be provided between incompatible land uses and activities.

 - (1) Front, Side, and Rear Setback Standards for Perimeter Lots.**
All lots that are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PUD approval or twenty-five feet (25'), whichever is greater.
 - (2) Off-Street Parking and Loading Facilities.**
For all land uses located within the PUD, the parking and loading standards contained in **Chapter 1183** shall be applied.
- (c) Residential (PUD-RS) Development Standards.**
In addition to the general development standards described in **Section (b)** above, residential PUDs shall meet the following development standards:

 - (1) Clustering Residential Development and Required Open Space.**
Clustering residential density is encouraged to provide required common open space. A minimum of twenty percent (20%) of the land developed for residential purposes in a PUD-RS project shall be reserved for common open space. This required amount of common space shall be established as common open space, under one ownership, and provision shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance shall be submitted to the City. The City Council may require as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition as long as the development exists (including such as legal documents, deed restrictions, conservation easements, etc.).
 - (2) Clustering Residential Density.**
To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application by up to twenty percent (20%). The lot

width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

(3) Residential Dwelling Types.

Along with clustering residential density, a PUD-RS may include a mixture of dwelling types, including single-family detached dwellings, two-family units, zero lot-line units, and multi-family units, provided the maximum densities defined in each existing zoning classification are not exceeded.

1173.05 GENERAL PUD APPROVAL PROCEDURE.

The applicant for a PUD is encouraged to informally present conceptual or preliminary plans to both the Planning Commission and City Council for review prior to extensive engineering and formal submission of a final development plan. Property proposed to be developed as a PUD must be rezoned to PUD; and the decision to approve a final development plan and to rezone a property to PUD are done concurrently. (Refer to **Chapter 1149** and **Section 4.04** of the **Charter of the City of Tiffin**)

1173.06 FINAL PLAN.

The applicant for a PUD shall submit ten (10) copies of the proposed Final Plan to the Zoning Inspector along with the required application fee. The Final Plan shall include the following:

- (a) The specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development.
- (b) A copy of proposed deed restrictions.
- (c) The Final Plan shall be drawn to illustrate:
 - (1) A survey and legal description of the proposed development site, showing dimensions and bearings of the property lines; area in acres, topography (at two foot [2'] contour intervals); and existing features of the development site, including major wooded areas, streets, easements, utility lines, and existing land uses.
 - (2) The location and dimensions of all lots, setbacks, and building envelopes.
 - (3) Conceptual drawings of sewer and water facilities, as well as street and drainage systems.
 - (4) A table indicating acreage devoted to various development types.
- (d) Landscaping plan for all buffers and other common areas.
- (e) Architectural guidelines to apply throughout the development.
- (f) The proposed names of all interior streets proposed for the development.

- (g) Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
- (h) A description of the expected timing of the development.

In addition to the above, the City Council may require additional information, including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the City in reviewing final development plans. Such expenses are beyond application fees established by the City and may include professional service fees such as legal expenses or fees from other professionals, such as engineers, landscape architects, planners, or environmental scientists incurred in connection with reviewing the plans submitted.

1173.07 FINAL PLAN AND REZONING APPROVAL PROCEDURE PROCESS.

The decision to rezone land to PUD and to approve the Final Plan are accomplished concurrently. All PUD Final Plan submissions are deemed to be an application for amendment to the Zoning Code according to **Chapter 1149**. All procedures (Planning Commission review, public hearings, and action by the Council), therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such plan and rezoning, the City Zoning map shall be amended to designate the project area as “PUD-RS” or “PUD-MX.” Thereafter, with the concurrent approval of the rezoning and Final Plan pursuant to the criteria stated in **Section (a)** below, all development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

(a) Criteria of Approval - Final Plan.

The Planning Commission and City Council shall review the proposed Final Plan according to the following criteria:

- (1) That the proposed document is in conformity with the goals and objectives of the master plan.
- (2) That the proposed development advances the general health, safety, and morals of the City.
- (3) That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
- (4) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan according to these PUD requirements.
- (5) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- (6) That the existing and proposed utilities, including water and sewer service,

and drainage plan will be adequate for the population densities and non-residential uses proposed in the PUD.

(b) Amendment (Changes).

After the final development plan has been approved by the City Council, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents. Minor changes, as defined herein, are allowed, provided such requests conform to the standards established by the final development plan and this Ordinance. A minor change shall require approval by the Planning Commission and shall include the following:

- (1) Adjustments to the size and location of buildings, swimming pools, and other on-site structures provided:
 - A. They do not result in an increase in the number of housing units approved in the Final Plan.
 - B. They do not encroach materially into the established setback areas.
 - C. They do not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
- (2) Alterations to the proposed drives and/or parking areas if they do not encroach into building areas or specified recreation areas.
- (3) Adjustments in the size and location of development identification signs.

A major change is any change that does not meet the criteria above and in addition, is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require submittal of a Final Plan as defined in **Section 1173.06.** of that portion of the development proposed to undergo a major change.

CHAPTER 1175

M-1 LIGHT INDUSTRIAL DISTRICT

1175.01 PURPOSE

The purpose of the M-1 Light Industrial District is to encourage the development of manufacturing, wholesale business establishments, and research activities which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures, and generate little industrial traffic.

1175.02 PERMITTED USES.

Permitted uses in the M-1 District include the following:

- (a) Agriculture, but excluding animal or poultry husbandry, and provided that any lot in such use shall not be less than five (5) acres.
- (b) Single-family dwellings.
- (c) Two-family dwellings.
- (d) Two- and multiple-family dwellings for three (3) or more families.
- (e) Zero lot-line development.
- (f) Churches and other places of religious worship.
- (g) Manufacture of foods and beverages for human consumption; to include bottling and canning.
- (h) Warehousing and storage, with or without local trucking.
- (i) Offices and equipment yards for general contractors and builders.
- (j) Manufacture of paper and converted products such as paper bags, paper boxes, and envelopes.
- (k) Establishments engaged in publishing newspapers, books, and periodicals, regardless of whether or not they do their own printing.
- (l) Manufacture of household products to include jewelry, silverware, and plated ware; musical instruments and similar goods.
- (m) Manufacture of computer equipment and related consumer electrical components.
- (n) Preparation of fiber and manufacturing of yarn, thread, braids, twine, and cordage.

- (o) Manufacture of clothing and related products by cutting and sewing purchased woven or knit textile fabrics and related materials.
- (p) Manufacturing, fabricating, or processing medicinal chemicals and pharmaceutical products.
- (q) Manufacture of instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories.
- (r) Petroleum storage; bulk stations and terminals, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department.
- (s) Other similar industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted.
- (t) Adult group homes.
- (u) Boarding or rooming houses.
- (v) Condominiums and cooperative apartments.
- (w) Child day care facilities (1-6 children) (Refer to **Section 1185.06**).
- (x) Public or private schools.
- (y) Governmentally owned, community building, museum, library, or art gallery.
- (z) Building materials, sales yard, and lumber yards, including mill work when within a completely enclosed building. Storage yards related to this use shall be fenced.
- (aa) Car washing facilities.
- (bb) Commercial printing businesses.
- (cc) Mini-storage facilities.
- (dd) Private clubs, fraternities, sororities or lodges, excluding those that are customarily conducted as a gainful business.
- (ee) Painting, plumbing or tinsmithing shop, printing shop, tire sales and service, upholstering shop, not involving furniture manufacturing, and any other general service or repair establishment of similar character.
- (ff) Assembly and manufacturing or household appliances, electronic products, and similar products, electrical and gas appliances, or the processing and assembling or parts for production of finished equipment.

- (gg) Electrical equipment and electronic products, materials, parts, instruments, and devices of all types.
- (hh) Fabricating ferrous and nonferrous metal products such as metal cans, tinware, hand tools, cutlery, general hardware.
- (ii) Laboratories, research and development, or testing, provided no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions.
- (jj) Light manufacturing of products made from materials such as woods, metals, plastics, textiles, minerals, and similar materials.
- (kk) Manufacture of general electrical equipment, lighting, wiring, radio and televisions receiving equipment, and similar electrical components.
- (ll) Manufacture of household appliances.
- (mm) Manufacture of paper and related products from pulp and cellulose fibers.
- (nn) Pottery, china, and glass using previously processed materials.
- (oo) Products from previously prepared materials: metal, tobacco, and wood where saw and planing mills are employed within a completely enclosed building.
- (pp) Sheet metal products including automotive heating, ventilating, and air conditioning equipment, and other similar products.
- (qq) The operation of terminal facilities for handling freight, with or without maintenance facilities.
- (rr) Accessory buildings or uses customarily incidental to the above uses. Storage of nonoperative motor vehicles is prohibited.

1175.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**.

- (a) Adult entertainment business (Refer to **Section 1185.04**).
- (b) Non-commercial equestrian stables and riding facilities.
- (c) Wireless telecommunications towers (Refer to **Section 1185.13**).

1175.04 HEIGHT AND AREA REGULATIONS.

The height and area regulations shall be in accordance with those set forth in **Chapter 1181**.

1175.05 PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 1183**.

CHAPTER 1176

M-1-A MEDIUM INDUSTRIAL MANUFACTURING DISTRICT

1176.01 PURPOSE.

The purpose of the M-1-a District is to encourage the development of manufacturing, wholesale business establishments and research activities which are clean, quiet and free of significant amounts of hazardous or objectionable elements such as noise, odor, dust, smoke, gas, vibration, glare, carcinogens, explosive, toxic or radioactive materials; operate freely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy - manufacturing uses and other less intensive business and manufacturing uses.

