

**TITLE III**  
**DISTRICT REGULATIONS**

**CHAPTER 1139  
GENERAL REGULATIONS**

<b>1139.01</b>	<b>INTERPRETATION.</b>	<b>1139.12</b>	<b>CORNER LOTS.</b>
<b>1139.02</b>	<b>CONFLICT.</b>	<b>1139.13</b>	<b>LOTS, YARDS, AND OPEN SPACES.</b>
<b>1139.03</b>	<b>SEPARABILITY.</b>	<b>1139.14</b>	<b>VISIBILITY.</b>
<b>1139.04</b>	<b>PERMITTED AND SIMILAR USES.</b>	<b>1139.15</b>	<b>ACCESSORY BUILDING.</b>
<b>1139.05</b>	<b>PERMITTED AREA, HEIGHT, AND NUMBER OF FAMILIES, AND YARD.</b>	<b>1139.16</b>	<b>DRAINAGE CHANNELS AND FLOOD PLAINS.</b>
<b>1139.06</b>	<b>PERMITTED HEIGHT EXEPTIONS.</b>	<b>1139.17</b>	<b>APPROVAL OF PLATS.</b>
<b>1139.07</b>	<b>CONDITIONS AND SAFEGUARDS.</b>	<b>1139.18</b>	<b>PROHIBITED USES.</b>
<b>1139.08</b>	<b>BUILDING PERMIT OR ZONING CERTIFICATE.</b>	<b>1139.19</b>	<b>ROADSIDE STANDS.</b>
<b>1139.09</b>	<b>TRANSITION AREAS (BUFFER ZONE).</b>	<b>1139.20</b>	<b>INCONSISTENCIES.</b>
<b>1139.10</b>	<b>CONSTRUCTION.</b>	<b>1139.21</b>	<b>SITE PLANS.</b>
<b>1139.11</b>	<b>PRINCIPAL BUILDING.</b>	<b>1139.22</b>	<b>BUILDING PLANS.</b>

**1139.01 INTERPRETATION.**

Provisions of this Ordinance shall be considered minimum requirements and shall be construed to further its underlying purposes and objections. This shall apply uniformly to each district, lot and structure. Where provisions of this Ordinance impose restrictions upon structures or land more restrictive than those imposed or required by other regulations or covenants running with the land, this Ordinance shall govern; and conversely, other regulations or covenants shall govern if they are more restrictive than this Ordinance.

This Zoning Ordinance enumerates only those uses which are permitted in the various zoning districts. If a particular use is not included in the list of permitted uses for a particular zoning district, it shall be interpreted as not permitted.

**1139.02 CONFLICT.**

Nothing in this Ordinance shall remove, abrogate or render inoperative any lawful covenant running with the land, easement or other agreement between parties. Provisions of this Ordinance shall apply to all structures and land of any political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City to the extent allowed by law. All public officials of the City, vested with the duty and authority to issue legal documents, shall not issue permits or certificates for any structure that would result in conflict with this Ordinance. However, should such a permit or certificates be issued and be in conflict with this Ordinance, it shall be deemed null and void.

**1139.03 SEPARABILITY.**

Should any provision of this Ordinance be declared invalid by a court of appropriate jurisdiction, such decision shall not affect the validity of the Ordinance other than the

provision declared to be invalid; nor shall such decision affect the application of any provision to different fact or circumstances.

**1139.04 PERMITTED AND SIMILAR USES.**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located. The Planning Commission shall, however, have the authority to consider other uses similar to those permitted by right in any zoning district when:

- A. Such use is not listed in any other classification of permitted buildings or uses;
- B. Such use is more appropriate and conforms to the basic characteristics of the district to which it is to be added than to any other district;
- C. Such use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than normally resulting from other uses listed in the district to which it is to be added; and
- D. Such use does not create traffic to a greater extent than the other uses listed in the district to which it is to be added.

The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be included in the enumeration of uses permitted by right.

All applications for a building or use not specifically listed in any of the permitted building or use classifications in any of the districts shall be submitted to the Planning Commission and, after approval by it, confirmed by Council resolution.

**1139.05 PERMITTED AREA, HEIGHT, NUMBER OF FAMILIES, AND YARD.**

No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, height, number of families and yard regulations of the district in which the building is located unless otherwise specifically stated in this Ordinance.

**1139.06 PERMITTED HEIGHT EXCEPTIONS.**

Except as specifically stated in other parts of this Ordinance, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flag poles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may, however, be erected to exceed by more than fifteen feet (15') the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. Radio, television and wireless aerials or masts shall be limited to a height of 35 feet above ground level in any residential district, but may be erected to any height in a nonresidential district, providing

they conform to Federal Aviation Administration and Federal Communication Commission regulations and said height is approved by the Planning Commission.

However, public and semipublic or public service buildings, when permitted in a district, may be erected to a height not to exceed sixty feet (60'), and churches and temples may be erected to a height not to exceed seventy-five feet (75') if the building is set back from each lot line at least one foot (1') for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

**1139.07 CONDITIONS AND SAFEGUARDS.**

The Planning Commission shall have the power to impose additional conditions and requirements where appropriate to safeguard the intent and objectives of this Ordinance.

**1139.08 BUILDING PERMIT OR ZONING CERTIFICATE.**

No building permit or zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the building permit or zoning certificate has been requested.

**1139.09 TRANSITION AREAS (BUFFER ZONE).**

To secure the optimum effect of transition from a residential to a nonresidential district, the Planning Commission shall have the authority to determine the need for plant materials, walls, fences, or any combination of these on affected property. The plans and specifications for the overall site development shall include the proposed arrangement of such plantings and structures.

**1139.10 CONSTRUCTION.**

Nothing contained in this Ordinance shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this Ordinance, provided the ground story framework including structural parts of the second floor shall have been completed before the effective date of this Ordinance.

**1139.11 PRINCIPAL BUILDING.**

No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in this Ordinance and every principal building shall be located on a lot having frontage on a dedicated street.

**1139.12 CORNER LOTS.**

Corner lots in all districts are required to have the minimum front yard requirements. The width of the side yard abutting the side street shall be not less than 20% of the width of the lot at the building line but not less than one-half (1/2) the depth of the front yard required for the adjoining lot which abuts such side street.

**1139.13 LOTS, YARDS, AND OPEN SPACES.**

No space which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Ordinance may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

**1139.14 VISIBILITY.**

Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of skylight, sills, beltcourse, cornices and ornamental features projecting not to exceed thirty-six inches (36"). This requirement shall not prevent the construction of fences as authorized in this Ordinance.

**1139.15 ACCESSORY BUILDING.**

- A. An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- B. All screened or enclosed patios attached to the main structure and all screened or enclosed porches or any addition to the main structure shall have foundation and wall requirements the same as set forth for one and two story dwellings.
- C. One separate accessory building, other than a detached private garage, not exceeding 120 square feet may be permitted on a single family residential lot.

Any accessory building or detached garage shall be located not less than 20 feet from the main building and not less than 20 feet from any dwelling on an adjacent residential lot. It shall not project into a front or into a side yard. An accessory building may, however, be located in a rear yard but not less than 5 feet from a rear or side lot line.

On corner lots, an accessory building shall be set back from the side street line not less than the required setback for the adjacent main building of the butt lot plus an additional 5 feet.

Accessory buildings shall not be permitted in R-5 and R-6 Districts as an accessory use to a cluster or apartment dwelling.

**1139.16 DRAINAGE CHANNELS AND FLOOD PLAINS.**

Drainage channels and flood plains are essential for storm water management. In order to provide for the development of affected property, a Flood Way District (FW) has been created. Land development in such districts shall be regulated by appropriated provisions. The City Engineer shall determine which facilities may be permitted, and their location, in order to maintain the integrity of the drainage channels and flood plains.

**1139.17 APPROVAL OF PLATS.**

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed minimum size and width requirements set forth in the various districts of this Ordinance, except as may be recommended by the Planning Commission and approved by Council as provided for in the Zoning and Development Regulations of the City of Twinsburg.

**1139.18 PROHIBITED USES.**

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Ordinance and any additional conditions or requirements prescribed is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water carried wastes.

**1139.19 ROADSIDE STANDS.**

Roadside stands and signs offering for sale only agricultural products which are produced on the premises, may be erected in front of the building setback line. The location of roadside stands and signs shall be approved by the Architectural Review Board.

**1139.20 INCONSISTENCIES.**

In the event any of the requirements or regulatory provisions of this Ordinance are found to be inconsistent, one with another, the more restrictive or greater requirement shall be deemed in each case to be applicable.

**1139.21 SITE PLANS.**

Site plans for all development, except one and two-family dwellings, shall be submitted and subject to the approval of the Planning Commission before any building permits shall be issued. Site plans shall include the following: provisions for sanitary and storm sewers and water lines, location of all buildings, walls, fences, parking, signs, lighting installations, landscaped areas, and ingress-egress drives.

**1139.22 BUILDING PLANS.**

Building plans for all structures and development shall be subject to the approval and lawful directives of the Architectural Review Board, before any building permit shall be issued by the Building Department. Such drawings are to show the construction plans and exterior architectural elevations for all structures.

**This page intentionally left blank**

**CHAPTER 1141  
DISTRICTS GENERALLY**

- 1141.01 ESTABLISHMENT OF DISTRICTS.**
- 1141.02 TYPE OF DISTRICT.**
- 1141.03 ZONING DISTRICTS MAP.**
- 1141.04 INTERPRETATION OF DISTRICT BOUNDARIES.**
- 1141.05 ESTABLISHMENT OF ZONING DISTRICT REGULATIONS.**

**1141.01 ESTABLISHMENT OF DISTRICTS.**

For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, and in order to classify, regulate and restrict the location of trades, residences, recreation and other uses and the buildings designed for special uses, to regulate and limit the height, bulk, number of stories and size of buildings and other structures hereafter erected or altered, to regulate and limit the percentage of lot area which may be occupied, setback building lines, size of yards, courts and open spaces within and surrounding such buildings, the density of population, the territory within the City of Twinsburg, Summit County, Ohio, is hereby divided into eighteen(18) classes of Districts and Classifications. These districts, as enumerated in Section 1141.02 are of such number, shape, kind and area and of such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purposes of this Ordinance. (Ord. 87-1989. Passed 7-11-89)

**1141.02 TYPES OF DISTRICTS.**

In order to carry out the intent and purpose of this Zoning Ordinance, the city is hereby divided into the following use or zoning districts, all of which are designated on the Zoning Map by boundaries and symbols.

- R-2 Residential District
  - R-3 Residential District
  - R-4 Residential District
  - R-5 Single Family Cluster District
  - R-6 Apartment District
  - R-7 Senior Residence District
  - R-8 Two Family District
  - PF Public Facilities District
  - C-1 Local Commercial District
  - C-2 Community Commercial District
  - C-3 Interchange Business District
  - C-4 Commercial Office District
  - C-5 Historic Office District
  - I-1 Intensive Commercial and Light Industrial District
  - I-2 Limited Industrial District
  - I-3 Heavy Industrial District
  - FW Flood Way Overlay District
  - PUD Planned Unit Development
- (Ord. 87-1989. Passed 7-11-89)



**1141.03 ZONING DISTRICTS MAP.**

- A. The Zoning Map (Ordinance No. 87-1989 passed November 7, 1989) as hereby adopted is made a part of this Zoning Ordinance. The Zoning Map and all notations, references and other information shown thereon are a part of this Zoning Ordinance and have the same force and effect as if such Zoning Map and all notations, references and other information shown thereon were fully set forth and described in this Zoning Ordinance.
- B. Whenever the abbreviation, such as R-1, C-1, etc., is used in this Zoning Ordinance and on the Zoning Map, they shall be construed as referring to their corresponding zoning district title.
- C. The above listing of zoning districts shall not be construed as an enumeration of most restrictive to least restrictive zoning district. Each zoning district shall be used only for the specific purposes set forth in this Zoning Ordinance.
- D. In order to designate the existing zoning district classifications, all districts are as shown on the officially adopted Zoning Map. No buildings shall thereafter be erected, nor shall any premises be used except in conformity with the regulations prescribed for the zoning district in which such building or premises is located and in accordance with all other applicable regulations contained in this Zoning Ordinance.  
(Ord. 87-1989. Passed 7-11-89)

**1141.04 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where boundaries follow streets: Where district boundaries are indicated as following the center line or street line of streets or the center line or right-of-way of highways, such lines shall be construed to be such district boundaries.
- B. Where boundaries parallel street lines: Where district boundaries are so indicated that they are 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 being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
- C. Where boundaries follow lot lines: Where district boundaries are indicated as following lot lines, such lot lines shall be construed to be said boundaries.
- D. Vacation of public ways: Whenever any street or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.
- E. In instances of uncertainties regarding the location of district boundaries, the Planning Commission shall determine the exact location of such boundaries.

(Ord. 87-1989. Passed 7-11-89)

**1141.05 ESTABLISHMENT OF ZONING DISTRICT REGULATIONS.**

- A. In order to regulate buildings and other uses for residential, business, industry, and other public uses, zoning regulations are established to control:
  - 1. the location of such buildings and/or uses on the land by the establishment of various setback lines;
  - 2. the maximum height and size of such buildings;
  - 3. the amount of off street parking required to serve such building and/or use; and
  - 4. the amount and location of allowable signage to identify such building and/or use.
- B. Any building or parcel of land may be used, and the use of any building and any parcel of land may be changed or extended, and any existing building may be altered, converted, enlarged, reconstructed, moved or maintained, only for the uses specifically enumerated or referred to as permitted, or required, in the district in which the building or parcel of land is located and for no other use.
- C. Main Buildings and Uses enumerated in the various use regulations of this Zoning Ordinance shall be permitted, by right, as the principal building, use or activity of a zoning lot only in a district in which it is specifically permitted.
- D. Similar Uses are uncommon uses which have characteristics similar to and compatible with those uses enumerated as permitted in a district, by right, but since they occur only infrequently, it is not reasonable to enumerate all such uncommon uses. They may, however, be added to the enumerations of permitted uses by procedures established in this Zoning Ordinance.
- E. Conditional Uses are certain types of main uses so classified in this Zoning Ordinance, which because of their uncommon or unique characteristics, large land area requirements or for other reasons, are not permitted by right in specific districts in which they may be appropriate and compatible without certain specific conditions. The uses which may be considered for approval with conditions in specific districts are enumerated throughout the sections dealing with use regulations. The procedures and standards for evaluating and approving conditional uses are set forth in Chapter 1151.
- F. Accessory Buildings and Uses as enumerated in the various use regulations of this Ordinance, shall be permitted as a subordinate building or subordinate use if it is clearly incident to and located on the same zoning lot as the main building or use, and if located in a district in which it is specifically permitted. The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation or maintenance of accessory buildings and land shall be subject to all area, yard, height, off-street parking and all other regulations set forth or referred to for the district in which the accessory building or use is located and to all other applicable regulations of this Zoning Ordinance. (Ord. 87-1989. Passed 7-11-89)

**This page intentionally left blank**

**CHAPTER 1143  
ONE AND TWO FAMILY RESIDENTIAL DISTRICT  
(USE, AREA AND HEIGHT REGULATIONS)**

<b>1143.01 R-2 RESIDENTIAL DISTRICT-PURPOSE.</b>	<b>1143.08 PERMITTED USES.</b>
<b>1143.02 PERMITTED USES.</b>	<b>1143.09 AREA, YARD AND HEIGHT REGULATIONS.</b>
<b>1143.03 R-3 RESIDENTIAL DISTRICT-PURPOSE. AND DENSITY.</b>	<b>1143.10 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS.</b>
<b>1143.04 PERMITTED USES.</b>	<b>1143.11 BUILDING FACADE DESIGN RESTRICTIONS-RESIDENTIAL DISTRICTS.</b>
<b>1143.05 R-4 RESIDENTIAL DISTRICT-PURPOSE. AND DENSITY.</b>	<b>1143.12 DWELLINGS PERMITTED ON SINGLE LOT.</b>
<b>1143.06 PERMITTED USES.</b>	<b>1143.13 SEWAGE AND WATER FACILITIES.</b>
<b>1143.07 R-8 RESIDENTIAL DISTRICT-PURPOSE.</b>	

**1143.01 R-2 RESIDENTIAL DISTRICT: PURPOSE.**

This district is established to provide for low density, large lot, residential development. Lot sizes deemed necessary for septic tank development will be required while reducing such lot sizes where central sewerage and water facilities are provided. Development will be single-family dwellings are 87,120 square feet per dwelling unit where no central utilities are provided and 43,560 square feet per family where centralized facilities are provided. Development would be permitted at a gross density of .75 units per acre.

(Ord. 173-1998. Passed 12-8-98)

**1143.02 R-2 PERMITTED USES.**

- A. Single-Family residential dwelling.
- B. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
- C. Signs: As regulated by Chapter 1173 of this Ordinance.

(Ord. 173-1998. Passed 12-8-98)

**1143.03 R-3 PLANNED RESIDENTIAL DISTRICT; PURPOSE AND DENSITY.**

This district is established to accommodate a medium density residential development type with sufficient open space for public enjoyment and environmental benefits. Maximum overall density will be 1.0 dwelling unit per acre. District regulations encourage concentrating housing development on those lands most suitable, while preserving less suitable areas (steep slopes, erosion prone areas, riparian zones, mature woodlands, etc) as open space within the development. These regulations also encourage that developers consider coordination of open spaces with those on adjacent properties so as to create open space corridors and wildlife habitat corridors. Development of areas in this district should be predicated upon the availability and extension of adequate public utilities and facilities so as to adequately serve the district's residents.

(Ord.173-1998. Passed 12-8-98)

**1143.04 R-3 PERMITTED USES.**

- A. Single-family residential dwellings.
- B. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
- C. Signs: As regulated by Chapter 1173.  
(Ord. 173-1998. Passed 12-8-98)

**1143.05 R-4 PLANNED RESIDENTIAL DISTRICT; PURPOSE AND DENSITY.**

This district is established to accommodate single family dwellings at a slightly higher density than that permitted in the R-3 District. Maximum overall density will be 1.2 dwelling units per acre. District regulations encourage concentrating housing development on those lands most suitable, while preserving less suitable areas (steep slopes, erosion prone areas, riparian zones, mature woodlands, etc.) as open space within the development. These regulations also encourage that developers consider coordination of open spaces with those on adjacent properties so as to create open space corridors and wildlife habitat corridors. Development of areas in this district should be predicated upon the availability and extension of adequate public utilities and facilities so as to adequately serve the district's residents.