1176.02 PRINCIPAL PERMITTED USES.

- (a) Agriculture, but excluding animal or poultry husbandry, and provided that any lot in such use shall not be less than five (5) acres.
- (b) Churches and other places of religious worship.
- (c) Building materials, sales yards, and lumber yards including mill work.
- (d) Car washing facilities.
- (e) Commercial printing businesses.
- (f) Private clubs, fraternities, sororities or lodges, excluding those that are customarily conducted as a gainful business.
- (g) Painting, plumbing or tinsmithing shop, printing shop, tire sales and service, upholstering shop, not involving furniture manufacturing, and any other general service or repair establishment of similar character.
- (h) Assembly and manufacturing of household appliances, electronic products, and similar products, electrical and gas appliances, or the processing and assembling of parts for production of finished equipment.
- (i) Electrical equipment and electronic products, materials, parts, instruments, and devices of all types.
- (j) Establishments engaged in publishing newspapers, books, and periodicals, regardless of whether or not they do their own printing.
- (k) Fabricating ferrous and nonferrous metal products such as metal cans, tinware, handtools, cutlery, general hardware.
- (l) Laboratories, research and development, or testing, provided no operation shall be

conducted or equipment used which would create hazardous, noxious or offensive conditions.

- (m) Light manufacturing of products made from materials such as woods, metals, plastics, textiles, minerals, and similar materials.
- (n) Manufacture of clothing and related products by cutting and sewing purchased woven or knit textile fabrics and related materials.
- (o) Manufacture of computer equipment and related consumer electrical components.
- (p) Manufacture of foods and beverages for human consumption; to include bottling and canning.
- (q) Manufacture of general electrical equipment, lighting, wiring, radio and televisions receiving equipment, and similar electrical components.
- (r) Manufacture of household appliances.
- (s) Manufacture of household products to include jewelry, silverware, and plated ware; musical instruments and similar goods.
- (t) Manufacture of industrial and commercial machinery and equipment.
- (u) Manufacture of instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories.
- (v) Manufacture of paper and converted products such as paper bags, paper boxes, and envelopes.
- (w) Manufacture of paper and related products from pulp and cellulose fibers.
- (x) Manufacturing, fabricating, or processing medicinal chemicals and pharmaceutical products.
- (y) Other similar industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that no significant amount of dust, odor, gas, smoke, noise or vibration is emitted.
- (z) Petroleum storage; bulk stations and terminals.
- (aa) Pottery, china, and glass using previously processed materials.
- (bb) Preparation of fiber and manufacturing of yarn, thread, braids, twine, and cordage.
- (cc) Products from previously prepared materials: metal, tobacco, and wood where saw and planing mills are employed within a completely enclosed building.

- (dd) Sheet metal products including automotive heating, ventilating, and air conditioning equipment, and other similar products.
- (ee) Warehousing and storage, with or without local trucking.
- (ff) Welding shops and/or machine shops provided that no building used for such purposes shall have any opening other than stationary windows and required fire exits on the side of such building which faces and is adjacent to a residential district or existing residential property.
- (gg) Accessory buildings or uses customarily incidental to the above uses.

1176.03 CONDITIONALLY PERMITTED USES.

- (a) Wireless telecommunications towers (Refer to **Section 1185.13**).

1176.04 ACCESSORY USES.

Uses and structures customarily accessory and incidental to any of the foregoing permitted uses, including administrative offices, garages, and maintenance and storage building, not involving the conduct of business, except that no accessory use or structure shall be located within any required yard, except for signs in accordance with **Title Nine**.

1176.05 REQUIRED CONDITIONS.

- (a) Enclosed Buildings. All businesses, services or processing under **Section 1176.02** shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, loading and unloading operations, parking and the outdoor display or storage of vehicles.
- (b) Emissions. No use that causes excessive emission of particulates, dust, smoke, toxic, noxious or odorous matter or fumes, noise, vibration, glare, heat, air pollution, water pollution, fire or explosive hazard shall be permitted. Every effort shall be made to keep any emission or nuisance causing condition to the minimum attainable by the use of standard accepted technology.
- (c) Site Restrictions. The site shall at no time be used for the outside storage, disposal, handling or transfer of any scrap, obsolete vehicles or any waste materials generated off-site. Waste generated on-site in the manufacturing process shall be removed as soon as possible and under no circumstances stored beyond thirty days unless contracted for removal as a recyclable product. Any outdoor storage areas shall be surrounded by some type of visual barrier (wall, treeline, etc.) that blends in with the existing landscaping and design. At no time shall material in these areas be stored or stacked so that it can be seen above the visual barrier.
- (d) Building Restrictions. All buildings shall be of a homogenous design, color and landscaping consistent with modern building practices and the surrounding area.
- (e) Visual Barrier. Any portion of a site used for purposes permitted in **Section 1176.02**

that is adjacent to existing residential property, or a residential district shall be landscaped and maintained by hilling and planting of rapid growing evergreen trees capable of maturing into an effective visual barrier.

- (f) Night Operation. No building customarily used for night operation shall have any openings other than stationary windows and required fire exits on the side of such building that faces and is adjacent to a residential district or an existing residential property, nor shall any loading spaces, for such use, be located on the side of such building facing and adjacent to a residential district or an existing residential property.

1176.06 HEIGHT AND AREA REGULATIONS.

Height and area regulations shall be in accordance with those set forth in Chapter 1181.

- (a) Exceptions and Modifications. Except as specifically provided herein , the exceptions and modifications as provided in **Chapter 1181** shall not apply in this district.
- (1) Where forty percent (40%) or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the building on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings on that side, except that no building shall be required to provide a front yard greater than fifty feet (50').
 - (2) Interior lots having frontage on two streets shall provide the required front yard on both streets.
 - (3) The side yard along the side street side of a corner lot shall not be less than any front yard required on the side street, except that the buildable width of the corner lot shall not be reduced to less than twenty-four feet. This restriction shall not apply in a case where there is no interior lot fronting on the side street.
 - (4) On corner lots there shall be placed no shrub, tree, sign, hill, mound or other object in a manner that would significantly impair or obstruct the view of motorists or pedestrians from traffic approaching the intersection from another direction.
 - (5) All required yards shall be planted attractively with natural lawns, live ground cover, trees, shrubs and similar treatment and shall be maintained in a sightly and well kept condition.

1176.07 OFF-STREET PARKING AND LOADING REGULATIONS.

- (a) Off-street parking and loading spaces shall be provided in accordance with the requirement as set forth in **Chapter 1183**. If the minimum requirements as specified will not be sufficient to provide adequate parking or loading spaces, additional space shall be provided on the lot in order to accommodate all vehicles to be used in

connection with the business or. industry.

- (b) No parking of any vehicle will be permitted within any required yard.

1176.08 SIGNS.

All signs shall be in accordance with the provisions of **Title Nine.**

CHAPTER 1177

M-2 HEAVY INDUSTRIAL DISTRICT

1177.01 PURPOSE.

The purpose of the M-2 Heavy Industrial District is to encourage the development of major manufacturing, processing, warehousing, major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares.

1177.02 PRINCIPAL PERMITTED USES.

- (a) Any use permitted in **Section 1175.02.**
- (b) Assembly of components for transportation of vehicles.
- (c) Wood or lumber yard/sawmill (wholesale).
- (d) Establishments furnishing local or long distance trucking or transfer services, or those engaged in the storage of farm products, furniture and other household goods, or commercial goods of any nature.
- (e) Fabricated structural metal products, metal forgings, and metal stampings.
- (f) Manufacture of glass products, cement, structural clay products, pottery, concrete, and other products from materials taken principally from the earth in the form of stone, clay, and sand.
- (g) Manufacture of glue, except dental; animal, vegetable, fish, casein, and synthetic resin.
- (h) Manufacture of industrial and commercial machinery and equipment.
- (i) Manufacture of soap and other detergents; specialty cleaning, polishing, and sanitation preparations; perfumes, cosmetics, and other toilet preparations.
- (j) Welding shops and /or machine shops provided that no building used for such purposes shall have any opening other than stationary windows and required fire exits on the side of such building which faces and is adjacent to a residential district or existing residential property.
- (k) Auto wrecking and scrap yards, but only when the premises upon which such activities are conducted are wholly enclosed within a building.
- (l) Accessory buildings or uses customarily incidental to the above uses.

1177.03 CONDITIONALLY PERMITTED USES.

The following uses shall be approved in accordance with **Chapter 1148**.

- (a) Non-commercial equestrian stables and riding facilities.
- (b) Adult entertainment business (Refer to **Section 1185.04**).
- (c) Acid manufacturing.
- (d) Explosives manufacture or storage.
- (e) Petroleum refining, manufacturing paving and roofing materials, and related products.
- (f) Smelting and refining ferrous and nonferrous metals and manufacturing castings and other basic metal products.
- (g) Wireless telecommunications towers (Refer to **Section 1185.13**).
- (h) Fat rendering and fertilizer manufacture.
- (i) Garbage; collecting, destroying, processing.
- (j) Any other use which is determined by the Zoning Board of Appeals to be of the same general character as the above uses.

1177.04 HEIGHT AND AREA REGULATIONS.

The height and area regulations shall be in accordance as set forth in **Chapter 1181** shall be observed.

1177.05 PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 1183**.

TITLE SEVEN

SUPPLEMENTAL ZONING REGULATIONS

- Chap. 1181 Height, Area Requirements, and Exceptions.
- Chap. 1183 Off-Street Parking and Loading.
- Chap. 1185 Supplementary District Regulations.
- Chap. 1187 Non-Conforming Uses.
- Chap. 1189 Maintenance of Streetscape Design and Construction.
- Chap. 1191 Floodplain Zoning.

CHAPTER 1181

HEIGHT AND AREA REQUIREMENTS, AND EXCEPTIONS

1181.01 TABLE OF REQUIREMENTS

Required height and area regulations are established and shown on the table on the next page.

CITY OF TIFFIN ZONING CODE HEIGHT AND AREA REQUIREMENTS (1)								
Zoning District	Maximum Height of Buildings		Minimum Depth of Front Yard	Minimum Width of:		Minimum Depth of Rear Yard	Minimum Lot Area Per Family (s.f.)	Minimum Lot Width
	Stories	Feet		Either Side Yard	Aggregate Side Yards			
R-1	2.5	35'	40'	10'	20'	40'	15,000	100'
R-2	2.5	35	30'	7'	15'	30'	7,500	60'
R-3	2.5	35	25'	5'	12'	25'	5,000	50'
R-4	3	45	25'	10'	20'	25'	4,000 (1-family) 2,500 (2-family) 1,000(multiple)	50'
R-1a	2.5	35'	30'	10'	20'	40'	10,000 (1-family) 3,000 (2-family) 3,000 (multiple) 2,000/sleeping unit of a assisted care living building	100'
C-1	2	35	25'	5'	10'	25'	Same as R-4	
C-2	3	45	25'	5'	10'	25'	Same as R-4	
C-3	6	75	None except 5' on Washington St.	None	None	None	Same as R-4	
PUD	See Special Regulations in Chapter 1173.							
M-1	6	75	15'	10'	20'	12'	15,000	75'
M-1-a	n/a	45	25'	12'	24'	12'		75'
M-2	6	75	15'	10'	20'	12'	15,000	75'

(1) See Exceptions to Height, Front Yards, Side Yards, Rear Yards, Lot Area and Lot Width in Following Section.

1181.02 EXISTING LOTS OF RECORD.

- (a) Where a lot of record at the effective date of this Zoning Code has less area or width than required in **Section 1181.01** and the owner of such lot does not own any other parcel or tract adjacent thereto, such lot may nonetheless be used for the erection or reconstruction of a single-family dwelling or for any non-dwelling use permitted in the district in which it is located, even though its area and width are less than the minimum requirements set forth herein.
- (b) Where two (2) adjoining lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require that the lots be combined and used for one (1) principal building or use. In either case, the prevailing or required setback shall be met.
- (c) Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require replatting to fewer lots to permit compliance with the minimum yard requirements.

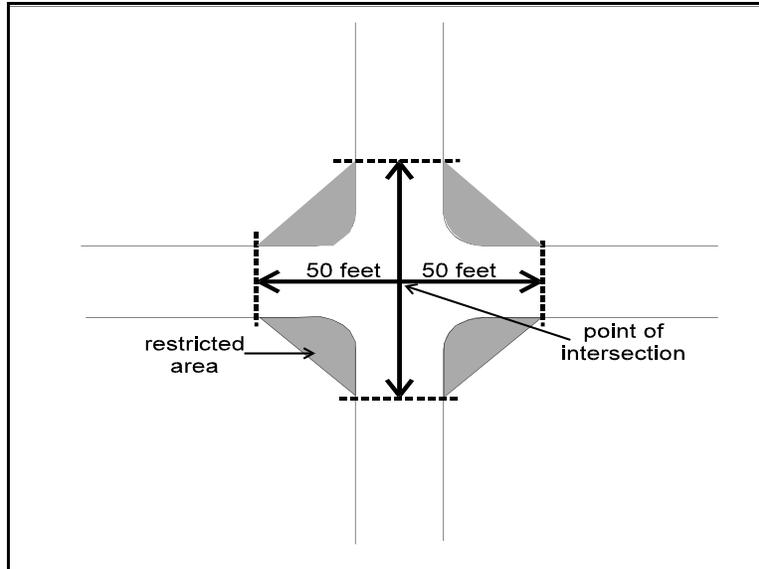
1181.03 MULTIPLE USES ON A LOT

In the R-4, and R-1a, C, and M Districts, there may be more than one (1) multiple dwelling, commercial or industrial building on a lot provided that all required yards are maintained around the building group.

1181.04 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in this Ordinance, the provisions of **Section 1181.04**, inclusive, shall be used for interpretation and clarification.

- (a) **Setback Requirements for Corner Buildings**
On a corner lot, the principal building and its accessory structures 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.
- (b) **Visibility at Intersections**
Except in the C-3 Zoning District, on a corner lot at the intersection of two (2) public streets within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and a half feet (2 ½') and ten feet (10') above the center line 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 said street lines fifty feet (50') from the point of intersection.



(c) Yard Requirements for Multiple-Family Dwellings

Group or multiple-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) 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.

(d) Exceptions to Front Yard Requirements.

- (1) Where forty percent (40%) or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two (2) adjacent corners of the building on either side thereof, or where there is a building on only one (1) side, beyond a line projected from the corresponding adjacent corners of the two (2) nearest buildings on that side except that no building shall be required to provide a front yard greater than fifty feet (50').
- (2) In any zoning district, whenever the height of a principal building exceeds thirty-five feet (35'), the front yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').
- (3) Front yard requirements in C-3 Zoning Districts are modified as hereunder provided:
 - A. The minimum depth of unoccupied space, further defined as front yard, for all new buildings constructed on lots that have frontage on Washington Street and zoned C-3 shall be five feet (5') from the east property line of lots on the west side of Washington Street and five feet (5') from the west property line of lots on the east side of Washington Street. This shall provide a five foot (5') setback from the property line as to all parts of structures

hereafter erected on Washington Street, it being further provided that this minimum setback shall include any and all permanent or temporary details of such buildings, including but not limited to roof overhangs, window sills, attached adornments, or the like. Permitted exceptions to this rule shall be such advertising signs as are allowable under currently valid City ordinance, flag pole receptacles and flag staffs, and any hardware deemed necessary for attachment to such buildings with the permission of the owner as are directly related to public utilities and the component hardware thereof.

- B. Within such five foot (5') setback shall be permitted sidewalks and permanent or seasonal receptacles for floral or horticultural ornamentation, however, such receptacles shall not exceed three feet (3') in height.
- C. No setback shall be required within the rest of the C-3 Central Business District.

(e) Exceptions to Side Yard Requirements.

- (1) For side yards along the street side of corner lots, refer to **Section 1181.04(a)**.
- (2) Where dwelling units are erected above a commercial establishment, no side yard shall be required except where required for a commercial building adjoining any residential district.
- (3) When a lot of record is less than fifty feet (50') in width, the required side yard may be reduced to ten percent (10%) of the width of the lot. However, no side yard shall be less than three feet (3').
- (4) For purposes of side yard regulations, a two-family or multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
- (5) In any zoning district, whenever the height of a principal building exceeds thirty-five feet (35'), the side yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').
- (6) When the side yard of any dwelling is non-conforming, the dwelling can be enlarged along that side yard, as long as the existing side yard is not reduced any more than its present state.
- (7) Interior lots of zero lot line developments shall be excluded from side yard requirements.

(f) Exceptions to Rear Yard Requirements.

- (1) In any zoning district, the required rear yard may be reduced to twenty percent (20%) of the depth of the lot on any lot not exceeding one hundred twenty feet (120') in depth.
- (2) In any zoning district, whenever the height of a principal building exceeds thirty-five feet, the rear yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').

(g) Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts.

Non-residential buildings or uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4') and six (6') feet in height, maintained in good condition, and free of all advertising or other signs. Landscaping shall consist of a strip of land not less than twenty feet (20') in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting. Either type of screening shall not obstruct traffic visibility within fifty feet (50') of an intersection.

(h) Exceptions to Height Regulations.

- (1) The height limitations contained in **Section 1181.01** do not apply to spires, belfries, cupolas, antennas, water towers, ornamental towers ventilators, chimneys, cooling towers, elevator bulkheads, fire towers, steeples, penthouses, stacks, stage storage towers or scenery lofts, tanks, television or radio towers, wireless telecommunication towers or other necessary mechanical 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 an established airport.
- (2) No structure shall be constructed in excess of the height that can be safely protected by all available fire fighting equipment except where in-structure fire protection is provided.
- (3) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.
- (4) In any district, public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75').

- (5) Whenever a building in an M District adjoins or abuts an R District, or is located within one hundred feet (100') therefrom, such building shall not exceed three stories or forty-five (45')feet.

(i) Projections Into Yards.

- (1) Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in rear yards.
- (2) Open structures such as uncovered porches or paved terraces, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front or rear yard by more than ten feet (10'), or into a required side yard by more than three feet (3').

(j) Other Yard or Lot Exceptions.

- (1) Gasoline service station pumps and pump islands, which are more than fifty feet (50') from the boundary of an R District may be located within a required yard provided they are more than fifteen feet (15') from any street line.
- (2) Within any R District, off-street parking shall not be permitted in a required front yard.

1181.05 ACCESSORY BUILDING REQUIREMENTS.

It is the purpose of **Section 1181.05**, inclusive of this Ordinance, to regulate accessory uses in order to promote the public health, safety and welfare; to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties. This section shall apply to the location and maintenance of accessory uses as herein defined. A Zoning Permit is required.

(a) General Requirements

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- (1) It shall not occupy more than thirty percent (30%) of the lot.
- (2) It shall not be located closer than five feet (5') from the lot lines. However, no such accessory building shall project beyond a required front yard along any street, or project closer to the street right-of-way than the principal structure, unless attached thereto.
- (3) It shall not contain or be used as a dwelling unit (except as allowed in **Section 1181.05(b).**)
- (4) It shall meet all yard requirements of the principal use, except as modified by the District Regulations in **Chapters 1161 through 1177.**

(b) Accessory Elderly or Handicapped Dwelling Unit

Notwithstanding the provisions of **Section 1181.05(a)(3)** of this Ordinance, an owner-occupied, single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of either an elderly or handicapped household, a member of which shall be either an elderly person or handicapped person related to the owner of the single-family dwelling unit. Such accessory dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling. The application for the Zoning Permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly or handicapped person. This permit expires upon the vacating of the dwelling unit by the family member for whom the conditional use was granted.