In an R-4 Residential District, a lot which is separately owned, or any numbered lot in a subdivision recorded with the office of the County Recorder on the effective date of this Zoning Ordinance shall be construed as a legal lot with respect to this Zoning Ordinance.  
(Ord. 173-1998. Passed 12-8-98)

**1143.06 R-4 PERMITTED USES.**

- A. Single family residential dwellings.
- B. Signs: As regulated by Chapter 1173.  
(Ord.173-1998. Passed 12-8-98) (159-1991)

**R-8 PLANNED RESIDENTIAL DISTRICT; PURPOSE AND DENSITY.**

This district is established to provide for an alternative style of residential development compatible with the City's predominant detached single family development type. Maximum overall development density will be 1.2 dwellings per acre. As with other planned residential development districts, regulations encourage concentrating housing development on those lands most suitable, while preserving less suitable areas (steep slopes, erosion prone areas, riparian zones, mature woodlands, etc) as open space within the development. These regulations also encourage that developers consider coordination of open spaces with those on adjacent properties so as to create open space corridors and wildlife habitat corridors. Development of areas in this district should be predicated upon the availability and extension of adequate public utilities and facilities so as to adequately serve the district's residents.

(Ord. 173-1998. Passed 12-8-98)

**1143.08 R-8 PERMITTED USES.**

- A. Two family residential dwellings.
- B. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
- C. Signs: As regulated by Chapter 1173.  
(Ord. 173-1998. Passed 12-8-98)

**1143.09 AREA, YARD AND HEIGHT REGULATIONS.**

Land and buildings in an R-2, R-3, R-4 and R-8 Residential District shall be used only in accordance with the lot area regulations; and buildings shall be erected, altered, moved and maintained only in accordance with the area, yard and building height regulations set forth in the following schedule. A driveway, patio, sidewalk or similar structure shall be located not less than five feet from any lot line.

**SCHEDULE AREA, YARD AND HEIGHT REGULATIONS  
R-2, R-3, R-4 AND R-8 RESIDENTIAL DISTRICTS**

	<b>R-2 District</b>	<b>R-3 District</b>	<b>R-4 District One Family</b>	<b>R-8 District Two Family</b>
<b>Minimum Lot Area</b>				
Without centralized water and sewer	87,120 sq. ft.	87,120 sq. ft.	87,120 sq. ft.	87,120 sq. ft.
With centralized water and sewer	43,560 sq. ft.	19,000 sq. ft.	17,000 sq. ft.	25,000 sq. ft.
<b>Density</b>	.75 unit/acre	1.0 unit/acre	1.2 unit/acre	1.2 unit/acre
<b>Minimum Open Space</b>	10%	20%	35%	30%
<b>Minimum Lot Width (Bldg. Setback Line)*</b>				
Without centralized water and sewer	150 ft.	110 ft.	110 ft.	150 ft.
With centralized water and sewer	110 ft.	100 ft.	90 ft.	110 ft.
<b>Minimum Front Yard Depth</b>				
(from Street R-O-W)	100 ft.	60 ft.	50 ft.	60 ft.
<b>Minimum Rear Yard Depth</b>	75 ft.	50 ft.	50 ft.	50 ft.
<b>Minimum Side Yard Depth</b>	20 ft.	15 ft.	10 ft.	15 ft.
<b>Minimum Combined Side Yard Depth</b>	35 ft.	30 ft.	20 ft.	
Per family				
1. One story or split level without basement	1,800 sq. ft.	1,700 sq. ft.	1,600 sq. ft.	1,400 sq. ft.
2. One story or split level with basement of 500 sq. ft.	1,700 sq. ft.	1,600 sq. ft.	1,500 sq. ft.	1,200 sq. ft. (per family)
3. Two story or multi-level without basement	2,000 sq. ft. One of the levels must have a min. of 1,000 sq. ft.	1,900 sq. ft. One of the levels must have a min. of 960 sq. ft.	1,800 sq. ft. One of the levels must have a min. of 900 sq. ft.	1,400 sq. ft. (per family)
4. Two story or multi-level with 500 sq. ft. basement	1,900 sq. ft. One of the levels must have a min. of 1,000 sq. ft.	1,800 sq. ft. One of the levels must have a min. of 960 sq. ft.	1,700 sq. ft. One of the levels must have a min. of 900 sq. ft.	1,200 sq. ft. (per family)
<b>Maximum Height</b>	35 ft.	35 ft.	35 ft.	35 ft.

\* Each one and two-family lot shall abut upon a dedicated street for the required lot width, except that on a curved street, the width at the front lot line may be less, provided that lot width at the building setback line meets the required lot width of the particular district. But in no case less than sixty-five feet at the street right of way.

\* Each one and two-family lot shall abut upon a dedicated street for the required lot width, except that on a cul-de-sac, the width at the front lot line may be less, provided the lot width at the building set back line meets the required lot width of the particular district. But in no case less than fifty feet at the street right of way.

1. Lot area requirements do not include any street right of way.
  2. Where an apparent conflict exists between lot width and density requirements, density requirements shall be controlling and developers are strongly urged to dedicate to the City any land made available as green areas by compliance with density requirements.
  3. The Architectural Review Board has the authority to require up to ten feet additional front yard depth and can be in two foot increments.
  4. Where central sanitary sewer is not available, must check with responsible health authority for setbacks from adjacent property.
  5. If a raised patio, deck, porch or similar structure is to be added to an existing home, the structure shall not encroach upon the setback enforced at the time the home was built.
- (Ord. 173-1998. Passed 12-8-98)

#### **1143.10 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICT.**

In any R-District where the average depth of at least two existing front yards on lots within 300 feet less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining, or, in the case of corner lots, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard on any lot shall be at least thirty-five feet and need not exceed 100 feet. (Ord. 173-1998. Passed 12-8-98)

#### **1143.11 BUILDING FACADE DESIGN RESTRICTIONS; RESIDENTIAL DISTRICT.**

The design of the building facade of any dwelling shall not be repeated within 160 feet of another dwelling on the same street; but in no event shall the minimum size of any dwelling be less than that required in the district in which the dwellings are to be rotated.  
(Ord. 173-1998. Passed 12-8-98)

#### **1143.12 DWELLINGS PERMITTED ON SINGLE LOT.**

Only one dwelling shall be permitted on each single family residential lot.  
(Ord. 173-1998. Passed 12-8-98)

#### **1143.13 SEWAGE AND WATER FACILITIES.**

Where central sanitary sewage facilities and water facilities are not available, the minimum lot size shall be two acres for single family uses and two acres for a two family use. where permitted, unless a larger area is required by the responsible Health Authority or unless a greater minimum requirement is set forth in other parts of this Zoning Ordinance.  
(Ord. 173-1998. Passed 12-8-98)

This page intentionally left blank



**CHAPTER 1144  
SINGLE FAMILY CLUSTER DISTRICT (R-5)**

- 1144.01 INTENT.**
- 1144.02 SCOPE OF AREAS.**
- 1144.03 DEFINITIONS.**
- 1144.05 AREA AND DENSITY REQUIREMENTS.**
- 1144.06 SINGLE FAMILY CLUSTER AREA - BUILDING ARRANGEMENTS AND SPACING REQUIREMENTS.**
- 1144.07 VEHICULAR ACCESS.**
- 1144.08 IMPROVEMENTS.**
- 1144.09 PARKING.**
- 1144.10 PROCEDURES FOR SINGLE FAMILY CLUSTER DEVELOPMENT.**
- 1144.11 CLUSTER AREA SITE PLAN.**
- 1144.12 CLUSTER SITE PLAN REVIEW.**
- 1144.13 REPORT TO COUNCIL.**
- 1144.14 ACTION BY COUNCIL.**
- 1144.15 BUILDING PERMITS.**
- 1144.16 PHASED DEVELOPMENT.**
- 1144.17 AMENDMENT TO PLANS.**

**1144.01 INTENT.**

In order to allow a greater concentration of residential use in appropriate areas, flexibility and utilization of space to obtain a more urban environment than is possible through the strict application of minimum requirements of the standard one and two family residential districts and to provide a reasonable variation in dwelling unit types and density; contiguous one-family dwellings may be clustered in accordance with the regulations of this Chapter on land zoned in a R-5 District in order to encourage:

- A. The creation of functional and interesting residential areas;
- B. The provision of varying arrangements of one-family dwellings; and
- C. A reasonable increase in residential density for areas well served by transportation and other community facilities.

(Ord. 87-1989. Passed 7-11-89)

**1144.02 SCOPE OF AREAS.**

Any developer shall submit plans in accordance with the provisions of this Chapter and other applicable parts of this Zoning Ordinance. In addition, the Planning Commission may request developers to prepare and submit such plans whenever it determines that such planning is essential to assure improved and unified design within the development area and coordination with the surrounding areas. (Ord. 87-1989. Passed 7-11-89)

**1144.03 DEFINITIONS.**

- A. "Cluster area" means a planned residential development area in which dwelling units are designed in groups and clusters as a coordinated architectural and site entity.
- B. "Common land" means land in a residential cluster development area not occupied by dwellings which is intended for use and enjoyment by the occupants of dwellings in the development area.
- C. "Development area" means the minimum area of land to be developed by a single owner or a group of owners in accordance with the provisions of this Zoning Ordinance.
- D. "Homeowners Association" means an incorporated, nonprofit organization operating under recorded land agreements through which each property owner in a development area is a member, and where each property owner is subject to charges for a proportionate share of the expense for maintaining the common property held in the name of the Association.
- E. "Detached one family cluster dwelling" means a building consisting of a single dwelling unit located in a planned harmonious arrangement of buildings and adjacent open space areas.
- F. "Attached cluster dwelling" means a building consisting of one-family dwelling units attached by common fireproof walls, each unit having at least two separate exterior entrances. (Ord. 87-1989. Passed 7-11-89)

**1144.04 PERMITTED BUILDINGS AND USES.**

Buildings and land shall be used and buildings shall be erected, altered, moved and maintained in a R-5 District only in accordance with the following:

- A. Main buildings and uses by conditional use.
    - 1. One-family dwellings; and
    - 2. Common open space and recreation areas.
  - B. Accessory buildings and uses by conditional use.
    - 1. A private garage attached to or located in a one-family dwelling; open parking areas; and
    - 2. Gardens, fences, walls, pools and other recreation facilities on private and common land.
- (Ord. 87-1989. Passed 7-11-89)

**1144.05 AREA AND DENSITY REQUIREMENTS.**

The following minimum requirements are established to guide and control the planning, development, and use of land in a R-5 District.

- A. Development area: The minimum area to qualify for a R-5 District development shall not be less than five (5) contiguous acres.
- B. Development area density: The residential density of the entire development area shall not exceed three and one-half (3-1/2) dwelling units per acre.
- C. Accessory buildings: Accessory buildings except private garages and commonly owned recreation facilities shall not be permitted in a R-5 District.
- D. Height: The height of any single family dwelling in a single family cluster development shall not exceed two and one-half (2-1/2) stories or 35 feet. The Planning Commission may, however, allow a height of three (3) stories where topographic or other conditions warrant such height.
- E. Floor area: The minimum floor area of any dwelling unit in a single family cluster development shall be in accordance with provisions for one family dwellings in the R-4 residential district. (Ord. 87-1989. Passed 7-11-89)

**1144.06 SINGLE FAMILY CLUSTER AREA - BUILDING ARRANGEMENTS AND SPACING REQUIREMENTS.**

The design criteria set forth in this section for single family cluster areas is intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Dwelling units in single family cluster areas may be arranged in various groups, courts, sequences, or clusters with open spaces organized and related to the dwellings so as to provide and to form a unified composition of buildings and space.

Although latitude in design is provided and encouraged, buildings in a Single Family Cluster R-5 District shall be arranged and spaced in accordance with the following requirements:

- A. Each dwelling unit within a single family cluster area shall be setback a minimum of 30 feet from the nearest edge of street or sidewalk pavement.
- B. Dwelling units in a single family cluster area shall be setback not less than 35 feet from any adjacent single family side lot line; 50 feet from any adjacent single family rear lot line; and 25 feet from any common open space boundary line. The aforementioned setback areas shall be adequately landscaped to insure reasonable privacy between the cluster units and adjacent conventional single family homes and common open space areas.
- C. The minimum distance between detached single family units and buildings in a single family cluster area shall be 10 feet.
- D. Not more than 4 single family cluster units may be, attached in any building group.
- E. It is intended that single family cluster buildings be designed in a coordinated and harmonious manner, however, overly repetitions applications of building design and arrangement shall be avoided. (Ord. 87-1989. Passed 7-11-89)

**1144.07 VEHICULAR ACCESS.**

Each dwelling unit in a single family cluster development shall abut upon a street having a minimum pavement width as determined by the City Engineer. Driveways of dwelling units in a cluster area shall have a minimum width of 16 feet. (Ord. 87-1989. Passed 7-11-89)

**1144.08 IMPROVEMENTS.**

All improvements in a R-5 Single Family Cluster District shall be in accordance with Chapter 1111 (Subdivision Regulations) of the City of Twinsburg; and shall conform to all existing or future requirements of the City Engineer and/or Council for plans and specifications with respect to the construction and material standards for all pavement and utility installations within the City. Utility improvements within a single family cluster area in a single family cluster development need not be installed in a *dedicated* street right-of-way if approved by the City Engineer. In all instances where such improvements are not installed in a dedicated right-of-way, the owner shall grant permanent easements to the City, in a form satisfactory to the Engineer and Law Department, providing for access to the utilities by the City or other utility companies. All streets within a single family cluster development built to the standards of the Twinsburg Subdivision Regulations may be offered to the City for dedication. (Ord. 87-1989. Passed 7-11-89)

**1144.09 PARKING.**

Two enclosed off-street parking spaces shall be provided for each dwelling unit in a single family cluster development. Additional guest off-street parking areas shall be required by the Planning Commission within a cluster area if it determines that such additional parking is necessary to adequately serve the needs of the cluster area. (Ord. 87-1989. Passed 7-11-89)

**1144.10 PROCEDURES FOR SINGLE FAMILY CLUSTER DEVELOPMENT.**

Subject to the requirements of this Chapter, a developer may submit to the Planning Commission a site plan of a cluster development area by filing copies thereof with the Secretary of the Commission. (Ord. 87-1989. Passed 7-11-89)

**1144.11 CLUSTER AREA SITE PLAN.**

A site plan of the cluster area designed in accordance with the planning standards, regulations and criteria established in this Zoning Ordinance and the Subdivision Regulations shall indicate all uses proposed for the single family cluster development area, the location and arrangement of uses and shall include, unless waived by the Planning Commission as not being applicable, the following. The site plan shall be prepared at an appropriate scale considering the size of the development area: A vicinity map shall also be included which clearly identifies the general geographic location of the cluster area in terms of nearby streets and adjacent community development.

- A. Topography at two-foot contour intervals of the proposed development area, including property lines, easements, street right-of-ways and existing structures, trees and landscape features existing thereon and a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet;
  - B. The location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;
  - C. The number, location and arrangement of all proposed dwelling units;
  - D. The proposed use of all private and common land;
  - E. The location and arrangement of all dedicated streets, private driveways, sidewalks and other pedestrian accessways;
  - F. The number and arrangement of all open parking and service areas;
  - G. The location of all site utilities;
  - H. The location of all walls and other site features;
  - I. The landscape design for the cluster area;
  - J. The proposed forms of covenants running with the land, deed restrictions (including those with respect to the use of common land), and easements to be recorded and covenants proposed for maintenance; and
  - K. Such other relevant information as the Planning Commission and City Engineer may require.
- The cluster site plan of a development area shall be prepared by professional persons qualified in the planning of land development, building and *landscape* design. The architectural and engineering service required for the preparation of the site plan shall be rendered by licensed professional persons. (Ord. 87-1989. Passed 7-11-89)

#### **1144.12 CLUSTER SITE PLAN REVIEW.**

Upon receipt of a cluster site plan of a development area, the Secretary shall transmit a copy of the plan to the City Engineer, Chief Building and Zoning Inspector, Fire Chief, Police Chief, City Planner and Architectural Review Board if requested by the Planning Commission for their review, report and recommendation. The Secretary shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Law Director, City Engineer, Chief Building and Zoning Inspector, Fire Chief, Police Chief, City Planner and Architectural Review Board if requested by the Planning Commission shall each, within fifteen days from receiving a plan of the development area, provide and furnish to the Planning Commission a report upon their respective jurisdiction.

Items covered in the aforementioned review shall include the following:

- A. City Engineer: That the site plan represents accepted engineering practice and that the improvements being proposed, including all streets, sidewalks, storm and sanitary sewers, street lighting, water distribution, electric, telephone, and gas distribution systems are in accordance with the provisions of the Subdivision Regulations of the City of Twinsburg and the respective utility company.
- B. Chief Building and Zoning Inspector: That the site plan complies with the development standards and regulations of this Chapter.
- C. Fire Chief: That the street arrangement indicated on the cluster site plan meets the City's requirements for accessibility to emergency vehicles.
- D. Police Chief: That the vehicular and pedestrian circulation systems of the cluster area are arranged to insure the maximum public safety to the area residents.
- E. City Planner: That the site plan represents accepted land planning principles including the arrangement, sizes, and orientation of dwelling units and open space areas; and that the plan meets all the requirements and criteria contained in this Chapter.
- F. Architectural Review Board: That the design of buildings and landscaped areas reflect the appropriate use of materials and their arrangement will achieve an aesthetically pleasing, functional and harmonious development.