(c) Retail Sales and Services as an Accessory Use

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings; office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.

(d) Accessory Buildings Used for Storage

Accessory buildings used for storage shall have a permanent foundation affixed to the ground and shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or district in which located, and shall be maintained in good condition.

1181.06 FENCES AND WALLS.

- (a) No fence shall exceed three feet (3') in height between the street right-of-way line and the required building setback lines.
- (b) Maintenance: Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, or safety of the public.
- (c) Permits: No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Inspector who shall review each request to determine its compliance with this Chapter. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land.

- (d) Variances: Any deviation from this Ordinance must be approved by the Board of Zoning Appeals under the provisions of **Section 1148**. The Board of Zoning Appeals shall consider, in ruling upon such request, the criteria referred to in **Section 1148.02**.
- (e) Except in Industrial Districts, fences, hedges, and walls may be constructed to a maximum height of six feet (6') in any required side or rear yard, and to a height of three feet (3') in any required yard abutting a street.
- (f) Fences or walls required to surround and enclose public utility installations are not limited in height in any district.

1181.07 SHRUBBERY AND HEDGES.

No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of realty on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of three feet (3') in height and keep trees trimmed in order to avoid creating traffic hazards.

1181.08 PENALTY.

If any provision of **Sections 1181.06 and 1181.07** is violated, the Zoning Inspector may order that the fence, wall, or hedge be removed. If the fence, wall, or hedge is not removed within ten (10) days of the order, the owner shall be fined in accordance with **Section 1145.15**. Where trimming is not done within ten (10) days after notice by the Zoning Inspector, the employees of the City may enter upon the property and trim the shrubbery, hedges, or trees at the expense of the property owner. Any shrub, hedge, or tree found to be located upon public property may be removed by the City at any time.

CHAPTER 1183

OFF-STREET PARKING AND LOADING

1183.01 GENERAL REQUIREMENTS.

Chapter 1183 inclusive, shall apply to all Districts. Except as provided in **Section 1183.13**, no building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

- (a) The provisions of this Chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Ordinance.
- (b) Whenever a building or structure constructed after the effective date of this Zoning Code (Ordinance 2305, passed December 21, 1965) 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 of ten percent (10%) or more in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.
- (c) Whenever a building or structure existing prior to the effective date of this Zoning Code (Ordinance 2305, passed December 21, 1965) is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1183.02 OFF-STREET LOADING SPACE REQUIREMENTS AND DIMENSIONS.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel or any other use similarly involving the receipt or distribution of materials or merchandise by vehicle, shall provide and maintain on the same premises, off-street loading space(s) in accordance with the following requirements:

- (a) One (1) off-street loading space shall be provided and maintained on the same premises in the C-1, C-2, M-1, M-1-a, and M-2 Districts for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to ten thousand square feet (10,000 s.f.) or fraction thereof, of floor area in the building.
- (b) One (1) off-street loading space shall be provided and maintained on the same premises in the C-3 District for more than 5,000 and up to 15,000 square feet of floor area in a building. One additional off-street loading space shall be provided for each additional 15,000 square feet or fraction thereof of gross floor area so used.

- (c) Each loading space shall not be less than ten feet (10') in width, forty feet (40') in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen feet (14').
- (d) Such loading space shall not be located in the required front yard of the lot on which it is located. However, the loading space shall have unrestricted ingress and egress to a public right-of-way.
- (e) No such space shall be closer than fifty feet (50') from any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six feet (6') in height.
- (f) The surface of the loading space and its access drive shall be paved in accordance with **Section 1183.09(e)**.

1183.03 OFF-STREET PARKING SPACES.

(a) Dimensions.

Parking spaces and driveway aisles shall have minimum dimensions as defined below:

	PARKING SPACE		Width of Driveway Aisle
	Width	Length	
90 parking	9 feet	19 feet	25 feet
60 parking	10 feet	19 feet	17 ½ feet
45 parking	12 feet	19 feet	13 feet
Parallel parking	9 feet	23 feet	12 feet

All dimensions for parking spaces shall be exclusive of driveways, aisles, and other circulation areas. Except in the case of dwellings, no parking area provided hereunder shall be less than six hundred square feet (600 s.f.) in area. The number of required off-street parking spaces is established in **Section 1183.08** of this Ordinance.

(b) Access.

- (1) There shall be adequate provision for ingress and egress. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.
- (2) Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly

visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

(c) Width of Access Driveway.

The entrances and exits of the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

- (1) For one-way traffic, the minimum width of fourteen feet (14') except for forty-five degree (45) parking, in which case the minimum width of the access road shall be eighteen feet (18').
- (2) Access roads for two-way traffic shall have a minimum width of twenty-four feet (24').
- (3) Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

1183.04 LOCATION OF PARKING SPACES AREAS.

The following regulations shall govern the location of off-street parking spaces and areas:

- (a) All parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred feet (700') from the principal use.
- (b) All parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred feet (300') from the principal use.

1183.05 MIXED OCCUPANCIES AND USES NOT SPECIFIED.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. In case a use is not specifically mentioned in **Section 1183.08**, the requirements for off-street parking facilities for a similar use shall apply.

1183.06 JOINT USE.

Two (2) or more non-residential 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.

1183.07 STRIPING.

All parking areas with a capacity over ten (10) vehicles shall be striped.

1183.08 PARKING SPACE REQUIREMENTS.

In all districts (except the C-3 Central Business District) in connection with every use, there shall be provided at any time when any building, structure, or use is erected, developed, enlarged or increased in capacity, off-street parking spaces shall be required in accordance with the following:

Type of Use	Parking Spaces Required
DWELLINGS	
Adult family homes; dwellings for multiple residents aged 60 or above.	Refer to Section 1183.16.
Adult group homes	One (1) space for every employee on the largest working shift, plus one (1) for every five (5) clients or fraction thereof.
Bed and breakfast operations	One (1) space for every guest room plus two (2) for permanent residents.
Rooming or boarding houses, dormitories, fraternity houses with sleeping rooms.	One (1) for every sleeping room or suite, two (2) for each resident family or one (1) for every employee.
Condominiums, cooperatives, and zero lot-line homes.	Two (2) spaces for every unit.
Dormitories	A total number of spaces equal to 75 percent of the designed occupancy.
Hotels or motels.	One (1) space for every sleeping room, plus one (1) space for every two (2) employees, plus one for every 400 sq. ft. of public meeting area and restaurant space..
Nursing or convalescent homes.	One (1) space for every six (6) patient beds, plus one (1) space for every employee on the largest working shift, plus one (1) space for every staff member and visiting doctor.
Single-family or two-family dwellings.	Two spaces for every dwelling unit
Single- and multiple-family dwellings for persons aged 60 or above.	One (1) space per dwelling unit.
Two-family and multiple-family dwellings for three or more families	2.33 spaces per dwelling unit.
INSTITUTIONAL AND QUASI-INSTITUTIONAL	
Adult day care facilities.	One (1) space for every staff member, plus one (1) for every facility vehicle, plus one (1) space for every eight (8) adults under care. One (1) off-street passenger loading place with adequate stacking area (as determined by the Board).
Business or commercial school.	One (1) space for every two (2) students.

Type of Use	Parking Spaces Required
Child day care centers and facilities.	One (1) space for every teacher, administrator, or other employee, and one (1) space for every five (5) students. Paved unobstructed pick-up space with adequate stacking area (as determined by the Board) shall be provided in addition to the standard driveway and parking requirements.
Churches and other places of religious worship.	One (1) space for every four (4) seats in the principal place of worship. This requirement may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge during the time of services to make up additional spaces required.
Funeral homes	One (1) space for every 50 square feet of floor area in the public rooms, plus one (1) space for every vehicle maintained on the premises, plus one (1) space for every employee.
Governmentally owned community building, museum, library or art gallery.	One (1) space for every 250 square feet of gross floor area, or one (1) space for every four (4) patrons to the maximum capacity, plus one (1) space for every employee on the largest shift.
Hospitals, sanitarium.	One (1) space for every two (2) beds, plus one (1) space for every doctor, plus one (1) space for every employee on the maximum working shift., plus one (1) space for every hospital vehicle.
Institutions of higher learning and of a religious, educational, charitable or philanthropic nature.	One (1) space for every five (5) classroom seats, plus one (1) space for every three (3) seats in an auditorium, plus one (1) space for every vehicle owned/operated by the institution, and additional visitor parking equal to 25 percent of the above spaces.
Public or private schools.	One (1) space for every vehicle owned or operated by the school, plus three (3) spaces for every faculty member, plus one (1) space for every five (5) seats in the auditorium or gymnasium.
RECREATIONAL	
Country club or golf course	Sixty (60) spaces for every nine (9) holes, plus one (1) space for every employee on the largest shift, plus five percent (5%) of spaces otherwise required for any accessory uses (e.g. bars, restaurants).

Type of Use	Parking Spaces Required
Indoor commercial and noncommercial recreational facilities.	Three (3) spaces for every court (if applicable), 50 spaces for every playing field (if applicable), plus one (1) space for every three (3) seats of spectator seating, plus two (2) spaces for every three (3) employees on the maximum shift.
Non-commercial equestrian stables and riding facilities.	One (1) space for every two (2) stalls.
Outdoor commercial recreational facilities.	Two (2) spaces for every acre.
OFFICES	
Business and professional offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations.	One (1) space for every 300 s.f. of gross floor area, 40 percent may be compact car spaces.
COMMERCIAL	
Adult entertainment facility	One (1) space for every 200 square feet of net leasable area.
Automobile service stations which also provide repair	One (1) space for every two (2) gasoline pumps and two (2) for each service bay.
Billiard parlors, pool halls, bowling alleys, and similar establishments	One (1) space for every three (3) seats or one (1) for every 100 square feet of gross floor area.
Building materials, sales yard, and lumber yards.	One (1) space for every 500 square feet of floor area, plus one (1) space for every company vehicle.
Car washing facilities.	Four (4) spaces for every bay/stall, plus one (1) space for every employee for a self-service establishment, or one (1) space for every employee, plus sufficient area for ten (10) stacking spaces for every bay/stall for an automated establishment.
Commercial art, photographic, music, and dancing studios.	One (1) space for every 400 square feet of leasable area.
Commercial printing businesses.	One space per two (2) employees; for customer parking, one space for every 500 square feet of floor area open to the public; but in all cases a minimum of two (2) customer parking spaces.
Convenience store.	Five (5) spaces for every 1,000 square feet of gross floor area.
Dance halls.	One (1) space for every 100 square feet of floor area, plus one (1) space for every employee.

Type of Use	Parking Spaces Required
Dancing or music academy.	One (1) space for every 300 square feet of leasable area.
General retail establishments.	One (1) space for every 200 square feet of floor area.
Drive-in or drive-through restaurants.	One (1) space for every employee on the largest shift, plus sufficient area for eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window.
Drive-in theaters.	One (1) space for every 400 square feet of site area.
Frozen food locker/butcher shop.	One (1) space for every 200 square feet. of leasable area.
Mini-storage facilities.	One (1) space for every 100 individual storage spaces. Two (2) spaces for the manager and one (1) parking space for every additional employee. A minimum of three (3) parking spaces shall be provided.
Personal service shops.	One (1) space for every 100 square feet of floor area.
Plant nursery or greenhouse.	Two (2) spaces for every three (3) employees on the maximum shift, one (1) space for every vehicle customarily used in operation of the use or stored on the premises, plus five (5) spaces for every 1,000 square feet of gross floor area of salesroom.
Private clubs, fraternities, sororities or lodges.	One (1) space for every three (3) residents or per four (4) fixed seats in the largest assembly room or area,
Radio or television broadcasting station or studio.	One (1) space for every two employees.
Restaurants without drive-in or drive-through facilities.	One (1) space for every three (3) seats, plus two (2) spaces for every three (3) employees on the maximum shift.
Retail shops or stores such as grocery store, drug store, meat market, florist, deli, or notion or stationery store.	One (1) space for every 300 square feet of gross floor area.
Service industries such as laundry, cleaning or dyeing establishment or similar use.	One (1) space for every 200 square feet of gross floor area used by the general public.
Service station without convenience store.	1.5 spaces for every fuel nozzle, one (1) parking space for every 50 square feet of usable floor area in the cashier's and office areas. No less than three (3) parking spaces.

Type of Use	Parking Spaces Required
Service station and automobile repair garages (with or without convenience stores.	One (1) space for every employee on the maximum shift, 1.5 spaces for each fuel nozzle, and one (1) space for every service bay (service bay is not a parking space).
Swimming pools (community or club)	One (1) space for every 200 square feet of pool surface area (not including wading pools or whirlpool baths), plus one (1) space for every 200 square feet of building area in accessory structures in excess of 1,000 square feet.
Taverns, nightclubs, and cafes.	One (1) space for every four (4) seats.
Theater.	One (1) space for every three (3) seats, plus one (1) for every two (2) employees.
Veterinary clinic and animal hospital.	One (1) space for every 500 square feet.
INDUSTRIAL	
All types of assembly, manufacturing or industrial establishments, including research or testing laboratories, warehouse, or similar establishments.	One (1) space for every two (2) employees on the largest shift for which the building is designed, plus space to accommodate all trucks and other vehicles used in connection therewith.
Offices and equipment yards for general contractors and builders.	One (1) space for every 300 square feet of gross floor area.
Cartage, express, parcel delivery, and freight terminals.	One (1) space for every two (2) employees on the largest shift for which the building is designed, and one (1) space for each motor vehicle maintained on the premises.
Wholesale establishments and warehouses.	One (1) space for every two (2) employees on the largest shift for which the building is designed.

1183.09 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.

Every lot hereafter developed as a parking area and also a motor vehicle or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

(a) Screening and/or Landscaping.

- (1) Whenever a parking area is located in or adjacent to a residential district or lot used for residential purposes, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than four feet (4') nor more than six feet (6') in height and shall be maintained in good condition.

In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose,

then no such fence, wall, or planting screen and landscaping shall be required.

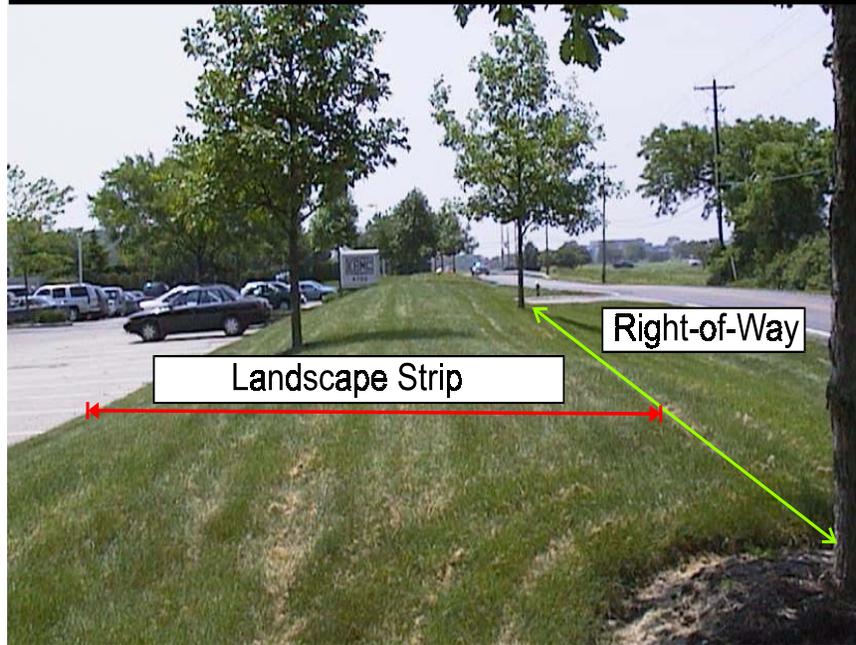
- (2) The space between such fence, wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

(b) Landscape Strip Required.

Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading, and storage areas) that contain more than 100 vehicular parking spaces shall provide a landscape strip in the R-4AL, C-1, C-2, C-3, M-1, M-1-a, and M-2 Districts, and in any other districts where property is developed for the purpose other than single- and multi-family dwellings. A landscape strip is measured from the right-of-way, as illustrated in the following diagram.

- (1) This landscape strip shall be provided along the full width of the lot and shall be mounded in accordance with **Section 1183.09(b)(1)A.**, and unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).
 - A. Earth Mounding: The strip shall be mounded to block or screen the view of any adjacent off-street parking areas and shall be constructed with plant material to prevent erosion. Slopes on earth mounds shall be no greater than three to one (3:1) with a generally flat crest. Earth mounds shall also vary in height and alignment with random plant material placement.
- (2) Within this landscape strip, there shall be at least one (1) three-inch (3") caliper deciduous tree or small flowering trees with creative placement every fifty feet (50') of road frontage, along with random shrub plantings.
- (3) Earth mounds and decorative landscape treatment shall not block adequate safe distances at driveway locations and intersections (Refer to **Section 1181.05(b)**).
- (4) The width of the landscape strip shall be no less than thirty feet (30'). Corner lots shall have landscape strips of required width on both frontages.

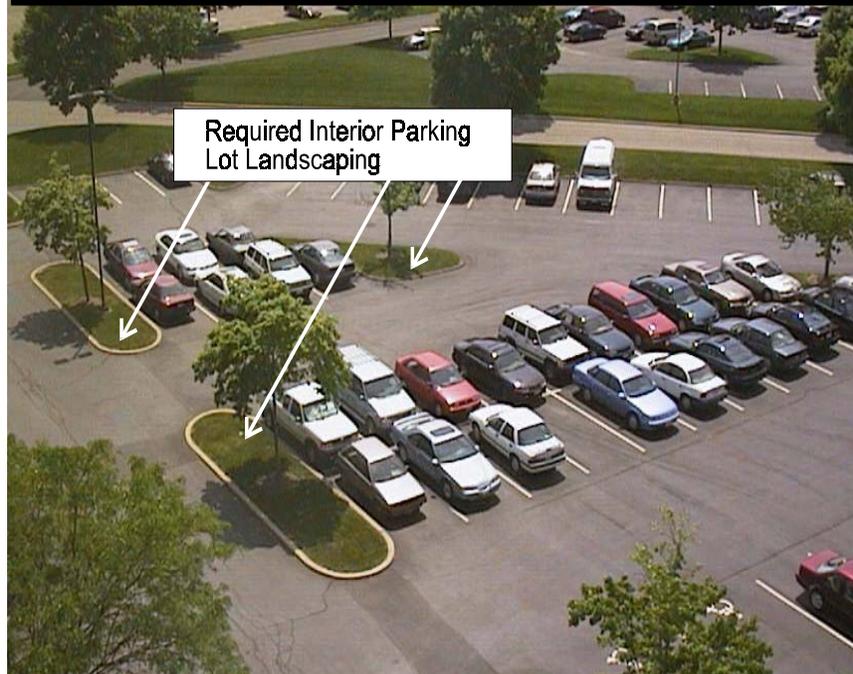
REQUIRED LANDSCAPE STRIP EXAMPLE



(c) Interior Parking Area Landscaping.