A copy of all covenants, restrictions and easements to be recorded and covenants for maintenance of common areas shall be submitted to the Law Director for his review and recommendations. Specifically, the Law Director shall be concerned with the adequacy and applicability of the following:

- A. Declaration of Covenants, Restrictions and Easements including:
  - 1. scope and application;
  - 2. mutual reciprocal easements;
  - 3. members and voting rights in Homeowners Association;
  - 4. property rights within cluster areas;
  - 5. covenants for maintenance easements;
  - 6. protective covenants (i.e. land use, architectural control, exterior maintenance, etc.);
  - 7. common properties and facilities maintenance; and
  - 8. the Homeowners Association (creation, memberships and initial appointments).
- B. Bylaws of the Homeowners Association including:
  - 1. meetings;

2. Board of Managers;
  3. officers and their duties;
  4. assessments and finances; and
  5. rules and regulations.
- (Ord. 87-1989. Passed 7-11-89)

**1144.13 REPORT TO COUNCIL.**

Within 60 days after a cluster site plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and reports required above and it shall furnish to Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the site plan complies with the regulations, standards, and criteria prescribed by this Zoning Ordinance for single family cluster development applicable to the proposal, or a finding of any failure of such compliance and a recommendation that the site plan be approved, disapproved or modified. If in any such evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this Zoning Ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such regulations, standards or criteria be made, provided, however, such adjustment will not be in conflict with the promotion of the public health, safety and general welfare of the City. (Ord. 87-1989. Passed 7-11-89)

**1144.14 ACTION BY COUNCIL.**

Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the cluster site plan of the development area including the report of the Planning Commission thereon and give notice of the time, place and purpose of such hearing, by publication in a newspaper of general circulation in the City. Following the public hearing, Council shall either approve, disapprove or modify the site plan. Council may affirm any report of the Planning Commission by a majority vote of its members. If Council reverses a recommendation of the Commission regarding a cluster site plan, it shall only do so by the affirmative vote of not less than two-thirds of its members with the reasons for such action recorded as part of the minutes. Following approval of the cluster site plan by Council and the City electorate in accordance with the Charter, the Zone Map shall be amended to reflect the development area as a R-5 Single Family Cluster zoning district. (Ord. 87-1989. Passed 7-11-89)

**1144.15 BUILDING PERMITS.**

Following the rezoning of the cluster development area to R-5, approval of the cluster area site plan by Planning Commission, Council, City Engineer, Fire Chief, Police Chief and approval of building plans by the Building Department and Architectural Review Board, building and other permits may be issued upon payment of the required fees. (Ord. 87-1989. Passed 7-11-89)

**1144.16 PHASED DEVELOPMENT.**

A developer, having obtained final approval of a cluster site plan, may accomplish the development in progressive stages as approved by the Planning Commission, City Engineer and City Administration. (Ord. 87-1989. Passed 7-11-89)

**1144.17 AMENDMENT TO PLANS.**

At any time after the approval of a cluster site plan of a development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Planning Commission and one copy filed with the Clerk of Council. If such amendment is in substantial agreement with the approved cluster area site plan, it shall be processed by the Planning Commission:

Should such amendment represent a departure from the intent of a prior approval in terms of:

- A. building location and arrangement;
- B. street alignment;
- C. intensity of use (density);
- D. land use arrangements; and
- E. area and parking requirements,

such amendment shall then be subject to the same procedures and conditions of approval as the original application. (Ord. 87-1989. Passed 7-11-89)

This page intentionally left blank



**CHAPTER 1145  
APARTMENT DISTRICT (R-6)**

- 1145.01 INTENT.**
- 1145.02 PERMITTED USES.**
- 1145.03 AREA AND HEIGHT REGULATIONS.**
- 1145.04 YARD REGULATIONS (MAIN USE).**
- 1145.05 YARD REGULATIONS (ACCESSORY USE).**
- 1145.06 PARKING.**
- 1145.07 PROCEDURES FOR APARTMENT DEVELOPMENT.**
- 1145.08 APARTMENT AREA SITE PLAN.**
- 1145.09 SITE PLAN REVIEW.**
- 1145.10 REPORT TO COUNCIL.**
- 1145.11 ACTION BY COUNCIL.**
- 1145.12 BUILDING PERMITS.**
- 1145.13 PHASED DEVELOPMENT.**
- 1145.14 AMENDMENT TO PLANS.**

**1145.01 INTENT.**

In order to achieve a balanced residential community with a range of dwelling types designed to meet the varying housing needs of the City's present and future population, it is deemed necessary to create provisions for apartment dwellings in selected locations of the City. (Ord. 87-1989. Passed 7-11-89)

**1145.02 PERMITTED USES.**

- A. Apartment dwelling units in multifamily buildings by conditional use.
- B. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
- C. Signs: As regulated in Chapter 1175 of this Ordinance.  
(Ord. 87-1989. Passed 7-11-89)

**1145.03 AREA AND HEIGHT REGULATIONS.**

- A. Minimum Land Area per Dwelling Unit: 8,712 square feet.
- B. Maximum Density: 5.0 dwelling units per acre.
- C. Minimum Lot Width at Minimum Building Setback Line: 200 feet.
- D. Maximum Height: Three (3) stories.
- E. Minimum Living For Area per Apartment Unit:
  - 1. One bedroom: 600 square feet.
  - 2. Two bedroom: 750 square feet.
  - 3. Three bedroom: 1,000 square feet (maximum 10% of all allowable units).(Ord. 87-1989. Passed 7-11-89)

**1145.04 YARD REGULATIONS (MAIN USE).**

In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for apartment dwellings are hereby established for a single multifamily building and yard regulations for locating several buildings

within a group development. The yards of multifamily buildings shall be related to the space within the dwelling units as well as the yards. Buildings shall be arranged so as to assure privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas in accordance with the following:

A. Definitions. The terms in this section are defined as follows:

1. "Single development" means a development of one multifamily building on one lot coordinated with the surrounding neighborhood and fronting on a dedicated street.
2. "Group development" means a development of more than one multifamily building on a parcel planned as a unit and coordinated with the surrounding neighborhood.
3. "Main wall" means any exterior wall of a multifamily building containing the principal windows of a living, dining and/or sleeping room or rooms.
4. "End or secondary wall" means any exterior wall of a multifamily building other than a main wall and containing secondary windows required for ventilation and not intended to provide direct views.
5. "Overlapping walls" means that portion of the exterior walls which are directly opposing when two buildings, parallel or within thirty degrees of being parallel, face each other across an open yard or court.

B. Front Yard Depth. The front yard depth, or setback, for multifamily buildings, in single development or group development, shall be in accordance with the following:

1. Dedicated street ROW: 100 feet.
2. Development area street: 50 feet.

C. Distance Between Facing and Overlapping Buildings. The distance between facing and overlapping buildings or parts thereof in a group development of multifamily buildings shall vary in direct relation to the length and height of buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = \frac{LA+LB+HA+HB}{F}$$

The elements of the formula are illustrated in Appendix I and defined as follows:

1. "Minimum distance" means the required minimum horizontal distance between any wall of building A and the nearest wall of building B or the vertical prolongation of either.
2. "LA" means the total length of building A which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building A from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building B.
3. "LB" means the total length of building B, which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building B from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building A.
4. "HA" means the height of building A.
5. "HB" means the height of building B.
6. "F" means the divisor factor. In R-6

Districts, the divisor factor is four (4). Provided, however, the minimum distance between main walls of separate buildings shall not be less than forty feet.

D. Distance in Angular Arrangements. The minimum distance between buildings in angular arrangements of thirty degrees to sixty degrees shall be determined by the formula:

$$\text{Minimum Distance} = \frac{2LB + HA + HB - k}{F}$$

The elements of the formula are as defined above and are shown on the illustration Appendix I. "k" in the formula varies as the sine of 2n where n is the angle from building B to building A or extensions thereof.

- Where n is:
- 30 degrees to 34 degrees - k = 10 ft.
  - 35 degrees to 39 degrees - k = 20 ft.
  - 40 degrees to 50 degrees - k = 25 ft.
  - 51 degrees to 55 degrees - k = 20 ft.
  - 56 degrees to 60 degrees - k = 10 ft.

"F" means the divisor factor. In R-6 Districts, the divisor factor is four (4).

E. Distances Between Walls of Court Arrangements. Such minimum distances shall be determined by applying the formula set forth in subsection C. hereof, to each set of facing walls. In arrangements of parallel walls with offset sections, the distance between the corresponding parallel walls shall be determined by such formula. The elements of the formula are shown on the illustration Appendix I. "F" means the divisor factor. In R-6 Districts, the divisor factor is four (4).

F. Distance Between Nonoverlapping Walls. Where walls of two multifamily buildings do not directly face each other or do not overlap, that is, where lines drawn perpendicular from the face of any wall of any one building will not intersect the face of any wall of another multifamily building, the minimum horizontal distance between such buildings shall be not less than one-half of the combined height of the two buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = \frac{HA + HB}{2}$$

G. Distance Between Building and Boundary Line of the Multifamily Development Area. The distance between buildings and boundary lines of a multifamily building or part thereof, in a single development or group development and any side or rear lot line of the parcel or development area boundary shall vary in direct relation to the length and height of the building. Such minimum distance shall be as determined by the formula:

$$\text{Building Parallel to Lot Line: } \frac{2(LL) + HA}{F}$$

$$\text{Building at Angle to Lot Line: } \frac{2(LL) + HA - K}{F}$$

The elements of such formula are shown on the illustration Appendix I and defined as follows:

1. "Minimum distance" means the minimum required horizontal distance between any wall of a building and the nearest side or rear lot line or boundaries of the parcel or development area.
2. Where the building is parallel to the lot line, "LL" means the maximum length of the side or rear lot line which can be intersected by lines drawn perpendicular from the face or faces of any wall or walls of the buildings.

3. Where the building is at an angle to the lot line, "LL" means the maximum length of the side or rear lot line from which lines drawn perpendicular will intersect any wall of the building.
4. "HA" means the height of building A.
5. "K" in the formula varies as the sine of  $2n$  where  $n$  is the angle from the lot line to the building. The value of "K" is set forth in subsection D. hereof.
6. "F" means the divisor. In R-6 Districts, the divisor factor is four (4).  
(Ord. 87-1989. Passed 7-11-89)

**1145.05 YARD REGULATIONS (ACCESSORY USE).**

The minimum distances from any accessory uses such as storage garages, parking areas, driveways, walks and recreation areas to certain walls of main buildings, streets and boundaries of the development area shall be not less than set forth in the following schedule:

**MINIMUM DISTANCES FOR ACCESSORY USES IN R-6 DISTRICTS**

Accessory Building or Use	To Walls of Main Building		To Streets		To Side and Rear Lot Line Adjacent To	
	Main (ft.)	End (ft.)	Public (ft.)	Project (ft.)	Residential District (ft.)*	Nonresidential District (ft.)
Storage Garage	30 (a)	15(a)	(b)	10	15	10
Parking Area & Driveway (c)	30	15	20(d)	5(d)	25	10
Project Walk	10	5			15	5
Areas for Active Recreation	50	25	(e)	50	100	25

\* The minimum setback areas between accessory uses adjacent to a residential side or rear lot line shall be landscaped in a manner which will provide privacy to such adjacent residential areas.

- (a) Garage may be in basement ground floor or not less than set forth in this schedule.
  - (b) Storage garage not permitted in required front yard.
  - (c) If the driveway is designed as a part of the building entrance, it may be less than set forth in this
  - (d) schedule for that section at the entrance.
  - (e) Parking area only.
  - (f) Recreation areas not permitted in required front yard.
- (Ord. 87-1989. Passed 7-11-89)

**1145.06 PARKING.**

One enclosed off-street parking space and one open off-street parking space shall be provided for each apartment dwelling unit.

Additional guest off-street parking space may be required by the Planning Commission within an apartment development area if it determines that such additional parking is necessary to adequately serve the needs of the apartment area.

(Ord. 87-1989. Passed 7-11-89)

**1145.07 PROCEDURES FOR APARTMENT DEVELOPMENT.**

Subject to the requirements of this Chapter, a developer may submit to the Planning Commission a site plan of an apartment development area by filing copies thereof with the Secretary of the Commission. (Ord. 87-1989. Passed 7-11-89)

**1145.08 APARTMENT AREA SITE PLAN.**

A site plan of the apartment area designed in accordance with the planning standards, regulations and criteria established in this Zoning Ordinance and the Subdivision Regulations shall indicate all uses proposed for the apartment development area, the location and arrangement of uses and shall include, unless waived by the Planning Commission as not being applicable, the following:

- A. Topography at two-foot contour intervals of the proposed development area, including property lines, easements, street right-of-ways and existing structures, trees and landscape features existing thereon and a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet;
- B. The location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;
- C. The number, location and arrangement of all proposed dwelling units;
- D. The proposed use of all land;
- E. The location and arrangement of all dedicated streets, private driveways, and pedestrian accessways;
- F. The number and arrangement of all open and enclosed parking and service areas;
- G. The location of all site utilities;
- H. The location of all walls and other site features;
- I. The landscape design for the apartment area;
- J. The location of all refuse collection areas and postal delivery stations; and
- K. Such other relevant information as the Planning Commission and City Engineer may require.

The apartment site plan of a development area shall be prepared by professional persons qualified in the planning of land development, building and landscape design. The architectural and engineering service required for the preparation of the site plan shall be rendered by licensed professional persons. (Ord. 87-1989. Passed 7-11-89)

**1145.09 SITE PLAN REVIEW.**

Upon receipt of a site plan of the development area, the Secretary shall transmit a copy of the plan to the City Engineer, Chief Building and Zoning Inspector, Fire Chief, Police Chief, City Planner and Architectural Review Board for their review, report and recommendation. The City Engineer, Chief Building and Zoning Inspector, Fire Chief, Police Chief, City Planner and Architectural Review Board shall each, within fifteen days from receiving a plan of the development area, provide and furnish to the Planning Commission a report upon their respective jurisdiction.

Items covered in the aforementioned review shall include the following:

- A. City Engineer: That the site plan represents accepted engineering practice and that the improvements being proposed, including all streets, sidewalks, storm and sanitary sewers, street lighting, water distribution, electric, telephone, and gas distribution systems are in accordance with the provisions of the Subdivision Regulations of the City of Twinsburg and

the respective utility company.

- B. Chief Building and Zoning Inspector: That the site plan complies with the development standards and regulations of this Chapter.
- C. Fire Chief: That the street arrangement indicated on the site plan meets the City's requirements for accessibility to emergency vehicles.
- D. Police Chief: That the vehicular and pedestrian circulation systems of the development area are arranged to insure the maximum public safety to the area residents.
- E. City Planner: That the site plan represents accepted land planning principles including the arrangement, sizes, and orientation of buildings and open space areas; and that the plan meets all the requirements and criteria contained in this Chapter.
- F. Architectural Review Board: That the design of buildings and landscaped areas reflect the appropriate use of materials and their arrangement will achieve an aesthetically pleasing, functional and harmonious development. (Ord. 87-1989. Passed 7-11-89)

#### **1145.10 REPORT TO COUNCIL.**

Within 60 days after an apartment site plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and reports required above and it shall furnish to Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the site plan complies with the regulations, standards, and criteria prescribed by this Zoning Ordinance for apartment development applicable to the proposal, or a finding of any failure of such compliance and a recommendation that the site plan be approved, disapproved or modified. (Ord. 87-1989. Passed 7-11-89)

#### **1145.11 ACTION BY COUNCIL.**

Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the apartment site plan of the development area including the report of the Planning Commission thereon and give notice of the time, place and purpose of such hearing, by publication in a newspaper of general circulation in the City. Following the public hearing, Council shall either approve, disapprove or modify the site plan. Council may affirm any report of the Planning Commission by a majority vote of its members. If Council reverses a recommendation of the Commission regarding an apartment site plan, it shall only do so by the affirmative vote of not less than two-thirds of its members with the reasons for such action recorded as part of the minutes. Following approval of the apartment site plan by Council and the City electorate in accordance with the Charter, the Zoning Map shall be amended to reflect the development area as a R-6 Apartment zoning district. (Ord. 87-1989. Passed 7-11-89)

#### **1145.12 BUILDING PERMITS.**

Following the rezoning of the apartment development area, approval of the apartment area site plan by Planning Commission, Council, the City Engineer and Fire Chief and approval of building plans by the Building Department, building and other permits may be issued upon payment of the required fees. (Ord. 87-1989. Passed 7-11-89)

**1145.13 PHASED DEVELOPMENT.**

A developer, having obtained final approval of an apartment site plan, may accomplish the development in progressive stages as may be approved by the Planning Commission and City Engineer. (Ord. 87-1989. Passed 7-11-89)

**1145.14 AMENDMENT TO PLANS.**

At any time after the approval of an apartment site plan of a development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Building Official and one copy filed with the Clerk of Council. If such amendment is in substantial agreement with the approved apartment area site plan, it shall be processed by the Planning Commission.

Should such amendment represent a departure from the intent of a prior approval in terms of:

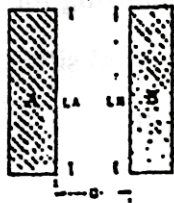
- A. building location and arrangement;
- B. street alignment;
- C. intensity of use (density);
- D. land use arrangements; and
- E. area and parking requirements,

such amendment shall then be subject to the same procedures and conditions of approval as the original application. (Ord. 87-1989. Passed 7-11-89)



**ILLUSTRATIONS OF  
YARD REGULATIONS FOR MULTIFAMILY DWELLINGS  
APPENDIX I**

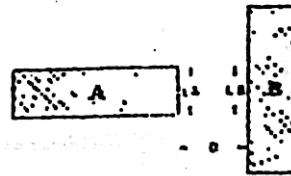
(Minimum distance between facing and overlapping buildings)



Main walls facing

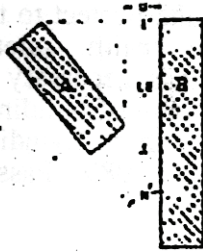


Overlapping walls



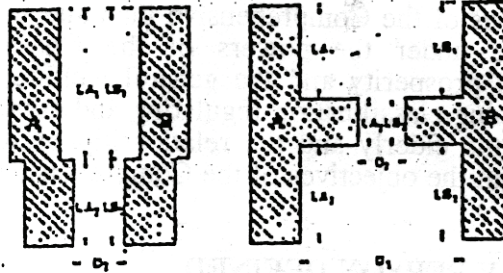
Main to end wall

$$D = \frac{LA + LB + HA + HB}{F}$$



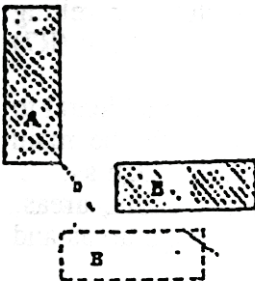
$$D = \frac{2LB + HA + HB - k}{F}$$

Minimum distance in angular arrangements



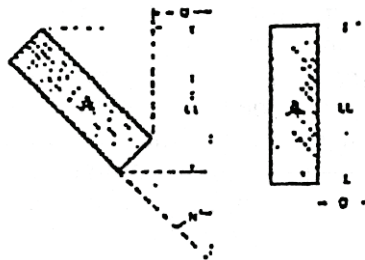
$$D = \frac{LA + LB + HA + HB}{F}$$

Minimum distances between walls of court arrangements



$$D = \frac{HA + HB}{2}$$

Minimum distance between nonoverlapping walls



$$D = \frac{2(LL) + HA - k}{F}$$

Minimum distance between building and boundary lines

$$D = \frac{2(LL) + HA}{F}$$

This page intentionally left blank

**CHAPTER 1146  
SENIOR RESIDENCE DISTRICTS (R-7)**

- 1146.01 INTENT.**
- 1146.02 ELDERLY PERSON DEFINED.**
- 1146.03 USE REGULATIONS.**
- 1146.04 DEVELOPMENT CRITERIA.**
- 1146.05 AREA, YARD AND HEIGHT REGULATIONS.**
- 1146.06 PARKING.**
- 1146.07 DWELLING UNIT SIZE.**
- 1146.08 PROPOSAL AND SITE PLAN FOR CONSTRUCTION OF HOUSING FOR THE ELDERLY.**
- 1146.09 APPROVAL OF PROPOSAL AND SITE PLAN.**
- 1146.10 ACTION BY COUNCIL.**
- 1146.11 BUILDING PERMITS.**

**1146.01 INTENT.**

In recognition of the special nature of the housing needs of elderly persons and to enable elderly persons to obtain suitable, safe, sanitary and decent housing-'designed to meet their special needs in areas of the City in which the location of such housing would be in accordance with the policies of the Comprehensive Plan and would promote and protect, to the fullest extent permissible under the powers of the Charter, the public health, safety, convenience, comfort and prosperity and the general welfare of the City, it is necessary to establish an additional zoning classification regulating and controlling the location of buildings designed specifically for the elderly and the relationship of such buildings with surrounding properties so as to carry out the objectives of the Comprehensive Plan.

(Ord. 87-1989. Passed 7-11-89)

**1146.02 ELDERLY PERSON DEFINED.**

For the purposes of this chapter, "elderly" and "elderly person" mean a person who is fifty years of age or over. (Ord. 62-1998. Passed 3-24-98)

**1146.03 USE REGULATIONS.**

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in Senior Residence (R-7) Districts, only for the uses set forth in the following schedules and regulations:

Main Buildings and Uses Permitted: Apartments and one family cluster dwelling units designed specifically for the elderly are permitted in Senior Residence (R-7) Districts (by conditional use).

- A. Accessory Uses Permitted: Any accessory use is permitted which is incidental to the main use, provided it is planned and developed integrally with the main building and that it has no injurious effect on adjoining use districts, such as:
- B. Multipurpose senior community activity centers, common eating areas, health and counseling offices, craft and meeting rooms, lounge areas and areas for passive and active recreation for the elderly; and

C. Storage garages and off-street parking areas for residents, guests and employees of the elderly housing facility. (Ord. 87-1989. Passed 7-11-89)

**1146.04 DEVELOPMENT CRITERIA.**

The following development criteria are established to guide and control the development and use of land for housing designed for the elderly in a Senior Residence (R-7) District.

- A. Ancillary Facilities: All developments designed for the elderly shall contain the following ancillary facilities: a multipurpose senior center, health and counseling offices, craft and meeting rooms, a lounge area, areas for passive and active recreation and any and all other amenities required in buildings for the elderly in new construction designed for the elderly.
- B. Special Safety and Convenience Features: All multifamily housing designed for the elderly shall include any and all other special safety and convenience features required in buildings qualifying for housing assistance for the elderly in new construction designed for the elderly. (Ord. 87-1989. Passed 7-11-89)

**1146.05 AREA, YARD AND HEIGHT REGULATIONS.**

Land and buildings shall be used only in accordance with the lot area regulations, and buildings shall be erected, altered, moved and maintained only in accordance with the area, yard and building height regulations set forth in the following schedule:

**SCHEDULE OF AREA, YARD AND HEIGHT REGULATIONS  
SENIOR RESIDENCE (R-7)**

Dwelling Type	Minimum Lot Area Per Dwelling Unit (sq. ft.)	Maximum Density	Lot Coverage by Bldg. Max. Percent	Front Yard Depth (ft.) (a)	Side Yard Depth (ft.) (d)	Rear Yard Depth (ft.) (d)	Health Main Building Stories (b)
Apartment	3,630	12	25	100(c)	(d)	(d)	3
Single Family Cluster (attached and detached)	8,712	5.0	35	(e)	(f)	(f)	2
Off-street Parking				50	20	20	

- A. Building setback measured from street right-of-way.
- B. Apartment buildings constructed in a Senior Residence District shall not exceed three stories. Mechanical space for building equipment placed on the roof of an apartment building may be allowed above the maximum height specified, provided that *such* mechanical space is set back a minimum of fifteen feet from any exterior wall, does not exceed fifteen feet in height and is adequately screened from view, and provided, further, that such mechanical space and screening are approved by the Planning Commission.
- C. Front *yard* depth may be reduced to seventy-five feet if no off-street parking is located in the front yard.

- D. Yard dimensions shall be determined by the formula set forth in Chapter 1145, Section 1145.04.
- E. Buildings fronting in major arterial, collector and local collector streets shall have a depth of fifty feet; and buildings fronting on local streets shall have a depth of thirty-five feet. Building setback shall be measured from the street right-of-way.
- F. Single family cluster dwellings shall be setback not less than thirty-five feet from any adjacent single family side lot line; fifty feet from any adjacent single family rear lot line; and twenty-five from any common open space boundary line. The Planning Commission may, however, vary said setback distance if it determines that the intent of this chapter will be adequately met. The minimum distance between single family units and buildings of attached units shall be ten feet. Not more than three single family cluster units may be attached in any building group. (Ord. 87-1989. Passed 7-11-89)

**1146.06 PARKING.**

Parking in any Senior Residence (R-7) District shall be provided in accordance with the following schedule:

Apartment	One (1) space per dwelling unit plus one (1) space for each employee.
Single family cluster (attached & detached)	Two spaces per unit with one enclosed.

The design and construction of off-street parking areas shall be determined by the City Engineer. Additional guest off-street parking shall be required as determined by the Planning Commission. (Ord. 87-1989. Passed 7-11-89)

**1146.07 DWELLING UNIT SIZE.**

The minimum floor area of dwelling units in any Senior Residence (R-7) District shall be as indicated in the following schedule:

<u>Apartment</u>	<u>Minimum Floor Area (sq. ft.)</u>
One bedroom unit	500
Two bedroom unit	650
<u>One-Family Cluster</u>	
One story	1,100
Two story	1,320

(Ord. 87-1989. Passed 7-11-89)

**1146.08 PROPOSAL AND SITE PLAN FOR CONSTRUCTION OF HOUSING FOR THE ELDERLY.**

Any developer may submit to the Planning Commission a proposal and site plan for construction of housing designed for the elderly in accordance with the provisions of this chapter and other applicable parts of this Zoning Ordinance. Such proposals shall contain a specification of those special safety and convenience features and facilities which will be provided in order to accommodate the needs of elderly residents.

A site plan of the elderly housing area designed in accordance with the planning standards, regulations and criteria established in this Zoning Ordinance and the Subdivision Regulations shall indicate all uses proposed for the development area, the location and arrangement of uses and shall include, unless waived by the Planning Commission as not being applicable, the following:

- A. Topography at two-foot contour intervals of the proposed development area, including property lines, easements, street right-of-ways and existing structures, trees and landscape features existing thereon and a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet;
- B. The location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;
- C. The number, location and arrangement of all proposed dwelling units;
- D. The proposed use of all land;
- E. The location and arrangement of all dedicated streets, private driveways, and pedestrian accessways;
- F. The number and arrangement of all open and enclosed parking and service areas;
- G. The location of all site utilities;
- H. The location of all walls and other site features;
- I. The landscape design for the development area;
- J. The location of all refuse collection areas and postal delivery stations; and
- K. Such other relevant information as the Planning Commission and City Engineer may require.

The site plan of a development area shall be prepared by professional persons qualified in the planning of land development, building and landscape design. The architectural and engineering service required for the preparation of the site plan shall be rendered by licensed professional persons. (Ord. 87-1989. Passed 7-11-89)

#### **1146.09 APPROVAL OF PROPOSAL AND SITE PLAN.**

Within sixty days from the date of receipt of a proposal and site plan from any developer for the construction of housing designed for the elderly, the Planning Commission shall evaluate the proposal and site plan as prescribed in Section 1145.09, to determine whether or not it conforms with the requirements for construction of housing for the elderly and shall inform the developer of its findings. If the Commission finds that the proposal conforms with the requirements for construction of housing for the elderly, it shall approve such proposal and site plan. In the event that such proposal and site plan does not conform with these requirements, the Commission shall indicate and specify the particulars in which such proposal fails to conform with such requirements. The Commission shall furnish to Council a detailed report and recommendations with respect thereto. (Ord. 87-1989. Passed 7-11-89)

#### **1146.10 ACTION BY COUNCIL.**

Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the site plan of the development area including the report of the Planning Commission thereon and give notice of the time, place and purpose of such hearing, by publication in a newspaper of general circulation in the City. Following the public hearing, Council shall either approve, disapprove or modify the site plan. Council may affirm any report of the Planning Commission by a majority vote of its members. If Council reverses a recommendation of the Commission regarding the site plan, it shall only do so

by the affirmative vote of not less than two-thirds of its members with the reasons for such action recorded as part of the minutes.

Following approval of the site plan by Council and the City electorate in accordance with the Charter, the Zoning Map shall be amended to reflect the development area as a R-7 Senior Residence zoning district. (Ord. 87-1989. Passed 7-11-89)

**1146.11 BUILDING PERMITS.**

Following the rezoning of the development area to R-7, approval of the site plan by Planning Commission, Council, the City Engineer and Fire Chief and approval of building plans by the Building Department, building and other permits may be issued upon payment of the required fees. (Ord. 87-1989. Passed 7-11-89)



**CHAPTER 1147  
PUBLIC FACILITIES (PF) DISTRICTS**

- 1147.01 INTENT.**
- 1147.02 USE REGULATIONS.**
- 1147.03 AREA REGULATIONS.**
- 1147.04 YARD REGULATIONS.**
- 1147.05 HEIGHT REGULATIONS.**
- 1147.06 LIGHTING.**
- 1147.07 SIGNS.**
- 1147.08 APPROVAL AND DESIGN STANDARDS.**

**1147.01 INTENT.**

Public facilities, as used throughout this zoning Ordinance, shall mean facilities classified as main and accessory buildings and uses in the schedule set forth in Section 1147.02. Public Facilities (PF) Districts and regulations are established in order to achieve, among others, the following purposes.

- A. To provide a proper zoning classification for governmental, civil, welfare and recreational facilities in proper locations and extent so as to promote the general safety, convenience, comfort and welfare;
  - B. To protect such public and semipublic facilities and institutions from the encroachment of certain other uses and to make such uses compatible with adjoining residential uses; and
  - C. To provide an environment for the proper functioning of public facilities in relation to the Comprehensive Plan and other plans for community facilities.
- (Ord. 87-1989. Passed 7-11-89)

**1147.02 USE REGULATIONS.**

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in a Public Facilities (PF) District only for uses set forth in the following schedule:

**Schedule of Permitted Uses and Buildings**

<u>District</u>	<u>Main Buildings and Uses</u>	<u>Accessory Buildings and Uses</u>
	Governmental, Municipal, County, State and federal Buildings and uses for administrative functions and uses by general public.	Public parking areas or storage garage.  Residences for custodians or guards.
PF	Civic: churches, libraries, museums, places for public assembly, memorials, monuments, cemeteries, fraternal organizations and private clubs.  Education: primary and secondary public, private or parochial schools.	Maintenance and heating facilities and bulletin boards as hereinafter regulated.

Welfare: general and special hospitals, health centers and institutions for children and for the aged.

Recreational: parks, recreation fields and pools and public gardens and golf courses.

(Ord. 87-1989. Passed 7-11-89)

**1147.03 AREA REGULATIONS.**

The area or parcel of land for a permitted public facility shall be not less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses and yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted public facility shall be as approved by the Planning Commission. (Ord. 87-1989. Passed 7-11-89)

**1147.04 YARD REGULATIONS.**

- A. Front Yards: The front yard setback shall be not less than the required front yard setback for any adjacent use district.
- B. Side and Rear Yards: The yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any residential district:

Main Buildings and Uses		Minimum Yard Side and Rear (ft.)
Governmental:	Administrative buildings	75
Civic:	Nonassembly buildings, Assembly buildings	75 75
Educational:	Public, private and parochial schools	75
Welfare:	General hospitals Special hospitals Homes for children and the aged	100 200 75
Recreational:	Buildings	100

- C. Open Uses: Driveways and parking areas serving the public facility may be located within the side or rear yard set forth in the above schedule, but driveways shall be located not less than ten feet and parking areas not less than twenty feet from any adjacent lot line; and play areas shall not be located less than fifty feet from any adjacent boundary line of a residential district. (Ord. 87-1989. Passed 7-11-89)

**1147.05 HEIGHT REGULATIONS.**

Public and semipublic buildings may be erected to a height not to exceed 50 feet. Chimneys, spires, cupolas, domes, towers, flag poles, water tanks, radio or television antennae, monuments and other mechanical appurtenances located upon or constituted as an integral part of a main building shall not exceed a height of twice the width of the side or rear yard but not more than 100 feet above the finished grade. (Ord. 87-1989. Passed 7-11-89)

**1147.06 LIGHTING.**

Flood lighting or other lighting of playfields, buildings, bulletin boards and parking areas shall be located and designed so as to shield the light source from adjoining residences, and, except for general lighting, shall be extinguished between 12:30 a.m. and 7:00 a.m. of the following day. (Ord. 87-1989. Passed 7-11-89)

**1147.07 SIGNS.**

Signs in Public Facilities (PF) Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the regulations set forth in Chapter 1173 of this Zoning Ordinance. (Ord. 87-1989. Passed 7-11-89)

**1147.08 APPROVAL AND DESIGN STANDARDS.**

Development plans of proposed public buildings and land improvements shall be submitted, along with maps, surveys and other required information, to the Planning Commission for review and a public hearing shall be held thereon. Criteria for reviewing a development plan for a public facility shall be:

- A. That the proposed building or use shall be located properly in relation to the criteria of this chapter and to the duly adopted Comprehensive Plan;
- B. That the proposed public facility building and use shall be located on major arterial, collector or local collector streets as shown on a duly adopted Major Thoroughfare Plan so as to generate a minimum of traffic on local streets. Elementary schools may, however, be located on local streets.
- C. That the location, design and operation of such main and accessory public facility building and use shall not adversely affect the surrounding residential neighborhood.

After approval of the preliminary plan, final plans shall be prepared and submitted to the Planning Commission. A building permit shall not be issued until such plans are approved by the Planning Commission and confirmed by Council. In addition to the above requirements, appropriate conditions applying to the particular situation may also be specified in the approval and permit. (Ord. 87-1989. Passed 7-11-89)

**CHAPTER 1148  
BUSINESS DISTRICTS**

<b>1148.01 C-1 LOCAL COMMERCIAL DISTRICT-PURPOSE.</b>	<b>1148.12 LAND COVERAGE.</b>
<b>1148.02 PERMITTED USES.</b>	<b>1148.13 YARD AND SETBACK REQUIREMENTS-BUSINESS DISTRICTS.</b>
<b>1148.03 C-2 COMMUNITY COMMERCIAL DISTRICT-PURPOSE.</b>	<b>1148.14 SUPPLEMENTARY YARD REGULATIONS-BUSINESS DISTRICTS.</b>
<b>1148.04 PERMITTED USES.</b>	<b>1148.15 HEIGHT REGULATIONS.</b>
<b>1148.05 C-3 INTERCHANGE BUSINESS DISTRICT- PURPOSE.</b>	<b>1148.16 STREET WIDENING C-3 BUSINESS DISTRICTS.</b>
<b>1148.06 PERMITTED USES.</b>	<b>1148.17 INGRESS AND EGRESS C-3 BUSINESS DISTRICTS.</b>
<b>1148.07 C-4 COMMERCIAL OFFICE DISTRICT-PURPOSE.</b>	<b>1148.18 WASTE MATERIAL STORAGE.</b>
<b>1148.08 PERMITTED USES.</b>	<b>1148.19 DWELLING IN BUSINESS DISTRICTS.</b>
<b>1148.09 C-5 – MIXED RESIDENCE / BUSINESS DISTRICT PURPOSE.</b>	<b>1148.20 BUSINESS DISTRICT ARCHITECTURAL DESIGN STANDARDS</b>
<b>1148.10 C-5 MIXED RESIDENCE / BUSINESS DISTRICT – PERMITTED USES</b>	<b>1148.21 PLANNING COMMISSION AND ARCHITECTURAL REVIEW BOARD REVIEW PROCESS FOR COMMERICAL / HISTORIC BUILDINGS</b>
<b>1148.11 LOT AREA AND WIDTH REQUIREMENTS-BUSINESS DISTRICTS.</b>	<b>1148.22 BUSINESS OPERATIONS WITHIN ENCLOSED BUILDINGS.</b>

**1148.01 C-1 LOCAL COMMERCIAL DISTRICT-PURPOSE.**

To provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. The district is intended to serve families living within a one-half (1/2) to one (1) mile radius and should be located at the center of this trade area. It is intended that this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

(Ord. 87-1989. Passed 7-11-89)

**1148.02 PERMITTED USES.**

- A. Art, photo, stationery, notion, toy and gift sales.
- B. Banks.
- C. Barber and beauty shop.