- (1) Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading, and storage areas) that contain more than 100 vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping.
- (2) The amount of this interior parking landscaping shall not be less than five square feet (5 s.f.) of landscaped area for each one hundred square feet (100 s.f.) or fraction thereof, of off-street parking area.
- (3) Landscaped areas shall be dispersed throughout the parking area in peninsulas and islands, provided that each island or peninsula is not less than sixty-four square feet (64 s.f.) in size.
- (4) Landscaped islands or peninsulas shall be vegetated with grass or similar plant material not to exceed two feet (2') in height. For each three thousand square feet (3,000 s.f.) of open parking area, there shall be no less than one, three-inch (3") caliper deciduous tree placed in landscaped islands or peninsulas. Trees shall have a clear trunk of at least five feet (5') above the ground.

REQUIRED INTERIOR LANDSCAPING EXAMPLE



- (d) **Minimum Setbacks for Parking Areas.**
In no case shall any part of a parking area be closer than four feet (4') to any established street or alley right-of-way, or any side or rear lot line..
- (e) **Surfacing.**
The required number of parking and loading spaces as set forth in **Sections 1183.02 and 1183.08**, and together with driveways, aisles, and other circulation areas, shall be surfaced with a concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated as approved by the City Engineer so as to provide a durable and dust-free surface.
- (f) **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. These areas shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- (g) **Lighting.**
Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. A cut-off type luminaire shall be used to illuminate a parking lot and shall be so arranged as to reflect the light away from the adjoining property in the district. When located adjacent to business uses, the

light source shall not be visible at a height greater than five feet (5') above ground level. When located adjacent to residential uses, the light source shall not be visible at ground level or above.

(h) 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.

1183.10 GENERAL INTERPRETATIONS.

In the interpretation of this Chapter, the following rules shall govern:

- (a) Floor area means the gross floor area of the specified use.
- (b) Parking spaces for other permitted or conditional uses not listed in this Chapter shall be determined by the Zoning Board of Appeals upon an appeal from a decision by the Zoning Inspector.
- (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (d) Fractional numbers shall be increased to the next whole number.
- (e) Where there is an adequate public transit system or where, for any other reason, parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board, upon an appeal from a decision of the Zoning Inspector.
- (f) Places of public assembly; benches. In places of public assembly in which patrons or spectators occupy benches, pews, or other such seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.

1183.11 MODIFICATIONS.

The Zoning Board of Appeals may authorize an appeal, modification, reduction, or waiver of the foregoing requirements if it should find, that in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.

1183.12 CENTRAL BUSINESS DISTRICT EXEMPT.

The parking and loading space requirements of **Section 1183.02** and **1183.08** shall not apply to the C-3 Central Business District as shown on the Official Zoning Map, provided that parking and loading facilities, if voluntarily established, shall comply with **Section 1183.09** and the following:

- (a) Subject to limitations in **Section 1183.013.(b)**, such space may occupy all or part of any required yard.
- (b) No such space shall be closer than fifty feet (50') from any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed

on all sides by a wall or uniformly painted solid board fence not less than six feet (6') in height.

1183.13 OFF-STREET STORAGE AREAS FOR DRIVE-IN OR DRIVE-THROUGH SERVICES.

Establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- (a) Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering, shall provide a minimum of three (3) additional storage spaces for each such stopping point.
- (b) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- (c) Self-serve automobile washing facilities shall provide no fewer than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.
- (d) Motor vehicle service stations shall provide no fewer than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be closer than fifteen feet (15') to any street right-of-way.

1183.14 HANDICAPPED PARKING.

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with the **Americans with Disability Act, Fair Housing Amendments Act, Uniform Federal Access Standards and the Minimum Guidelines and Regulations for Access Design.**

1183.15 ELDERLY HOUSING PARKING.

- (a) Each parking space provided for in an elderly housing facility shall at a minimum measure nine feet (9') in width and twenty feet (20') in length, with aisles measuring twenty-one feet (21') in width.
- (b) There shall be provided one (1) such parking space per dwelling unit and per regular shift employee.
- (c) Should additional parking spaces be deemed necessary, the Board of Zoning Appeals subsequently may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units, and one (1) per regular shift employee if the site plan includes a set-aside of landscaped area which is not part of any open-space requirement, and which is accessible to egress/ingress for parking purposes.

1183.16 PARKING OF COMMERCIAL VEHICLES AND TRAILERS IN RESIDENTIAL DISTRICTS.

See Section 1185.03.

CHAPTER 1185

SUPPLEMENTARY DISTRICT REGULATIONS

1185.01 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict.

1185.02 TEMPORARY BUILDINGS AND USES.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a temporary Zoning Permit, an application for a Zoning Permit shall be made to the Zoning Inspector at least seven (7) days before the commencement of such use. This application shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

- (a) The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:
 - (1) Real estate sales offices which are not used for dwelling purposes, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2), six- (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Zoning Permit, whichever occurs first.
 - (2) Temporary buildings, construction trailers, offices, equipment, and materials, and storage facilities required in conjunction with construction activity may be permitted in any district for a period of one (1) year, except that six- (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the Zoning Permit for the involved construction activity, whichever occurs first.
 - (3) Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed seven (7) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary Zoning Permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he or she

determines that it encroaches upon more than twenty-five percent (25%) of the required parking area.

- (4) Temporary retail sales and services, such as the sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Zoning Permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving his or her permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the Zoning Permit shall be prominently displayed at the site.
- (b) Written application for a temporary permit shall be made to the Zoning Inspector. The application shall include:
- (1) The address of the property and the name, address, and telephone number of the owner and occupant of the property.
 - (2) A description of the business' temporary use sought to be carried on.
 - (3) The number and names of persons to be involved in the business.
 - (4) Any additional information required by the Zoning Inspector to establish the advisability of granting the permit.

1185.03 LONG-TERM PARKING FACILITIES FOR ALL TYPES OF VEHICLES.

In addition to complying with all other provisions of this zoning code, the applicant shall comply with the following conditions, whether or not the long-term parking facility is an accessory use or primary use of a lot:

- (a) That no boundary of the proposed parking area is within fifty feet (50') of a residential district boundary.
- (b) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- (c) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
- (d) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.

- (e) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

1185.04 ADULT ENTERTAINMENT BUSINESS.

In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

- (a) No adult entertainment business shall be permitted in a location which is within one thousand five hundred feet (1,500') of another adult entertainment business.
- (b) No adult entertainment business shall be permitted in a location which is within one thousand feet (1,000) of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
- (c) No adult entertainment business shall be permitted in a location which is within five hundred feet (500') of any residence or boundary of any residential district.

1185.05 CHILD CARE.

- (a) Home operated child care with an average daily attendance of six (6) children or less are allowed in any residential district. No zoning permit is required for this type of child care.
- (b) Home operated child care with between seven (7) and twelve (12) children in average daily attendance may also be allowed in a residential district as either a permitted or conditional use. The petitioner shall be required to obtain a zoning permit by proving that he or she has complied with all applicable state laws, and copies of the state permits shall be filed with the Zoning Inspector. The zoning permit will expire on a yearly basis. The zoning permit shall be renewed by the Zoning Inspector with proof that the petitioner has complied with all applicable state laws governing child care centers.
- (c) Child care centers with more than twelve (12) children in attendance are subject to the following regulations:
 - (1) The petitioner obtains all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.
 - (2) Provisions are made for off-street parking and loading facilities and such fencing, screening, and landscaping as required to prevent undue detriment to the area.
- (d) Review of a child care center shall include, but is not limited to:
 - (1) Proof of all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.

- (2) Location of the site and the site size and configuration relative to development of the adjoining area and the effect of activities on the site of the adjacent property.
- (3) Number of children to be accommodated in the center, service area, type of program, teacher-child ratios, and personnel qualifications.

In order to operate a child care center, the petitioner must apply for a child care center permit with an application fee adopted by resolution by the City Council. The application will be reviewed by the Zoning Inspector who has the power to grant or deny the permit. If the Zoning Inspector denies the permit, the petitioner may appeal to the Board of Zoning Appeals for reconsideration of issuance of the permit.

1185.06 HOME OCCUPATIONS.

Home Occupations shall not require a permit and shall comply with all of the following regulations:

- (a) Only members of the immediate family residing on the premises shall be engaged in the proposed use.
- (b) Sales of commodities on the premises shall not be permitted.
- (c) Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.
- (d) Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation.
- (e) The external appearance of the structure in which the use is to be conducted shall not be altered and not more than one (1) sign no larger than two square feet (2 s.f.) shall be mounted flush to the wall of the structure.
- (f) Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- (g) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (h) No more than two (2) additional parking places which shall not be located in a required front yard may be proposed in conjunction with the home occupation.
- (i) The home occupation permission shall expire in the event of change of ownership of the property at the location for which it was issued or any change in location of the original home occupation.

1185.07 JUNK.

- (a) The accumulation or storage of junk, junk motor vehicles (as defined under **ORC 4513.65**), disabled or inoperative machinery or equipment, vehicles or machinery

parts, rags, or any other discarded objects or debris defined as junk in this Ordinance shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

- (b) No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- (c) Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the City or owners of surrounding land.
- (d) Upon repeated violations of this section, the Zoning Inspector may require the violator to erect a fence or landscaping designed to contain litter.
- (e) Junk Yard Fence Required; Penalty.
 - (1) Any person or corporation operating or maintaining a junk yard as defined in **Ohio R.C. 4737.05**, or **Section 1143** of these Codified Ordinances shall erect and maintain in good order and repair a fence at least six feet (6') in height commencing at the ground level and constructed of non-transparent material so as to obscure the junk in the enclosure from the view of persons outside the enclosure of the junk yard. No advertisement shall be permitted on the fence other than the name of the person owning or operating said junk yard and the nature of the business conducted therein.
 - (2) Whoever violates the provisions of this section shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) plus the cost of prosecution.