- D. Clothing, apparel, and variety shop.
- E. Delicatessen.
- F. Drug store.
- G. Dry cleaning and laundry agency (providing nonexplosive and nonflammable solvents are used).
- H. Florist shop and garden supply sales.
- I. Food sales including supermarket.
- J. Hardware stores including the sale of paint, wallpaper and household and garden appliances.
- K. Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern but excluding fast food eating establishments.
- L. Professional offices such as medical, dental, architectural, engineering, etc.
- M. Self-service laundries.
- N. Shoe repair shop.
- O. Sporting goods.
- P. Tailor and dressmaker.
- Q. Television and radio repair shops.
- R. Lawn care and garden supplies and the outside sale of plant material.
- S. Tool and appliance rental.
- T. Dance studio.
- U. Household appliance repair.
- V. Signs, as regulated by Chapter 1173 of this Ordinance.
- W. Accessory uses clearly incidental to and customarily related to the primary permitted use.  
(Ord. 87-1989. Passed 7-11-89)

**1148.03 C-2 COMMUNITY COMMERCIAL DISTRICT-PURPOSE.**

This district is created to provide for a principal central shopping center of community importance, where concentrations of convenience and comparison shopping facilities, financial and business services and such similar community-wide facilities may be provided in an efficient and well-designed center. (Ord. 87-1989. Passed 7-11-89)

**1148.04 PERMITTED USES.**

- A. Offices, stores and services permitted in C-1 Local Commercial Districts.
- B. Accessory uses clearly incidental to and customarily related to the primary permitted use.
- C. Administrative business or finance office and organizations.
- D. Amusement and recreation (motion picture theaters).
- E. Antique store.
- F. Art, photo, stationery, notion, toy and gift sales.
- G. Automotive parts dealer.
- H. Banks.
- I. Barber and beauty shops.
- J. Clothing, apparel and variety shops.
- K. Delicatessen store.
- L. Department store.
- M. Display showroom excluding motor vehicle.
- N. Drugstore.

- O. Dry cleaning and laundry agency (providing nonexplosive and nonflammable solvents are used).
- P. Florist shop and garden supply sales.
- Q. Food sales, including supermarkets.
- R. Hardware stores, including the sale of paint, wallpaper, household and garden appliances.
- S. Heating, plumbing, electrical equipment dealer.
  
- T. Off-street public parking lot and garage.
- U. Office or organization primarily engaged in accounting, architecture, advertising, printing, art, correspondence, design, editing, engineering, insurance, photography, realty, research and other similar uses.
- V. Passenger transportation agency.
- W. Preparation and processing of food and drink to be retailed on premises including bakery, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern, but excluding drive-in facilities.
- X. Professional office and clinic (similar use: Training Center for Mentally Disabled) (Ord. 190-2006. Passed 12.05.2006).
- Y. Radio and television broadcasting station.
- Z. Repair of household appliances and bicycles.
- AA. Retail sales of furniture, appliances, and other major household articles.
- BB. Retail sale of general merchandise
- CC. Shoe repair shop.
- DD. Signs, as regulated by Chapter 1173 of this Ordinance.
- EE. Sporting goods store.
- FF. Tailor and dressmaker.
- GG. Outside sale of nursery plant material provided a conditional use permit is approved. (Ord. 87-1989. Passed 7-11-89)

**1148.05 C-3 INTERCHANGE BUSINESS DISTRICT - PURPOSE.**

This district is established to provide a means for establishing well-designed and efficient facilities oriented to the highway traveler including all-night and rest-stop services. Where possible, access roads with controlled egress and ingress to highways and local roads should be encouraged. (Ord. 87-1989. Passed 7-11-89)

**1148.06 PERMITTED USES.**

- A. Offices, stores and services as permitted in C-2 Community Commercial Districts except: amusement and recreation; garden supply sales; heating, plumbing, electrical equipment dealer; radio and television broadcasting station; and repair of household appliances and bicycles.
- B. Gasoline service station by conditional use (wherein the services rendered shall be limited to its main function plus minor tune-ups; auto repairs of a minor nature, such as tire repair and spark plugs). There shall be no storage of inoperative motor vehicles or body or fender work performed in this district.
- C. Restaurants for the dispensing of foods by conditional use.
- D. Motels and hotels.

- E. Passenger transportation agency and terminal.
- F. Professional offices such as medical or dental, architectural, engineering, etc.
- G. Signs, as regulated by Chapter 1173 of this Ordinance.
- H. New and rebuilt automobile parts and equipment.
- I. Accessory uses clearly incidental to and customarily related to the primary permitted use.
- J. Accessory Uses - Motor vehicle rental by conditional use.  
(Ord. 87-1989. Passed 7-11-89)

**1148.07 C-4 COMMERCIAL OFFICE DISTRICT-PURPOSE.**

This district is established to provide an environment conducive to well-located and designed office building sites to accommodate professional offices, sales office and nonprofit organizations. (Ord. 87-1989. Passed 7-11-89)

**1148.08 PERMITTED USES.**

- A. Administrative, business or finance offices and organizations.
- B. Banks.
- C. Offices of organizations primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, realty, research and other uses similar in character.
- D. Professional offices and human medical clinics.
- E. Radio and television broadcasting stations, not including transmission towers.
- F. Signs, as regulated by Chapter 1175 of this Ordinance.
- G. Accessory uses clearly incidental to and customarily related to the primary permitted use.  
(Ord. 87-1989. Passed 7-11-89)

**1148.09 C-5 – MIXED RESIDENCE/BUSINESS DISTRICT PURPOSE.**

This district is established to encourage compact, sustainable, mixed-use development in the central part of the City. Residential mixed-use development with offices, retail and residential components are encouraged. Apartment units shall not exceed thirty percent (30%) of the residential component of a mixed-use development. Individual living unit area shall be no less than 750 sq. ft. for apartments and 1,000 sq. ft. for condominiums. Multiple uses are permitted on a single lot or in a single building provided each use contained therein is permitted by right or permitted conditionally in the district. The requirements as related to lot area, lot width, land coverage, building and parking yards and setbacks will be predicated on the preparation of a Business Area Plan as prescribed in this Chapter.  
(Ord. 69-2008. Passed 11.04.2008)

**1148.10 C-5 MIXED RESIDENCE/BUSINESS DISTRICT – PERMITTED USES**

- A. Restaurants and taverns including outdoor dining and service.
- B. Residential townhouses, condominiums and apartments
- C. Professional offices.
- D. Drug stores.
- E. Medical offices and clinics
- F. Food sales.
- G. Retail sales of general merchandise.
- H. Retail sales of apparel and shoes.
- I. Novelty stores.
- J. Antiques stores.

- K. Book stores, card shops, stationary stores.
  - L. Hardware store.
  - M. Jewelry stores.
  - N. Art galleries, art supply stores.
  - O. Banks, savings and loans and commercial lending institutions.
  - P. Dry cleaning, beauty shops, boutiques.
  - Q. Tailor, dressmaker.
  - R. Preparation and processing of food and drink to be retailed on the premises including bakery, meat market, confectionery restaurant, ice cream parlor, coffee shops and similar establishments.
  - S. Off-street parking and private parking garage or lot.
- (Ord. 69-2008. Passed 11.04.2008)

**1148.11 LOT AREA AND WIDTH REQUIREMENTS-BUSINESS DISTRICTS.**

Except in the C-5 Mixed Residence/ Business District, the following business uses shall be designed, erected, altered, moved or maintained, in whole or in part, only in accordance with the following schedule:

Business Use	Minimum Lot Area	Minimum Lot Width
Motel-Hotel	1,000 sq.ft./unit	250 ft.
Service Station		
Interior Lot	32,500 sq.ft.	180 ft.
Corner Lot	40,000 sq.ft.	200 ft
Single Business Use		150 ft.
Multiple Business Uses on the same lot		200 ft

(Ord. 69-2008. Passed 11.04.2008)

**1148.12 LAND COVERAGE.**

Except in the C-5 Mixed Residence/Business District, the land area covered by main and accessory buildings in any business district shall not exceed twenty-five percent (25%) of the total area of the zoning lot.

(Ord. 69-2008. Passed 11.04.2008)

**1148.13 YARD AND SETBACK REQUIREMENTS-BUSINESS DISTRICTS.**

In all Business Districts, buildings and land shall abut a dedicated street for the required lot width, and buildings and parking shall be designed, erected, altered, moved or maintained, in whole or in part, only in accordance with the following schedule:



**SCHEDULE - MINIMUM YARD AND, BUILDING SETBACK REQUIREMENTS**

<b>Zoning District</b>	<b>Main and Accessory Building and Use</b>	<b>Front Yard Street (From ROW) (ft.)</b>	<b>Side Yard Abutting Residential District (ft.)</b>	<b>Side Yard Abutting Nonresidential Use (ft.)</b>	<b>Rear Yard Abutting Residential District (ft.)</b>	<b>Rear Yard Abutting Nonresidential Use (ft.)</b>
<b>C-1 Local Commercial</b>	Stores & Offices	50	50	20	60	25
	Parking & Drives	20	30	10	30	10
<b>C-2 Community Commercial</b>	Stores & Offices	70	60	20	60	25
	Parking & Drives	20	30	10	30	10
<b>C-3 Interchange Business</b>	Service Station Restaurant Motel Office	70	50	20	50	50
	Parking & Drives	25	30	10	30	10
<b>C-4 Commercial Office</b>	Offices	50	25	10	40	40
	Parking & Drives	20	15	10	15	10

(Ord. 69-2008. Passed 11.04.2008)

**1148. 14 SUPPLEMENTARY YARD REGULATIONS-BUSINESS DISTRICTS.**

- A. Gasoline Pump Islands and Canopies: Gasoline pump island if constructed and operated as a part of a service station may be erected in front of the established building line, but not less than twenty (20) feet from the street right-of-way line. All driveways, platforms and curbs of the service stations, whether located on a City street, County road or State highway, shall be designed in accordance with the latest revision of the "Regulations Governing Ingress and Egress at Gasoline Service Stations Fronting on all Highways Under State Jurisdiction in Ohio" adopted by the Ohio Department of Transportation.
- B. Off-Street Parking: Where off-street parking areas are planned and designed as a coordinated facility with adjacent existing or planned parking areas, the Planning Commission may waive the side yard parking and drive setback requirements of this Chapter.
- C. Side Yards on Corner Lots: Whenever a business building is located on a corner lot, the width of the building side yard on the side street shall be not less than fifty (50) feet on major arterial streets, thirty-five (35) feet for collector streets and twenty-five (25) feet for local collector and local streets. On a corner lot, parking shall be set back at least twenty (20) feet from the side street right-of-way.
- D. Yard Screening and Landscaping: Whenever a business building is located on a lot which adjoins a Residential District, a side or rear yard of not less than set forth on the preceding schedule shall be provided on the business lot, and the Planning Commission may require a wall or fence five (5) to eight (8) feet in height and supplementary landscape planting to shield adjacent residential areas from parking lot illumination, headlights, fumes, heat, blowing papers and dust, and to reduce the visual encroachment of business buildings, signs and activities.

(Ord. 69-2008. Passed 11.04.2008)

**1148. 15 HEIGHT REGULATIONS.**

The height of any main building shall not exceed thirty-five (35) feet in any C-1, C-2, C-3, C-4 and C-5 zoning district. Mechanical space for building equipment placed on a flat building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen (15) feet from any exterior wall, does not exceed six (6) feet in height and is adequately screened from view, and provided, further, that such mechanical space and screening are approved by the Planning Commission. The height of any main building in a C-3 and C-4 zoning district may exceed 35 feet provided that the front and rear yard depth is increased by two (2) feet for each additional foot of height over 35 feet and the side yard width is increased by one (1) foot for each additional foot of height over 35 feet and a conditional use permit is approved. In a C-5 zoning district building height may exceed thirty-five (35) feet if a conditional use permit is acquired through the process described at Chapter 1151.

(Ord. 69-2008. Passed 11.04.2008)

**1148. 16 STREET WIDENING C-3 BUSINESS DISTRICTS.**

Each site plan for improvements in a C-3 zoning district shall include a dedication for public use a parallel frontage access right-of-way of not less than ten (10) feet in width extending the full width of the lot. Additional pavement meeting the requirements of the City Engineer shall be provided if so determined by the Planning Commission.

(Ord. 69-2008. Passed 11.04.2008)

**1148.17 INGRESS AND EGRESS C-3 BUSINESS DISTRICTS.**

The vehicular entrances and exits to private property shall not be permitted closer than four hundred (400) feet from the centerline of the nearest interchange ramp, which ramp intersects an arterial highway or major thoroughfare. (Ord. 69-2008. Passed 11.04.2008)

**1148.18 WASTE MATERIAL STORAGE.**

In Business Districts, no garbage, rubbish, waste material, empty containers or waste processing equipment shall be permitted outside of any building, unless a specific outside storage area is approved by the Planning Commission. If outside storage is approved by the Commission, such storage shall be in containers approved by the Chief Building and Zoning Inspector, and the waste container area shall be screened from public view. The type and method of such screening shall be subject to approval by the Commission.

No liquid waste shall be discharged into an open body of water or a sewer, unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals does not exceed the amount permitted by other codes of the State, County or City. No waste containing material harmful to the sewerage system or the sewage treatment process shall be discharged into the municipal sewerage system. Damage resulting from accidental spills or emissions of solid, liquid or gaseous waste shall be the responsibility of the offender. (Ord. 69-2008. Passed 11.04.2008)

**1148.19 DWELLING IN BUSINESS DISTRICTS.**

No dwelling unit shall be erected in any C-1, C-2, C-3 and C-4 zoning district. (Ord. 69-2008. Passed 11.04.2008)

**1148.20 BUSINESS DISTRICT ARCHITECTURAL DESIGN STANDARDS**

The intent of the following standards is to encourage creative and innovative design techniques that are harmonious with each other, to protect the value of buildings and property, and to preserve the image and character of a “unique” small town community. It is recognized that a community should be visually attractive as well as financially prosperous. The manner in which a use is accomplished is as important as the use. The quality of architecture and building construction is important to the preservation and enhancement of building and property values, prevention of the physical deterioration of buildings, and the promotion of the image of the community and the general welfare of its citizens.

(Ord. 33-2008. Passed 04.22.2008)

The following architectural review principles, criteria, and review guidelines are established:

**A. APPEARANCE**

1. Buildings shall be designed so as to be compatible with surrounding architectural styles and so as not to be unsightly or offensive to general accepted taste and community standards.
2. Corporate stylized architectural elements (building features that are used for

advertising or national image) shall be minimized to the extent that they are not the dominant architectural element and so that the building remains compatible with the surrounding architecture.

### 3. BUILDING MATERIALS

- a. Traditional Building materials such as Masonry (Natural Stone, Simulated Stone, Brick, ), Wood, Glass (Tinted -Reflective or Block), shall be used on all exterior visible portions of structures.
- b. Other materials may be approved if their use is appropriate for the location and architectural style proposed and they are approved by the Architectural Review Board.

### 4. BUILDING FACADE

- a. Plain, monolithic structures with long walls and roof plane surfaces are discouraged.
- b. Each building facade shall incorporate design elements such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivide the wall into human scale proportions.
- c. Building facades shall have highly visible customer entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face streets on which they are located.
- d. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the surrounding area. Building architecture shall promote consistent architectural character and detail on all sides of the structure, including the use of building materials.

### 5. BUILDING SCALE

- a. New, remodeled, or altered buildings must be in relative proportion to the original building elements and/or neighboring buildings.
- b. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes.
- c. Where applicable, building mass shall be broken by dividing it into smaller components and creating functional open space and pedestrian oriented areas between buildings.

### 6. COLOR.

Structure and building color shall be in harmony with the existing neighborhood buildings. Colors shall be architecturally and aesthetically pleasing.

## B. SCREENING

1. Site design and development should consider impacts of noise and light on adjacent properties.
2. Using plants and fence materials; vegetative screens may be proposed.

3. Where landscaping is used as screening it shall be opaque year round.
4. Plant materials shall be chosen which are indigenous, moderately fast growing, and require minimal maintenance.
5. The landscape design shall incorporate the entire site and consist of a palette of plants with year round appeal which might include annuals, perennials, shrubs and trees pursuant to Chapter 1172 of the Zoning Code.
6. Landscape screening shall be of a height and density so that it provides the full desired effect within three (3) growing seasons.
7. Where a Business abuts a Residential District, the Planning Commission shall require a fence or an earthen mound of a minimum of four (4) feet in height with a slope not to exceed three-to-one (3 to 1) and a planting plateau of up to five (5) feet in width.
8. SERVICE AND MECHANICAL EQUIPMENT AREAS
  - a. The location of service areas and mechanical equipment shall be considered as part of the overall site design.
  - b. Service areas and mechanical equipment shall be screened from public view.
  - c. Screening shall be architecturally integrated for all utilities service entrance equipment. All ground-mounted equipment shall be screened from public view by a wall of material similar to the buildings or landscaping, equal to or greater in height than the height of the mechanical equipment.
  - d. All transformer boxes, meter panels and electric equipment, and any other utility equipment, not able to be screened by landscaping or walls, shall be painted to match the building color.
  - e. Buildings shall not be designed or orientated to expose loading docks, service areas, HVAC elements, garbage dumpsters, or non-residential overhead doors to the public right-of-ways. Exceptions may be allowed if acceptable buffering is included.
  - f. Buildings adjacent to residential areas shall not be designed or orientated to expose HVAC elements, garbage dumpsters, or non-residential overhead doors towards the adjacent residential areas. Exceptions may be allowed if acceptable buffering is included.
  - g. All service station fuel tank vent piping shall be screened from arterial streets and public view.
  - h. Screening of roof-mounted equipment. All roof-mounted equipment that rises above the roofline of any building or structure shall be screened from view of any public street or adjacent residential area with a building material consistent and compatible with the building.

## 9. DRIVEUP OR DRIVE-THROUGH

Drive-through menu boards, automatic teller machines and similar facilities shall be screened from street view, and architecturally integrated with building design through the use of common materials and colors.

### C. CANOPIES

Design of service station canopies shall be integrated with adjacent building architecture through the use of similar materials, colors and roof forms.

### D. SIGNS

A master sign plan shall be prepared illustrating the location, type, size, and materials of all signage, pursuant to Chapter 1173 of the Zoning Code.

### E. STREETSCAPE IMPROVEMENTS

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.
2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid hazards and inconvenience to pedestrian while allowing for efficient vehicular traffic flow.
4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be addressed in the Streetscape Plan.
5. PEDESTRIAN ACCESS AND CIRCULATION
  - a. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.
  - b. Decorative sidewalks, such as brick pavers, are encouraged at key intersections or streets.
  - c. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.
  - d. Open and public areas should be provided as a mixture of green space landscaping and pedestrian areas.
6. VEHICULAR CIRCULATION AND ACCESS
  - a. Street designs are encouraged to incorporate traffic calming devices and techniques.
  - b. Common or shared access points are encouraged.
  - c. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.
  - d. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.
  - e. The developer as part of the site plan review process shall provide traffic impact studies when requested by Planning Commission.

## F. PARKING

1. Parking should not be a Dominant Site Feature.
2. Parking areas and driveways shall be landscaped in compliance with perimeter buffer and interior landscaping requirements of Chapter 1172. Where parking areas are situated adjacent to the sidewalks, street right-of-ways or adjacent properties with limited available landscape area or other site limitations, consideration may be given to use of decorative fences and/or masonry walls. The visual impact of parking shall be minimized through the use of interior landscaped islands and through dividing parking spaces into groupings.
3. Adequate parking and unloading facilities shall be provided at the site or at designated loading zones so that no loaded vehicles at any time stand on a public right-of-way awaiting entrance to the site.
4. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
5. Parking shall be distributed as per Chapter 1174.

## G. LIGHTING

1. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.
2. Outdoor lighting of a building parking area, or signage, shall be directed so as not to directly shine on adjacent properties.
3. Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
4. Under canopy lighting (such as service station pump canopies) shall be flush mounted to provide down lit illumination and shall not be of such intensity as to cause interference with vision of persons on public streets or in residential districts.
5. All lighting shall be shielded from adjacent residential districts.

(Ord. 33-2008. Passed 04-22-2008)

### **1148.21 PLANNING COMMISSION AND ARCHITECTURAL REVIEW BOARD REVIEW PROCESS FOR COMMERCIAL/HISTORIC BUILDINGS**

All new construction, addition and renovation of buildings in whole or in part, and site development within the Business Districts will be subject to permitted use and Comprehensive Plan compliance reviews by the Planning Commission, and in addition, shall be subject to design review by the Architectural Review Board prior to granting a zoning or building permit. A two-step review process is required. The first step is conducted by the Planning Commission, which will review an application and determine compliance with use restrictions and compliance with the Comprehensive Plan. This initial review shall occur within forty-five (45) days of receipt of an application. Planning Commission will make a determination and either recommend the application for further review by the Architectural Review Board or reject the application as not

in compliance with the Zoning Code and Comprehensive Plan objectives. Upon approval of the use and determination of compliance with the Comprehensive Plan, Planning Commission will refer applicant to the Architectural Review Board for further examination relative to Business District Architectural Design Standards. Second step reviews will be conducted by the Architectural Review Board. The Board is vested with the responsibility of interpreting the Section 1148.39 Business District Architectural Design Standards referenced above and advising Planning Commission. The Architectural Review Board shall hear, review, recommend approval, recommend modification, or recommend disapproval of the application to the Planning Commission. The Board shall conduct its reviews in open meetings of the Board within thirty (30) days after referral of an application by Planning Commission. The Architectural Review Board shall notify the applicant of the time and location of its meetings. Further, the Board shall notify the applicant, the Planning Commission and the Building Commissioner of its determination in writing, stating the reasons for their recommendation within ninety (90) days of the first scheduled meeting on the application. The denial of an application may be appealed to the Board of Zoning Appeals for final disposition in accordance with the provisions of Section 1199.11. (Ord. 33-2008. Passed 04.22.2008)

**1148.22 BUSINESS OPERATIONS WITHIN ENCLOSED BUILDINGS.**

- A. In all business districts, all storage, retail sales and services shall be conducted within enclosed buildings.
  - B. Retail sales in open yards limited to garden equipment and supplies, nursery stock and monuments may be permitted provided such sales are in connection with an established related business conducted within a business building on the same lot. Retail merchants may display goods for sale on sidewalks outside an established business during normal business hours provided such goods are offered in connection with the usual trade of the merchant.
- (Ord. 33-2008. Passed 04.22.2008)



This page intentionally left blank

**CHAPTER 1149  
INDUSTRIAL DISTRICTS**

<b>1149.01</b>	<b>I-1 INTENSIVE COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT-PURPOSE.</b>	<b>1149.08</b>	<b>YARD AND BUILDING SETBACK REQUIREMENTS-INDUSTRIAL DISTRICTS.</b>
<b>1149.02</b>	<b>I-1 PERMITTED USES.</b>	<b>1149.09</b>	<b>HEIGHT REGULATIONS.</b>
<b>1149.03</b>	<b>I-2 LIMITED DISTRICT - PURPOSE.</b>	<b>1149.10</b>	<b>INDUSTRIAL PERFORMANCE STANDARDS.</b>
<b>1149.04</b>	<b>I-2 PERMITTED USES.</b>	<b>1149.11</b>	<b>MULTIPLE OCCUPANCY-INDUSTRIAL DISTRICTS.</b>
<b>1149.05</b>	<b>I-3 HEAVY INDUSTRIAL DISTRICT.</b>	<b>1149.12</b>	<b>DWELLINGS IN INDUSTRIAL DISTRICTS.</b>
<b>1149.06</b>	<b>I-3 PERMITTED USES.</b>	<b>1149.13</b>	<b>ENTERTAINMENT ESTABLISHMENTS</b>
<b>1149.07</b>	<b>LOT AREA, WIDTH AND COVERAGE REGULATIONS.</b>		

**1149.01 I-1 INTENSIVE COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT-PURPOSE.**

This district is established to provide for uses which provide sales and service in support of the primary business activities in the community. The district also provides for activities which, because of their nature generate increased traffic volumes, have substantial parking and storage demands, and other special characteristics which distinguish them from other commercial and industrial activities. (Ord. 87-1989. Passed 7-11-89)

**1149.02 I-1 PERMITTED USES.**

- A. Administrative and business offices.
- B. Automobile, truck, trailer, and farm implement sales and rental, service, and storage of new and used equipment.
- C. Fuel, food and goods distribution station but excluding coal and coke and bulk storage.
- D. Monument sale and display.
- E. Motor freight garage and offices but excluding warehousing.
- F. The following use when conducted not closer than fifty feet (50') of any residential district. Where the I-1 district abuts upon but is separated from the residential districts by a street, the width of the street may be considered as part of the required separation.
  - 1. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
  - 2. Laundry, cleaning and dyeing plant.
  - 3. Repair services for machinery and equipment, including repair garages and specialty establishments, such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service, including vulcanizing.
  - 4. Special trade contractors, building materials, and wholesalers.
- G. Plant greenhouse.

- H. Uses not listed herein and which are comparable in character to those types listed may be permitted by the Planning Commission.
- I. Signs: As regulated by Chapter 1173 of this Ordinance.
- J. Accessory uses clearly incidental to and customarily related to the primary permitted use. (Ord. 87-1989. Passed 7-11-89)

**1149.03 I-2 LIMITED INDUSTRIAL DISTRICT - PURPOSE.**

This district is established to provide for industrial uses that are compatible with one another. The district is regulated to be exclusively used for industrial purposes free from the encroachment of residential and commercial development. (Ord. 87-1989. Passed 7-11-89)

**1149.04 I-2 PERMITTED USES.**

- A. Uses enumerated in an I-1 Intensive Commercial and Light Industrial District (Sec. 1149.02) are permitted uses in an I-2 Limited Industrial District.
- B. Administrative and business offices.
- C. Warehousing, refrigerated and general storage.
- D. The manufacture, compounding, processing and assembling of products such as:
  - 1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products, except fish or meat products, sauerkraut, yeast, rendering or refining of fats or oils.
  - 2. Electrical and electric appliances, instruments and devices, television, radio, phonograph, and household appliances.
  - 3. Laboratories and processing - experimental, film or testing provided no operations shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- E. Veterinarian hospital or clinic.
- F. Printing, publishing and allied industries.
- G. Professional, scientific, or control instruments and research laboratories.
- H. Banking facilities, restaurants, medical facilities, auditoriums, display rooms and classrooms, and the like, which are designed for the use of operators, employees and business visitors of a business, industry or use otherwise permitted in the district and which are used primarily for such purposes.
- I. Pottery and figurines, using previously pulverized clay, and kilns fired only-with gas or electricity.
- J. Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products.
- K. Electric and neon signs, billboards and other commercial advertising structures.
- L. Blacksmith, welding or other metal working shop.
- M. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
- N. Food and goods distribution station, warehouse and storage.
- O. Governmental storage garage and yards.
- P. Ice manufacturing and cold storage plant; creamery and bottling plant.
- Q. Laundry and cleaning plant.
- R. Plant greenhouse.
- S. Repair services for machinery and equipment including tire repairing, sales and service

- including vulcanizing.
- T. Wholesale establishments.
- U. Entertainment establishments, subject to the criteria in Section 1149.13(C).
- V. Signs: As required by Chapter 1173 of this Ordinance.
- W. Accessory uses clearly incidental to and customarily related to the primary permitted use. (Ord. 109-2006, Passed 11-7-2006)

**1149.05 I-3 HEAVY INDUSTRIAL DISTRICT PURPOSE.**

This district is established to accommodate light and heavy industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution. The district is regulated to be exclusively used for industrial purposes, free from the encroachment of residential development, and free from the encroachment of commercial development except as permitted in Section 1149.06. The uses listed herein are intended to complete the full range of activities necessary in the functioning of the community. (Ord. 87-1989. Passed 7-11-89)

**1149.06 I-3 PERMITTED USES.**

- A. Uses enumerated in an I-2 Limited Industrial District (Section 1149.04) are permitted uses in an I-3 Heavy Industrial District.
- B. Administrative and business offices.
- C. The manufacturing, compounding, processing and assembling of products such as: Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wood (where saw and planing mills are employed within a completely enclosed building), yarns.
- D. Automobile assembly.
- E. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust or vapors.
- F. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, metal working shops employing reciprocating hammers and presses.
- G. Brewing or distilling of liquors.
- H. Cooperage works.
- I. Enameling, lacquering or japanning.
- J. Forge or foundry works.
- K. Foundry, casting light weight nonferrous metals, or electric foundry not causing noxious fumes or odors.
- L. Meat packing but not slaughtering of animals or stockyards.
- M. Sandblasting or cutting.
- N. Sewage disposal plant.
- O. Steam plant.
- P. Stone and monument works employing power driven tools.
- Q. Wire or rod drawing, nut screw or bolt manufacturing.
- R. Entertainment establishments, subject to the criteria in Section 1149.13(C).
- S. Signs: As regulated by Chapter 1173 of this Ordinance.
- T. Accessory uses clearly incidental to and customarily related to the primary permitted use. (Ord. 87-1989. Passed 7-11-89)

**1149.07 LOT AREA, WIDTH AND COVERAGE REGULATIONS.**

In all Industrial Districts, all buildings and land shall abut a dedicated street for the required lot width. The minimum lot area and width and maximum lot coverage shall be in accordance with the following schedule.

**Schedule of Lot Area, Width and Coverage Regulations**

District	Minimum Lot Area (Acres)	Minimum Lot Width (ft.)	Maximum Percent Lot Covered By Building
I-1	1	100	40
I-2	1.5	150	40
I-3	2	200	40

(Ord. 135-1991. Passed 7-11-89)

Each industrial lot shall abut upon a dedicated street for the required lot width, except that on a curved street or cul-de-sac, the width at the front lot line may be less, provided the lot width at the building setback line meets the required lot width of the particular district.

(Ord. 135-1991. Passed 11-2-91.)

**1149.08 YARD AND BUILDING SETBACK REQUIREMENTS - INDUSTRIAL DISTRICTS.**

In all Industrial Districts, buildings and parking shall be designed, erected, altered, moved and maintained, in whole or in part, only in accordance with the following schedule:

Zoning District	Main and Accessory Building and Use	Front Yard Street (From ROW) (ft.)	Side Yard Abutting Residential District(ft.)*	Side Yard Abutting Nonresidential Use (ft.)	Rear Yard Abutting Residential District(ft.)*	Rear Yard Abutting Nonresidential Use (ft.)
I-1 Intensive Industrial-Commercial and Light Industrial	Commercial Building	50	100	15	50	25
	Parking and Drives	50	25	5	25	5
I-2 Limited Industrial District	Industrial Building	100 Major thoroughfare 50	100	25	100	50
	Parking and Drives	Industrial street 50**	25	10	25	10
I-3 Heavy Industrial District	Industrial Building	100 Major thoroughfare 50	100	25	100	50

Parking and Drives	Industrial street 50**	25	10	25	10
-----------------------	------------------------------	----	----	----	----

\* The required side and rear yard setback areas abutting any residential districts shall be improved with landscape planting and/or walls and fences to screen the view from adjacent residential uses.

\*\* The required parking setback area shall be improved with landscape planting and/or low (2½ - 3') masonry walls to partially screen parked vehicles as viewed from the frontage street.

SIDE YARDS ON CORNER LOTS. Whenever an industrial building is located on a corner lot, the width of the building side yard on the side street shall be not less than 100 feet for major arterial streets and 35 feet for all other streets. On a corner lot, parking shall be set back a minimum of 20 feet from the side street right-of-way. (Ord. 87-1989. Passed 7-11-89)

**1149.09 HEIGHT REGULATIONS.**

The height of any main or accessory industrial building shall not exceed 35 feet. However, building height in an I-2 and I-3 district may exceed 35 feet provided the front and rear yard depth is increased two (2) feet for each additional foot of height over 35 feet and the side yard width is increased one (1) foot for each additional foot of height over 35 feet and a conditional use permit is approved. Maximum building height in an I-2 and I-3 Industrial District shall be recommended by the Mayor and Planning Commission and confirmed by City Council. (Ord. 87-1989. Passed 7-11-89)

**1149.10 INDUSTRIAL PERFORMANCE STANDARDS.**

All industrial uses shall comply with the performance standards set forth hereinafter for the district in which such use is located as a condition precedent to occupancy and use. Any use already established in such district shall not be altered, added to or otherwise modified so as to conflict with, or to further conflict with, the performance standards set forth hereinafter for the district in which such use is located as a condition precedent to further use. Statements that such uses comply or will comply may be required, in writing, by the Planning Commission from the owner. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for the services shall be paid by the owner.

- A. Enclosure. All permitted main and accessory uses and operations, except off-street parking, shall be performed wholly within an enclosed building or buildings. All raw materials, finished products and mobile and other equipment shall be stored within enclosed buildings.
- B. Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate firefighting and suppression equipment and devices standard to the operation involved.
- C. Dust; Smoke. The emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and the quantity deposited at any adjacent lot shall not be detrimental to or endanger the public health, safety, comfort or welfare or adversely affect property values.
- D. Odorous Matter. The emission of odorous matter in such quantities as to produce a public

nuisance or hazard beyond the lot occupied by the use shall not be permitted.

- E. Toxic or Noxious Matter. The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.
- F. Noise. The sound pressure level of any operation on a lot, other than the operation of speakers, bells and motor vehicles, shall not exceed the average intensity of the street traffic noise of the district, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.
- G. Vibration. Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.
- H. Radioactive or Electrical Disturbances. Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.
- I. Incineration Facilities. Incineration facilities emitting neither smoke nor odor shall be provided, located within the main building. No garbage, rubbish, waste matter or empty containers shall be permitted outside of buildings.
- J. Waste Materials: Liquid wastes shall not be discharged in to an open reservoir, stream or other open body of water, or into a sewer, unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other codes of the State, County or City. Solid wastes shall not be buried unless such method is approved by the Ohio EPA and a Permit to Install (PTI) has been issued. (Ord. 87-1989. Passed 7-11-89)

#### **1149.11 MULTIPLE OCCUPANCY - INDUSTRIAL DISTRICTS.**

In any Industrial District, the Planning Commission may allow multiple occupancy on an industrial zoning lot as a conditional use provided that the Commission finds and determines that:

- A. Each multiple occupancy is an industrial use permitted in the respective industrial district;
- B. The multiple occupancy occurs upon a single industrial zoning lot;
- C. The structures and improvements, and lot containing the multiple occupancy meet all the area, yard and height requirements of the respective industrial district;
- D. Each use upon the multiple occupancy zoning lot and all uses in combination thereon meet the performance standards set forth in Section 1149.10 of the Zoning Ordinance and the applicable standards for conditional uses set forth in Chapter 1151 of this Zoning Ordinance; and
- E. Any change in occupancy is consistent with and in compliance with an approved development plan for the zoning lot. (Ord. 87-1989. Passed 7-11-89)

#### **1149.12 DWELLINGS IN INDUSTRIAL DISTRICTS.**

No dwelling unit shall be erected in any I-1, I-2 or I-3 zoning district.  
(Ord. 87-1989. Passed 7-11-89)

#### **1149.13 ENTERTAINMENT ESTABLISHMENTS**

A. Purpose. It is the purpose of this Section to regulate Entertainment Establishments in order to promote the health, safety, moral, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Entertainment Establishments within the City. The provisions of this Section have neither the purpose nor effect

of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

B. Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Planning Commission and City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime*

*Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Deja Vu of Cincinnati, Inc. v. Union Township, Ohio*, 411 F.3d 777 (6th Cir. 2005); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. 2002); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *RichlandBookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Deja vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. Jan. 13, 1999); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *State v. Ullman*, 2003-Ohio-4003; *State ex. rel. Nasal v. BJS No.2, Inc.*, 127 Ohio Misc.2d 101 (2003) *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Deja vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F.Supp.2d 672 (W.D. Ky. 2002); *Lady J Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ct. App. Ky. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (10th Cir. 2003); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983; Phoenix, Arizona - 1979; Chattanooga, Tennessee - 1999-2003; Minneapolis, Minnesota - 1980; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds:



1. Entertainment Establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
2. Entertainment Establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented establishments. Additionally, the City's interest in regulating Entertainment Establishments extends to preventing future secondary effects of either current or future Entertainment Establishments that may locate in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

C. Criteria. Entertainment Establishments shall be a Permitted Use in the Limited I Industrial District (1-2) and Heavy Industrial District (1-3), subject to the following:

1. No Entertainment Establishment shall be established within 500 feet of:
  - (a) any "R" District" including an R-2 Residential District, an R-3 Residential District, an R-4 Residential District, a R-5 Single Family Cluster District, an R-6 Apartment District, an R- 7 Senior Residence District, or an R-8 Two Family District, as shown on the Official Zoning Map of the City.
  - (b) a PUD Planned Unit Development District as shown on the Official Zoning Map of the City; or,
  - (c) any non-conforming residential dwelling.
2. No Entertainment Establishment shall be established within 500 feet of any school or pre-school, library, daycare facility or teaching facility, whether public or private.
3. No Entertainment Establishment shall be established within 500 feet of any residential care facility.
4. No Entertainment Establishment shall be established within 500 feet of any Public Facilities District (PF).