1185.08 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner creating which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises; except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of land or building in any district shall be in violation of this Ordinance if one (1) or more of the following conditions are found to exist at any time:

- (a) The use or storage of flammable or explosive materials if not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- (b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

- (c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- (d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- (e) Vibration discernible by the Zoning Inspector without instruments is present on adjoining lot or property.
- (f) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
- (g) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- (h) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
- (i) Activity emitting electrical current, radio waves or microwaves which adversely affects the operation of any equipment other than that of the operator.

1185.09 REFUSE COLLECTION AREAS.

When any property is located with a residential zoning district, or when any property adjoining an existing residence or residential district, refuse collection areas provided by commercial, industrial, and multi-family residential uses for the collection of trash, garbage, and other refuse, shall be enclosed. Such enclosure must be along three (3) sides by a solid wall or fence, unless within an enclosed building or structure. Such wall or fence shall be constructed to a height that is not less than two feet (2') higher than the height of the trash receptacles. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- (a) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- (b) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- (c) Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

1185.10 SATELLITE DISH ANTENNAS.

All satellite dish antennas are considered accessory structures and must meet an applicable setback requirement. No zoning permit is required.

1185.11 SWIMMING POOLS.

- (a) **Private Swimming Pools.**

No private swimming pool ("pool"), exclusive of portable swimming pools with a diameter less than twelve feet (12') or with an area of less than one hundred square feet (100 s. f.), shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) 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. A pool will be considered an accessory use to the main structure.
- (2) A pool may not be located closer than ten feet (10') to any property line. That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits.
- (3) Elevated decks for above-ground pools shall not be located closer than ten feet (10') to the property line.
- (4) The swimming pool or the entire property behind the front building on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of the pool are above grade. The fence or wall shall not be less than four feet (4') in height, shall be separate from the wall of the pool, and maintained in good condition with a gate and lock.
- (5) Before construction commences, the petitioner shall obtain a zoning permit, and all permit fees shall be paid.
- (6) Pools, including above-ground pools, may not be located in the front yard of the lot without a variance from the Board of Zoning Appeals.

(b) Community or Club Swimming Pools.

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities, and shall comply with the following conditions and requirements:

- (1) 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.
- (2) The pool and accessory structure thereto, including the areas used by the bathers, shall not be closer than fifty feet (50') to any property line.
- (3) 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 street or from adjacent properties. The fence or wall shall not be less than six feet (6') in height and maintained in good condition.

- (4) Before construction commences, the petitioner shall obtain a Zoning Permit under Chapter 1145, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.

1185.12 WIRELESS TELECOMMUNICATION TOWER.

Telecommunication towers are conditionally permitted in any non-residential zoning district (C-1, C-2, M-1, M-1-a, and M-2 Districts), and shall meet the following standards when located within a residential district:

- (a) The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- (b) All accessory buildings shall be screened with fencing, masonry, shrubbery, or other screening as approved by the Planning Commission.
- (c) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations.
- (d) No advertising or illumination other than that required by law may be located on the structure.

CHAPTER 1187 NON-CONFORMING USES

1187.01 INTENT.

Within the districts established by this Ordinance or subsequent amendments, there exist lots, structures, and uses which were lawful before the Ordinance was passed or amended but which would be prohibited under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed voluntarily. The legitimate interest of those who lawfully established these non-conformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution.

1187.02 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this 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 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.

1187.03 CERTIFICATES FOR NON-CONFORMING USES.

The Zoning Inspector may, upon his or her own initiative, or shall, upon the request of any owner, issue a certificate for any property that certifies that the property is a valid non-conformity. The certificate shall specify the reason why the use is a non-conformity, the extent of the non-conforming use, structure, or non-conforming dimensional requirements. One (1) copy of the certificate shall be returned to the owner and one (1) copy shall be retained by the Zoning Inspector, who shall maintain as public record a file of all such certificates.

1187.04 SUBSTITUTION OF NON-CONFORMING USES.

So long as no structural alterations are made except as required by enforcement of other codes or Ordinances, any non-conforming use may, upon appeal to and approval by the Board of Zoning Appeals be changed to another non-conforming use.

1187.05 NON-CONFORMING USE MADE TO CONFORM.

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

1187.06 NON-CONFORMING USES OF LAND.

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

- (a) The non-conforming use may not be enlarged or increased unless approval by the Board of Zoning Appeals has been granted to the applicant.

- (b) Upon Board of Zoning Appeals approval, a non-conforming use may be extended throughout a building which was designed and arranged for such use if no structural alterations are made, except those required by law.
- (c) All non-conforming uses of land not involving any building or structure may be continued for a period of two (2) years after the date of enactment of the Zoning Ordinance and at the end of which period such non-conforming use shall cease or shall be changed to a conforming use.
- (d) If a non-conforming use of land or any portion thereof is discontinued or abandoned for a continuous period of one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

1187.07 NON-CONFORMING BUILDINGS AND STRUCTURES.

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

- (a) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Zoning Code.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification
- (c) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (d) If a structure is non-conforming due to a yard requirement, the structure may be enlarged or increased provided it does not increase its non-conformity. For example, if a structure is non-conforming due to a front yard setback, the structure may be enlarged only to the extent that the previously established front yard setback is not further reduced.
- (e) Should a non-conforming structure be destroyed by any means to more than seventy-five percent (75%) of its fair market value (exclusive of foundation), the structure may be rebuilt on the same location, with construction beginning within six (6) months of its destruction. When damaged by less than seventy-five percent (75%) of its fair market value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year from the date of such damage.
- (f) Should such structure be removed for any reason for any distance whatever, it shall thereafter conform to the regulations for that district in which it is located after it is moved.

- (g) Whenever the use of a building becomes nonconforming through a change in the zoning regulations or in the district boundaries such use may be continued and if no structural alterations are made, may be changed to another non-conforming use which has no greater negative impact on the surrounding area than the use it replaces regardless of whether or not the uses are in the same zoning category.
- (h) Whenever a non-conforming use of a building or portion thereof is discontinued or a continuous period of two (2) years, such nonconforming use shall be abandoned, and any future use of such building or portion thereof shall be in conformity with the regulations of the district in which such building is located.

1187.08 REPAIRS AND MAINTENANCE.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof. Where appropriate, a building permit for such activities shall be required.

CHAPTER 1189

MAINTENANCE OF STREETScape DESIGN AND CONSTRUCTION

1189.01 MAINTENANCE OF DESIGN INTEGRITY.

The Tiffin Streetscape Area as constructed in accordance with contracts shall remain in all details as originally constructed. Any repair, reconstruction, excavation or replacement of any sidewalks, curbs, pavements, bollards, trees, cobblestones, planters, plantings, street lights or any other detail shall remain in its original form permanently.

1189.02 STREETScape AREA.

The Streetscape Area shall be defined as follows:

Washington Street from a point approximately 437 feet south of Madison Street to its intersection with Riverside Drive; Market Street from its intersection with Jefferson Street to its intersection with Monroe Street; Madison Street from a point approximately 75 feet west of the centerline of Washington Street to a point approximately 83 feet east of the centerline of Washington Street; Court Street from a point approximately 52 feet east of the centerline of Washington Street to its intersection with Washington Street; Perry Street from a point approximately 79 feet west of the centerline of Washington Street to a point approximately 78 feet east of the centerline of Washington Street. Any additions to the Streetscape Area created by ordinance shall, upon adoption, be included without further Council action.

1189.03 REPLACEMENT OF ORIGINAL DESIGN.

- (a) All persons performing construction work within the public street rights-of-way included in the Tiffin Streetscape Area which will in any way involve the sidewalks, curbs, pavements, bollards, trees, cobblestones, planters, plantings, street lights or any related incidental items which were heretofore constructed under the 1983 City contracts for the Central Business District Streetscape Project, shall be required to replace or repair such items in accordance with the plans and specifications as provided for the Streetscape Project. Such plans and specifications shall be on file at the Office of the City Engineer, and the City Engineer shall be responsible for the interpretation of them.
- (b) Such construction work shall be permitted only upon application for and granting by the City Engineer, of a permit to perform such work, and such permit shall include a firm commitment that all such work contemplates total replacement of the original design.
- (c) The City Engineer shall have the authority for any reason to revoke such permit and order cessation of work upon inspection, which in the judgment of the City Engineer indicates variation from the agreed conditions, including but not limited to grade elevations, replacement material, neatness of workmanship or permanent effect.

1189.04 REPLACEMENT OF PLANTINGS.

If any repair work or accident causes the removal or destruction of any planted tree or shrub, then

the party responsible for destroying the vegetation shall replace the tree or shrub with an approved planting which must be of the same trunk diameter and species as the destroyed vegetation. Such replacement shall occur during the earliest planting season and such planting shall include the obligation for replacement of approved size and type within one year should the tree or shrub die or become diseased. Should the responsible party fail to replace the destroyed vegetation, the City Administrator shall cause it to be replaced and the responsible party shall be subject to the penalty provided in **Section 1189.99**, in addition to the actual expense of the replacement.