5. No Entertainment Establishment shall be established within 500 feet of any church, synagogue, or worship facility.
6. No Entertainment Establishment shall be established within 500 feet of any other Entertainment Establishment.
7. Lighting on the exterior of the building shall be arranged so as to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than two (2.0) foot candles as measured at the floor level.
8. The distances as cited in this Section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property line of the property on which the proposed Entertainment Establishment is to be established, to the nearest point of the property or zoning district line from which the proposed Entertainment Establishment is to be separated. (Ord. 109-2006, Passed 11-7-2006)

This page intentionally left blank

**CHAPTER 1150**  
**FLOOD DAMAGE REDUCTION OVERLAY DISTRICT**

<b>1150.01</b>	<b>General Provisions</b>
<b>1150.02</b>	<b>Administration</b>
<b>1150.03</b>	<b>Use and Development Standards for Flood Hazard Reduction</b>
<b>1150.04</b>	<b>Appeals and Variances</b>
<b>1150.05</b>	<b>Enforcement</b>

**SECTION 1150.01 GENERAL PROVISIONS**

A. Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, this Chapter has been adopted by the City Council of the City of Twinsburg, State of Ohio, for those purposes.  
(Ord. 70-2008. Passed 11.04.2008)

B. Findings of Fact

The City of Twinsburg, Ohio has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, this Chapter have been adopted. (Ord. 70-2008. Passed 11.04.2008)

C. Statement of Purpose

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize the impact of development on adjacent properties within and near flood prone areas;

9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
  10. Minimize the impact of development on the natural, beneficial values of the floodplain;
  11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
  12. Meet community participation requirements of the National Flood Insurance Program.
- (Ord. 70-2008. Passed 11.04.2008)

D. Methods of Reducing Flood Loss

The following methods and actions are proposed to achieve flood damage reduction.

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(Ord. 70-2008. Passed 11.04.2008)

E. Lands to Which These Regulations Apply

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Twinsburg, Ohio, including any additional areas of special flood hazard annexed by City of Twinsburg, Ohio. (Ord. 70-2008. Passed 11.04.2008)

F. Basis for Establishing the Areas of Special Flood Hazard

For the purposes of this Chapter, the following studies and / or maps are adopted:

1. Areas of special flood hazard as identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study for the City of Twinsburg, Ohio.” this study with accompanying Flood Boundary and Floodway Maps and/or flood Insurance rate maps dated August 4, 1988 (***to be updated when current maps are adopted by FEMA***) 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 10075 Ravenna Road, Twinsburg, Ohio.
2. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Twinsburg, Ohio as required by Section 1154.03 Subdivisions and Large Scale Developments.
3. Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of this Chapter. Such maps and/or studies are on

file at the City of Twinsburg, Engineering Division, 10075 Ravenna Road, Twinsburg, Ohio. (Ord. 70-2008. Passed 11.04.2008)

G. Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between this Chapter and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations. (Ord. 70-2008. Passed 11.04.2008)

H. Interpretation

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of this Chapter may be in conflict with a state or Federal law, such state or Federal law shall take precedence over this Chapter.  
(Ord. 70-2008. Passed 11.04.2008)

I. Warning and Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create liability on the part of the City of Twinsburg, Ohio, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 70-2008. Passed 11.04.2008)

J. Severability

Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 70-2008. Passed 11.04.2008)

**SECTION 1150.02 ADMINISTRATION**

A. Designation of the Floodplain Administrator

The City Engineer is hereby appointed to administer and implement this Chapter and is referred to herein as the Floodplain Administrator.

(Ord. 70-2008. Passed 11.04.2008)

B. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Evaluate applications for permits to develop in special flood hazard areas.
2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
3. Conduct reviews and advise the Chief Building Official in the issuance of permits to develop in special flood hazard areas when the provisions of this Chapter have been met, or recommend the refusal to issue the same in the event of noncompliance.
4. Inspect buildings and lands to determine whether any violations of this Chapter have been committed.
5. Make and permanently keep all records for public inspection necessary for the administration of this Chapter including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of this Chapter.
6. Enforce the provisions of this Chapter in cooperation with the Chief Building Official.
7. Provide information, testimony, or other evidence as needed during variance hearings.
8. Coordinate map maintenance activities and FEMA follow-up.
9. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of this Chapter.(Ord. 70-2008. Passed 11.04.2008)

C. Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1150.01(E), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of this Chapter. No such permit shall be issued until the requirements of this Chapter have been met. (Ord. 70-2008. Passed 11.04.2008)

D. Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

1. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation of the existing, natural ground where structures are proposed.

3. Elevation of the lowest floor, including basement, of all proposed structures.
  4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of this Chapter. (Ord. 70-2008. Passed 11.04.2008)
  5. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
    - a. Flood-proofing certification for non-residential flood-proofed structure as required in Section 1150.03(E).
    - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1150.03(E) are designed to automatically equalize hydrostatic flood forces.
    - c. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1150.03(I)(3).
    - d. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1150.03(I)(2).
    - e. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1150.03(I)(1).
    - f. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1150.03.(Ord. 70-2008. Passed 11.04.2008)
- E. Review and Approval of a Floodplain Development Permit Application
1. Review
    - a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of this Chapter have been met. No floodplain development permit application shall be reviewed until all information required in Section 1150.03 has been received by the Floodplain Administrator. (Ord. 70-2008. Passed 11.04.2008)
    - b. The Floodplain Administrator shall review all floodplain development permit applications 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 including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act. (Ord. 70-2008. Passed 11.04.2008)
  2. Approval
 

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either recommend the approval or disapproval of the application



and its associated site plan. If an application and site plan is approved by Planning Commission, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within two (2) years. A floodplain development permit shall expire two (2) years after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion. (Ord. 70-2008. Passed 11.04.2008)

F. Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions. (Ord. 70-2008. Passed 11.04.2008)

G. Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

1. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
2. For all development activities subject to the standards of Section 1150.02(J)(1), a Letter of Map Revision. (Ord. 70-2008. Passed 11.04.2008)

H. Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the City Council in accordance with Section 1150.04 of this Chapter. (Ord. 70-2008. Passed 11.04.2008)

I. Exemption from Filing a Floodplain Development Permit

An application for a floodplain development permit as part of a site plan approval shall not be required for:

1. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
2. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
3. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
4. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
5. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of this Chapter. (Ord. 70-2008. Passed 11.04.2008)

J. Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Twinsburg flood maps, studies and other data identified in Section 1150.01(F) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to Submit New Technical Data

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1150.03 (C). (Ord. 70-2008. Passed 11.04.2008)
- b. It is the responsibility of the applicant to have technical data, required in accordance with Section 1150.02(J)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant. (Ord. 70-2008. Passed 11.04.2008)
- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway. (Ord. 70-2008. Passed 11.04.2008)
- d. Floodplain development permits issued at the recommendation of the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1150.02(I)(1)(a). (Ord. 70-2008. Passed 11.04.2008)

2. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Twinsburg, Ohio, and may be submitted at any time. (Ord. 70-2008. Passed 11.04.2008)

3. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Twinsburg, Ohio have been modified by annexation or the community has assumed authority over an area, or no longer has

authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Twinsburg Flood Insurance Rate Map accurately represent the City of Twinsburg, Ohio boundaries, include within such notification a copy of a map of the City of Twinsburg, Ohio suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Twinsburg, Ohio has assumed or relinquished floodplain management regulatory authority. (Ord. 70-2008. Passed 11.04.2008)

K. Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

1. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source. (Ord. 70-2008. Passed 11.04.2008)
2. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator. (Ord. 70-2008. Passed 11.04.2008)
3. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
  - a. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering this Chapter.
  - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA. (Ord. 70-2008. Passed 11.04.2008)
4. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1150.04(C), Appeals and Variances. (Ord. 70-2008. Passed 11.04.2008)
5. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail. (Ord. 70-2008. Passed 11.04.2008)

L. Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

1. Determine whether damaged structures are located in special flood hazard areas;
2. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
3. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 70-2008. Passed 11.04.2008)

### **SECTION 1150.03 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1150.01(F) or 1150.02(K)(1):

#### **A. Use Regulations**

1. The following uses are permitted to the extent that they do not modify the flood hazard area:
  - a. Agriculture / silvaculture.
  - b. Forestry.
  - c. Gas and oil wells.
  - d. Public / private utilities.
  - e. Accessory uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Twinsburg, Ohio are allowed provided they meet the provisions of this Chapter.
2. Conditionally Permitted Use.
  - a. Government buildings and facilities.
  - b. Public / private recreation facilities.
  - c. Temporary buildings for construction work.
3. Prohibited Uses
  - a. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
  - b. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code. (Ord. 70-2008. Passed 11.04.2008)

#### **B. Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding. (Ord. 70-2008. Passed 11.04.2008)

C. Subdivisions and Large Developments

1. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
5. The applicant shall meet the requirement to submit technical data to FEMA in Section 1150.02(J)(1)(a)(4) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1150.03(C)(4). (Ord. 70-2008. Passed 11.04.2008)

D. Residential Structures

1. 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. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1150.03(D)(1)) and construction materials resistant to flood damage (1150.03(D)(2)) are satisfied.
2. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
3. 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 elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
5. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
  - a. Be used only for the parking of vehicles, building access, or storage; and

- b. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - c. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
6. Manufactured homes shall be affixed to a permanent foundation and 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 limited to, use of over-the-top or frame ties to ground anchors.
  7. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1150.03(D). (Ord. 70-2008. Passed 11.04.2008)

E. Nonresidential Structures

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1150.03(D) (1) thru (3) and (5) thru (7).
2. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
  - a. Be dry flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - c. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1150.03(E)(2)(a) and (b). (Ord. 70-2008. Passed 11.04.2008)

F. Accessory Structures

Relief to the elevation or dry flood-proofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

1. They shall not be used for human habitation;
2. They shall be constructed of flood resistant materials;
3. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
4. They shall be firmly anchored to prevent flotation;
5. Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to or above the level of the flood protection elevation; and

6. They shall meet the opening requirements of Section 1150.03(D)(5)(c);  
(Ord. 70-2008. Passed 11.04.2008)

G. Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

1. They shall not be located on sites in special flood hazard areas for more than 180 consecutive days, or
2. They must be fully licensed and ready for highway use, or
3. They must meet all standards of Section 1150.03(D).

(Ord. 70-2008. Passed 11.04.2008)

H. Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(Ord. 70-2008. Passed 11.04.2008)

I. Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in this Chapter, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

1. Development in Floodways

- a. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- b. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  1. Meet the requirements to submit technical data in Section 1150.02(J)(1);
  2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  5. Concurrence of the Mayor of City of Twinsburg, Ohio and the Chief Executive Officer of any other communities impacted by the proposed actions. (Ord. 70-2008. Passed 11.04.2008)

2. Development in Riverine Areas with Base Flood Elevations but No Floodways

- a. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

- b. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
  - 2. Section 1150.03(I)(1)(b), items (1) and (3)-(5).(Ord. 70-2008. Passed 11.04.2008)
- 3. Alterations of a Watercourse
 

For the purpose of this Chapter, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

  - a. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
  - b. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
  - c. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Twinsburg, Ohio specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
  - d. The applicant shall meet the requirements to submit technical data in Section 1150.02.(J)(1)(a)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts. (Ord. 70-2008. Passed 11.04.2008)

**SECTION 1150.04 APPEALS AND VARIANCES**

- A. The City Council shall hear and decide appeals and requests for variances from the requirements of this chapter. (Ord. 70-2008. Passed 11.04.2008)
- B. Powers and Duties
  - 1. The City Council shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this Chapter.



2. Authorize variances in accordance with Section 1150.04(D) of this Chapter. (Ord. 70-2008. Passed 11.04.2008)

C. Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the City Council provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the City Council.

Upon receipt of the notice of appeal, the City Council shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted. (Ord. 70-2008. Passed 11.04.2008)

D. Variances

Any person believing that the use and development standards of this Chapter would result in unnecessary hardship may file an application for a variance. The City Council shall have the power to authorize, in specific cases, such variances from the standards of this Chapter, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. (Ord. 70-2008. Passed 11.04.2008)

1. Application for a Variance

- a. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the City Council.
- b. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- c. Applications for variances shall be accompanied by a fee as set by ordinance. (Ord. 70-2008. Passed 11.04.2008)

2. Notice for Public Hearing

The Clerk of Council shall schedule a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing. (Ord. 70-2008. Passed 11.04.2008)

3. Public Hearing

At such hearing the applicant shall present such statements and evidence as City Council requires.

- a. In considering such variance applications, the City Council shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
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 that 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 floodplain 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 and the effects of wave action, if applicable, expected at the site.
  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. (Ord. 70-2008. Passed 11.04.2008)
- b. Variances shall only be issued upon:
1. A showing of good and sufficient cause.
  2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this Chapter does not constitute an exceptional hardship to the applicant.
  3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this Chapter; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  4. A determination that the structure or other development is protected by methods to minimize flood damages.
  5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Ord. 70-2008. Passed 11.04.2008)
- c. Upon consideration of the above factors and the purposes of this Chapter, City Council may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations. (Ord. 70-2008. Passed 11.04.2008)

4. Other Conditions for Variances
  - a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - b. 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 items in Section 1150.04(D)(3)(a) to (k) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
  - c. 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 the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 70-2008. Passed 11.04.2008)

E. Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the City Council, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The City Council shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The City Council shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing. (Ord. 70-2008. Passed 11.04.2008)

F. Appeal to the Court

Those aggrieved by the decision of the City Council may appeal such decision to the Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 70-2008. Passed 11.04.2008)

**SECTION 1150.05 ENFORCEMENT**

A. Compliance Required

1. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Chapter and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1150.02(I).