1189.05 PETITION TO DEVIATE FROM PLANS AND SPECIFICATIONS.

If any person who proposes to perform construction work involving those items as specified can show good reason to deviate from the plans and specifications as noted above, he shall submit a proposal in writing to the City Planning Commission which will specify in detail the proposed deviation, and the Commission shall at its next regular meeting consider such proposal. The Commission shall have the authority to accept or reject the proposal for such deviation in whole or in part, and shall have forty (40) days from the date the proposal was introduced at a regular meeting in which to make a decision by resolution. A majority vote shall be required to pass a resolution which will allow a deviation from the original streetscape project plans.

1189.06 EMERGENCY CONDITIONS.

In the event that sidewalks or other areas involved in the Streetscape Area must be removed because of a clear and present emergency, authority to proceed may be granted upon oral or written request by the City Administrator. Such permission shall include a firm commitment that all repair and replacement shall be in strict accordance with the plans and specifications, unless a variance eventually is requested through the procedures outlined in **Section 1189.05** above. In this case, approved temporary replacement of sidewalks or other structures may be made in a manner approved by the City Engineer following which, such variances approved or denied by the Planning Commission, shall govern the final work.

1189.99 PENALTY.

Whoever violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provision of this chapter shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned not more than thirty (30) days, or both, for each offense. Each day a violation continues shall constitute a separate offense.

CHAPTER 1191 FLOOD PLAIN ZONING

1191.01 PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize losses resulting from inundation of floodwaters in the City by provisions designed to:

- (a) Restrict or prohibit property uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (b) Require that property uses vulnerable to floods, including facilities which serve such uses, be protected from flood damage at the time of initial construction.
- (c) Control filling, grading, dredging, and other development which may increase flood damage.
- (d) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (e) Provide compliance with federal laws to insure eligibility for the National Flood Insurance Program. (Ord. 87—14. Passed 6—1—87.)

DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Further, these definitions shall be used only for the purpose of interpretation and enforcement of this chapter and not for interpretation or enforcement of any other Codified Ordinances.

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Appeal means a request for a review of the Zoning Administrator's interpretation of any provision of this chapter or a request for a variance.

Area of special flood hazard means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred year flood.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Federal Emergency Management Agency (FEMA) means the agency with the overall responsibility

for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. "Manufactured home" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. "Manufactured home park or subdivision" shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule-making power.

New construction means structures for which the "start of construction" commenced on or after the effective date of this chapter.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, mobile home or gas or liquid storage tank that is

principally above ground.

Substantial improvement means:

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored before the damage occurred.
2. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance means a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 87—14. Passed 6—1—87.)

1191.02 GENERAL PROVISIONS

- (a) Applicable Lands. This chapter shall apply to all lands within the jurisdiction of the City and shown on the official Flood Boundary and Floodway Zoning Map within the boundaries of the Special Flood Hazard District. The areas of special flood hazard are based on a scientific and professional engineering report prepared by the Federal Emergency Management Agency titled "The Flood Insurance Study for the City of Tiffin, Ohio." This report, along with all Flood Insurance Rate Maps and Flood Boundary and Floodway Maps dated July 3, 1986, and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Engineer's office, Tiffin, Ohio.
- (b) Rules for Interpretation of District Boundaries. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements.
 - (2) Liberally construed in favor of the governing body.
 - (3) Deemed neither to limit nor appeal any other powers granted under State statutes.
- (c) Flood Hazard District Boundaries. The Flood Boundary and Floodway Map dated July 3, 1986, and as thereafter amended shall be the official Flood Plain Zoning Map and shall show all flood hazard districts and floodway districts. The floodway districts shall be subject to all requirements of the flood hazard districts as well as to all requirements of the floodway districts. This chapter and its map shall be in addition

to the previously existing comprehensive Zoning Code and its map, and all property within the City shall be subject to the provisions of both.

- (d) District Boundary Changes. The delineation of the Flood Hazard District may be revised by the City where natural or man—made changes have occurred and/or more detailed studies conducted or undertaken by a federal, State, local or other qualified agency or where individual documents support such changes. However, prior to any such change, approval shall be obtained from the Federal Emergency Management Agency.
- (e) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man—made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Special Flood Hazard District boundaries or land uses permitted within such District will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (f) Compliance. Unless specifically exempted as stated in Section 1191.04(b), no structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
- (g) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 87—14. Passed 6—1—87.)

1191.03 ADMINISTRATION

- (a) Establishment of Development Permit. A development permit shall be obtained before construction or development begins in a Special Flood Hazard District established in Section 1191.03(a). This permit shall be in addition to the zoning certificate required of the base district. Application for a development permit shall be made on forms furnished by the Zoning Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
 - (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed;

- (3) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sections 1191.07(b)(2) or 1191.08(b).
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) Exemption From Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities (except for grading and filling) valued at less than one thousand dollars (\$1,000). (Ord. 87—14. Passed 6—1—87.)

1191.04 DESIGNATION OF ZONING ADMINISTRATOR; DUTIES

- (a) The City Engineer is hereby designated to be the Zoning Administrator, who will administer and implement the provisions of this chapter.
- (b) Duties of the Zoning Administrator shall include, but are not limited to:
 - (1) Permit review.
 - (A) Review all development permits to assure that the permit requirements of this chapter have been satisfied.
 - (B) Review all development permits to assure that all necessary permits have been received from those federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required and the Zoning Administrator shall not be held liable for a failure of the applicant to secure such other permits, whether they be required either before or after issuance of a flood plain development permit.
 - (C) Review all development permits to determine if the proposed development is located within the floodway (FW) component of the Flood Hazard District as determined in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1191.08(a) is met.
 - (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1191.03(a), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Section

1191.07(b)(1) and (b)(2), and Section 1191.08.

- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard designated on the Official Zoning Map as a Flood Hazard District, regardless of the source of such data, the following provisions apply:
 - (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.
 - (B) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (2) Maintain the floodproofing certifications required in Section 1191.04(a)(3).
 - (C) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourse.
 - (A) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (B) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of such watercourse so that the flood-carrying capacity will not be diminished.
- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between the Flood Hazard District boundary and actual field conditions). Where a District boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1191.06. (Ord. 87—14. Passed 6—1—87.)

1191.05 VARIANCE PROCEDURE

- (a) The Zoning Board of Appeals as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

- (b) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this chapter.
- (c) Those aggrieved by the decision of the Board or any taxpayer, may appeal such decision to the Seneca County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
- (d) In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (6) The necessity to the facility of a waterfront location, where applicable;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (e) Upon consideration of the factors of Subsection (d) hereof and the purposes of this chapter, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- (f) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (g) Conditions for Variances.
 - (1) Variances may be granted only if the applicant can make a substantial showing that there are unique circumstances applicable to the lot which do not generally apply to other lots in the flood hazard zone and which will sustain justification for a variance. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection (d) hereof has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - (A) A showing of good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (C) A determination that the granting of a variance will not result in increased flood heights beyond that allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (d) hereof or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 87—14. Passed 6—1—87.)

1191.06 PROVISIONS FOR FLOOD HAZARD REDUCTION

- (a) General Standards. In all areas of special flood hazard designated on the Official Zoning Map as a Flood Hazard District, the following standards are required:
- (1) Anchoring.
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over—the—top or frame ties to ground anchors.
 - (2) Construction materials and methods.
 - (A) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (3) Utilities.
 - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
 - (C) Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (4) Subdivision Proposals.
 - (A) All subdivision proposals, including manufactured home

subdivisions, shall be consistent with the need to minimize flood damage;

- (B) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (C) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (D) Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least six lots.
- (b) Specific Standards. In all areas of special flood hazards designated on the official Flood Plain Zoning Map as a Flood Hazard District where base flood elevation data have been provided as set forth in Sections 1191.03(a) and 1191.05(b)(2), the following provisions are required:
- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the base flood elevation. If fill is used to elevate a structure, it shall extend laterally fifteen feet beyond the limits of any structure.
 - (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (A) Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to an elevation above the base flood elevation;
 - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads, flotation, collapse or lateral movement; and,
 - (C) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1191.04(a)(3).
 - (3) Accessory structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (for example, sheds, detached garages) containing less than 576 square feet in gross floor area. Such structures shall meet the floodway encroachment provisions of Section

1191.08(a) and the following additional standards:

- (A) They shall not be used for human habitation;
 - (B) They shall be designed to have low flood damage potential;
 - (C) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (D) They shall be firmly anchored and constructed to prevent flotation, collapse or lateral movement and,
 - (E) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.
- (A) Manufactured homes shall be anchored in accordance with subsection (a)(l)B. hereof.
 - (B) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
- (5) Enclosures below base flood elevation. Any structure required to be elevated above the base flood level shall have no enclosures below the base flood level except as provided for nonresidential structures in subsection (b)(2) hereof. (Ord. 87—14. Passed 6—1—87.)

1191.07 FLOODWAYS

The Flood Insurance Study referenced in Section 1191.03(a) identifies a segment within the Flood Hazard District known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1191.05(b)(2). The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential. The following provisions apply within all delineated floodway areas:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such technical evaluation shall be conducted by a registered professional engineer, who shall submit his evaluation data and certify his findings to the Zoning Administrator for review and approval.
- (b) If subsection (a) above is satisfied, all new construction and substantial

improvements shall comply with all applicable flood hazard reduction provisions of Section 1191.07 and additionally, all proposed structures within a floodway shall be designed and certified by a registered professional engineer to withstand potential erosion around substructures, impact by ice or debris, and all hydraulic forces which could be expected to occur during a flood of base elevation. (Ord. 87—14. Passed 6—1—87.)

1191.08 PENALTY

Any person, firm, or corporation which violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day s continuation of a violation shall be deemed a separate offense. (Ord. 87-14. Passed 6-1-87.)