2. Failure to obtain a floodplain development permit shall be a violation of this Chapter and shall be punishable in accordance with Section 1150.05(C).
3. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Chapter and punishable in accordance with Section 1150.05(C). (Ord. 70-2008. Passed 11.04.2008)

B. Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of this Chapter, he shall give notice of such violation to the person responsible therefore and order compliance with this Chapter as hereinafter provided. Such notice and order shall:

1. Be put in writing on an appropriate form;
2. Include a list of violations, referring to the section or sections of this Chapter that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of this Chapter;
3. Specify a reasonable time for performance;
4. Advise the owner, operator, or occupant of the right to appeal;
5. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected. (Ord. 70-2008. Passed 11.04.2008)

C. Violations and Penalties

Violation of the provisions of this Chapter or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Twinsburg, Ohio. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twinsburg, Ohio from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Twinsburg, Ohio shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 70-2008. Passed 11.04.2008)

This page intentionally left blank

**CHAPTER 1151**  
**Conditional Use Permit**

<b>1151.01</b>	<b>Purpose.</b>	<b>1151.04</b>	<b>Specific Regulations Pertaining to Conditionally Permissible Uses.</b>
<b>1151.02</b>	<b>General.</b>	<b>1151.05</b>	<b>Conditional Permitted Uses Prescribed.</b>
<b>1151.03</b>	<b>Basis of Determination.</b>		

**1151.01 PURPOSE.**

The regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of each of the certain specific activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structures possessing these particularly unique characteristics relative to their location in certain districts are designated as Conditionally Permissible Uses in the various district regulations and are permitted through the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

(Ord. 71-2008. Passed 11.04.2008)

**1151.02 GENERAL.**

Any application for a Conditional Use Permit for any land or structural use permitted under this Ordinance shall be submitted in accordance with the following procedures:

- A. Application Submitted to the Planning Commission. Any application shall be submitted to the Planning Commission through the Building Division on a special form for that purpose. Each application shall be accompanied by a payment of a fee as indicated in the Codified Ordinances of Twinsburg. (Ord. 71-2008. Passed 11.04.2008)
- B. Data Required with Application. Form supplied by Building Division completed by applicant. Site plan, plot plan or development plan of the entire property being considered, drawn to a scale allowing the plan to fit on a paper size of up to 24" by 36" but at a scale of not less than one inch (1") to One Hundred feet (100') and showing the location of all existing and proposed structures, the type of buildings and their uses. A statement supported

by substantiating evidence regarding the requirements enumerated in Section 1151.03. (Ord. 71-2008. Passed 11.04.2008)

- C. Reviewed by Planning Commission - Hearing Required. The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. After review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the City at least thirty (30) days prior to the date of the hearing. Such notice shall indicate the time, date and subject of the hearing. Such notice shall also be sent by registered mail with return receipt, the cost of which shall be paid by the applicant, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels subject to the application for Conditional Use Permit. All notices shall be sent to addresses given in the last assessment record. The failure of delivery of any such notice shall not invalidate any action of the Planning Commission or Council or the subject application for permit. The Planning Commission shall make a determination within thirty (30) days of the date of the required public hearing. This time may be extended for an additional thirty (30) days if additional information is required by a majority vote of the Planning Commission for the purpose of evaluating the use relative to standards in this Chapter.  
(Ord. 71-2008. Passed 11.04.2008)
- D. Issuance of Conditional Use Permits. Only upon conclusion of hearing procedures relative to a particular application may the Planning Commission then recommend to Council the issuance of a Conditional Zoning Certificate by the Chief Building Official subject to such conditions as may be reasonably imposed thereon by the Planning Commission in order to effectuate the standards established by Section 1151.03. The Council shall be the final authority who may issue such Conditional Use Permit as recommended upon the majority vote of its elected or appointed members and may depart from the conditions contained therein if it so elects, but only upon the concurrence of at least five (5) of the members elected or appointed to Council or, as an alternative, according to Section 7.07 of the Charter, may return such Conditional Use Permit application to the Planning Commission with comments for further recommendation.  
(Ord. 71-2008. Passed 11.04.2008)
- E. Revocation of Conditional Use Permits (Violations and Penalty and Appeal). The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted, and shall constitute a violation of this Zoning Ordinance. Such violation shall be punishable as per Section 1151.07 of the Chapter. The Building and Zoning Inspector shall be responsible for the enforcement of this section and shall refuse any application for additional permits based upon his determination that the Conditional Use Permit granted pursuant to this Chapter has terminated. Such determination by the Building and Zoning Inspector may be appealed to the Board of Building and Zoning Appeals as provided for in this Ordinance.  
(Ord. 71-2008. Passed 11.04.2008)
- F. Reapplication. No application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of substantially changed conditions.  
(Ord. 71-2008. Passed 11.04.2008)

**1151.03 BASIS OF DETERMINATION.**

A. General Standards. 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 on the proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Twinsburg Comprehensive Plan of current adoption;
2. 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 a use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. Will be served adequately by essential public facilities and services such as highways, streets, sewers, police and fire protection, drainage structures, refuse disposal, 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. All structures, roads, and utilities shall be in compliance with the Twinsburg Subdivision Regulations, the Board of Health Standards and the Building Code;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

(Ord. 71-2008. Passed 11.04.2008)

**1151.04 SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES.**

- A. Authorization. Authorization for a conditional use shall be restricted to those districts wherein such use is specifically designated as conditionally permissible by this Ordinance.
- B. Assignability. Unless otherwise provided by specific condition imposed by the Planning Commission and Council, a Conditional Use Permit may be transferred or assigned without a prior express determination by Council, on the condition that the conditional use will operate in conformance with the terms and conditionals of the original Conditional Use Permit. Failure to do so shall result in termination of the Conditional Use Permit.
- C. Discontinuance. The Conditional Use Permit issued pursuant to this authority shall expire in the event of any of the following:
1. Failure of the applicant to present to Planning Commission all required submittals for the next required approval within six (6) months from the date of the last approval granted by the City.
  2. No construction upon the authorized project is undertaken within six (6) months from the date of the last required approval by the City.
  3. The lapse for more than one (1) year of active, substantial and actual building after construction has begun. The permit shall expire on the happening of events pursuant to this section, regardless of any lack of action by the City to officially revoke the permit, enforce conditions, or declare expiration, unless:
    - (a) Prior to expiration, the applicant applies to the City for an extension and such extension is granted; or



- (b) The applicant obtained renewed Conditional Use authority from the City pursuant to this Chapter.
- D. Expansion. The activities hereby conditionally authorized on the subject land shall not be expanded beyond the present scope, i.e., no expansion of the facilities or programs herein authorized shall take place on the premises unless Council expressly determined, upon the recommendation of the Planning Commission, that such expansion does not materially alter the scope, character and quantity of authorized activity.
  - E. Subdivision of Land. Every use hereunder which involves the subdivision of land, as solely defined in Section 1105.01, shall conform fully to the Twinsburg Subdivision Regulations.
  - F. Maintenance. The use authorized hereby shall be maintained in conformance with the general standards specified in Section 1151.03.
  - G. Other Regulations. Each permit shall incorporate all requirements of this Ordinance relative to the particular kind of development involved.  
(Ord. 71-2008. Passed 11.04.2008)

**1151.05 CONDITIONALLY PERMITTED USES PRESCRIBED.**

Conditional Uses may be authorized in accordance with the foregoing procedures and standards and all applicable regulations of this Ordinance as prescribed in the following schedule:

Use (as defined in Section 1105.01)	District															
	R-2	R-3	R-4	R-5	R-6	R-7	PUD	C-1	C-2	C-3	C-4	C-5	I-1	I-2	I-3	F.W.
Cemeteries/Mausoleum	X	X	X													
Clubs, Lodges, Fraternities								X	X	X	X	X				
Fast Food Eating Establishments										X						
Adult DayCare							X	X	X	X	X		X	X	X	
Child Daycare							X	X	X	X	X		X	X	X	
Drive-up service window							X	X	X	X	X	X	X			
Gasoline Service Stations / Minmart										X						
Gov't. owned and/or operated parks; playgrounds and recreation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Helistop										X	X		X	X	X	
Home Occupations	X	X	X	X	X	X	X					X				
Mortuaries/Funeral Homes								X	X	X						
Motor Vehicle Rental										X						
Public Utilities; structures and right-of-way	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Private Recreational Facilities <sup>1</sup>	X	X	X	X	X	X	X						X	X	X	X
Outdoor dining area							X	X	X	X	X	X				
Temp. Buildings for Construction Work	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Veterinary Clinics/Pet Daycare								X	X	X						
Telecommunication Towers	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Building Height Exception										X	X	X				
Urgent Care									X	X	X	X	X			
Hospital									X	X	X		X			
Automatic Teller Machine <sup>2</sup>							X	X	X	X	X		X	X		
Self Service Mini-Storage Facility													X	X	X	
Outside Storage													X	X	X	
Outside storage of plant material									X	X						
Religious Institution	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

(Ord. 71-2008. Passed 11.04.2008)

1. Recreational uses other than those governmentally owned and/or operated such as: Swimming pools, golf courses, tennis clubs, riding academies, forestry/conservation development.
2. Automatic Teller machines located on the exterior of a building, or which are proposed as free standing units may be permitted upon finding by the Planning Commission that the location shall not be disruptive to pedestrian or vehicular circulation that there shall be adequate waiting area for users and the area is provided adequate lighting for security.
3. The following conditionally permitted uses have been determined to be similar uses by Planning Commission
  - a. Pet Day Care similar to Veterinary Clinic – 5/15/06
  - b. Funeral Home similar to Mortuary – 8/29/00(Note: Other use determinations have affected uses permitted by right in various other districts.

(Ord. 71-2008. Passed 11.04.2008)

This page intentionally left blank

## CHAPTER 1152 OCCUPANCY PERMITS

### 1152.01 OCCUPANCY PERMITS

- A. No vacant land, structure or building, unoccupied for a period of six (6) months, hereafter erected, altered or occupied, shall be used in whole or part without a Certificate of Occupancy from the Municipal Building and Zoning Inspector stating that the construction and the use of the building or premises complies and conforms with the ordinances, codes and regulations of the City of Twinsburg, Ohio, as well as all plans and drawings required and approved by the City. (see also §1153.04 C.O.T.) Without such compliance and conformance, no Certificate of Occupancy shall be issued.
- B. Application for Certificate of Occupancy shall be made with the Application for Building Permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five (5) days after the Municipal Building and Zoning Inspector has been notified in writing that the building or premises is ready for occupancy.
- C. A record of all such certificates shall be kept in the office of the Municipal Building and Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property.
- D. In the event that weather conditions prevent the completion of a premises intended for occupancy, and in that event only, the Building and Zoning Inspector may issue a temporary occupancy permit upon application for a period not to exceed six (6) months, except when such period is extended as provided below. Such permit shall issue, however, only when all requirements of the Zoning Code, Building Code and Regulations, Site Regulations, and other regulations of the City of Twinsburg have been complied with and all items completed, except that any of the following items need not be complete for issuance of a temporary permit:
  - 1. Final grading.
  - 2. Landscaping.
  - 3. Placement of lot pins and other monumentation.
  - 4. Sidewalks.
  - 5. Permanent driveway. (However, a temporary drive in accordance with §1113.03(M) C.O.T. must be constructed and maintained.)
- E. A temporary occupancy permit shall be applied for, on forms provided by the City, by the owner of the premises to be occupied and the builder or builders contracted to complete the work. Owners succeeding to the premises during the period of the temporary permit shall reapply together with the builder or builders then contracted to complete the work, but the duration of the original temporary permit shall apply and shall not be extended except as provided below. All applicants shall agree to the terms and conditions of the temporary permit and to the procedure outlined herein; without such agreement, no temporary permit shall issue.
- F. Applicants for a temporary occupancy permit shall establish at the time of application an escrow account as described herein. Such account shall have deposited into it an amount to be determined by the City Engineer or Building and Zoning Inspector equal to one hundred and fifteen percent (115%) of the cost of work yet to be done hereunder and shall be

established at a financial institution and under terms and conditions satisfactory to the City, which terms and conditions shall be prescribed on a form escrow agreement to be provided by the City. Such agreement shall specify that the City Engineer or Building Inspector shall have the sole authority to release funds so deposited to the builder/contractor completing the work required hereunder, and that he shall do so when the work is complete and in accordance with applicable regulations.

- G. Applicants for a temporary occupancy permit, to include both the owner and builder/contractor, shall complete the work necessary to obtain a "permanent" occupancy permit within six (6) months of the date of issuance of the temporary permit. Such time limit shall not be extended except for severe weather conditions, in which event the time for completion may be extended by the Building and Zoning Inspector for a period not to exceed thirty (30) days after the date construction becomes feasible, which date shall be ascertained by the Building and Zoning Inspector.
- H. Upon the satisfactory completion of the required work, a "permanent" occupancy permit shall be issued, and any unused monies in escrow shall be returned to the applicants as their interests appear.
- I. If the required work remains undone after the time period or periods prescribed in (g.) above, each applicant shall be subject to the penalty prescribed in §1323.99 C.O.T. Monies held in escrow may be directed toward the payment of any penalties assessed under §1323.99. (Ord. 87-1989. Passed 7-11-89)

**CHAPTER 1153  
ACCESSORY BUILDINGS AND USES**

- |  |  |
|--|--|
| <b>1153.01 Scope.</b>  | <b>1153.05 Private Swimming Pools.</b>   |
| <b>1153.02 Helistops.</b>                                    | <b>1153.06 The Keeping of Livestock.</b> |
| <b>1153.03 Garages and Carports.</b>                         | <b>1153.07 Gardens.</b>                  |
| <b>Other Accessory Buildings (Utility</b>                    |  |
| <b>1153.04 Building, Excluding Buildings for Livestock).</b> | <b>1153.08 Outside Storage.</b>          |

**1153.01 SCOPE.**

This Chapter regulates accessory uses not regulated elsewhere in this Ordinance. (Ord. 72-2008. Passed 11.04.2008)

**1153.02 HELISTOPS.**

Helistops, as defined and regulated by other regulatory enactments of this Council under the Business Regulation Code be and the same shall be permitted through the conditional use process described in Chapter 1151 in C-3, C-4, I-1, I-2, I-3 and P.F. districts provided that the area in such use shall be no closer than three hundred feet (300) from any residence or dwelling in an (R) district and that all the provisions of the Business Chapter is complied with. (Ord. 72-2008. Passed 11.04.2008)

**1153.03 GARAGES AND CARPORTS.**

- A. An attached private garage constructed as a part of a residential structure shall comply with the following:
1. Structures shall comply with applicable setbacks for the district.
  2. Vehicle storage area shall not exceed six hundred (600) square feet in area except as provided in the following:
    - a. Vehicle storage area may be increased an additional twenty five (25) square feet for every 100 square feet of first floor living area above one thousand (1,000) square feet; or,
    - b. Vehicle storage area may be increased to more than six hundred (600) square feet by adding ten (10) square feet of vehicle storage area for every foot of side yard setback above the minimum for the district: whichever is greater.

(Ord. 72-2008. Passed 11.04.2008)

- B. Detached private garages in all residential districts shall comply with the following:
1. A detached private garage structure shall not exceed six hundred (600) square feet, provided that for every one thousand (1,000) square feet of lot area in excess of 17,000 square feet, an additional twenty (20) square feet of garage area shall be permitted.
  2. A detached private garage shall not be larger than its associated residential structure in area.
  3. Private detached garages shall be located behind the building front yard and sideyard setback line and shall be located no closer than fifteen feet (15') from the rear property line.

4. Detached private garages shall be located not less than twenty feet (20') from the dwelling.
5. If a detached private garage structure is constructed to serve as both a vehicle storage facility and an accessory building, the maximum size may be the maximum combined area for a garage under these regulations plus the maximum size of an accessory structure as determined at Section 1153.04

(Ord. 72-2008. Passed 11.04.2008)

C. All garages facing a street, other than that which the main building faces shall have a setback of not less than twenty five feet (25') from any street or property line.

- D. Carports may be permitted but a carport shall not replace an enclosed parking space as required by other sections of these development regulations and shall comply with appropriate setbacks in the district. (Ord. 72-2008. Passed 11.04.2008)

**1153.04 OTHER ACCESSORY BUILDINGS (UTILITY BUILDING, EXCLUDING BUILDINGS FOR LIVESTOCK).**

- A. All screened or enclosed patios attached to the main structure and all screened or enclosed porches or any addition to the main structure shall have foundation and wall requirements the same set forth for one and two story dwellings.
- B. The total floor area of all accessory structures other than a detached garage located upon a residential lot shall not exceed one hundred forty (140) square feet, except that for every one thousand (1,000) square feet of lot area in excess of eighteen thousand (18,000) square feet an additional twenty (20) square feet of such building shall be permitted to a maximum of 1,500 square feet total. As the building enlarges, the setback shall increase five (5') per 100 square feet.
- C. Any accessory building shall be located not less than 20 feet from the main building and not less than 20 feet from any dwelling on an adjacent residential lot. It shall not project into a front or into a side yard. An accessory building may, however, be located in a rear yard but not less than 5 feet from the rear or side lot line.
- D. On residential corner lots, an accessory building shall be set back from the side street lot line not less than the required setback for an adjacent main building of the adjacent lot plus an additional 5 feet.
- E. Accessory buildings shall not be permitted in R-5 or R-6 Districts as an accessory use to a cluster or apartment dwelling.
- F. The building height of such structures shall not be more than twelve (12') feet.
- G. Accessory structures on non-residential lots shall be located behind the main building, and shall have a minimum side yard not less than that of the main building. On corner lots, such structure shall not be located within the side building setback line<sup>1</sup>.

<sup>1</sup>Exception: The Building Commissioner may allow such structures to be placed within the side yard area, but no closer than ten (10') feet to the lot line, when it has been determined that placing the structure behind the main dwelling would create a hardship, i.e. several trees, swimming pool. (Ord. 72-2008. Passed 11.04.2008)

**1153.05 PRIVATE SWIMMING POOLS.**

Private swimming pools in excess of twenty-four inches (24") depth constructed either in the ground or above the ground, shall be permitted as accessory to a dwelling, provided the pool and



its surrounding structure shall be located in the side or rear yard not less than ten feet {10'} from any lot line. (Ord. 72-2008. Passed 11.04.2008)

**1153.06 THE KEEPING OF LIVESTOCK.**

A. The keeping of livestock shall be permitted, provided:

1. The area of the lot upon which they are kept is not less than two (2) acres for one (1) livestock, and on an additional one (1) acre for each livestock.
2. A corral, stable or farm building is provided to retain such animals. Such stable or farm building must conform to accessory building standards. For size see 1153.04 C. The building height of such structure shall not exceed twenty feet (20').
3. The stable or corral, exclusive of perimeter fence, in which livestock is kept, shall be located not less than twenty feet (20') behind the building setback, seventy-five feet (75') from any side or rear lot line except where said lot line abuts a park, and five hundred feet (500') from any existing dwelling on an adjacent separately owned lot.
4. The corral shall be screened from the street by a landscaped screen or by the building itself.
5. The stable or corral shall be located so as not to cause a health hazard and shall be not less than one hundred feet (100') from any stream or three hundred feet (300') from any well. (Ord. 72-2008. Passed 11.04.2008)

**1153.07 GARDENS.**

A roadside stand and signs offering for sale agricultural products grown on the premises may be erected on private property in front of the building setback line, provided such stand sign and off-street parking provided shall be located so as not to create a traffic hazard. Vegetable gardens shall not be permitted in front of the building setback line. (Ord. 72-2008. Passed 11.04.2008)

**1153.08 OUTSIDE STORAGE.**

No outside storage of materials or equipment shall be permitted in residential districts unless under cover of structure permitted by this Ordinance. In industrial districts, outside storage of materials and equipment not under cover of structures permitted by this regulation is also not permitted unless authorized by issuance of a Conditional Use Permit or otherwise permitted in this Ordinance. For purpose of this section, "storage" shall mean the maintenance of a location containing various items overnight. (Ord. 72-2008. Passed 11.04.2008)

This page is intentionally left blank

## **CHAPTER 1155 PROHIBITED USES**

### **1155.01 PROHIBITED USES.**

The following uses, because of their natures, are hereby declared undesirable for location within the corporate limits as being incompatible with suburban, residential developments and the development and location of commercial businesses and industries which do not have an adverse effect upon the community. Because of their product, byproducts, processing and general nature, because of their adverse affect upon the public safety and health, and upon the public roads and lands and because of excessive air pollution and unsightliness, the following uses are hereby declared to be nuisances and therefore prohibited to be undertaken within the corporate limits, except where authorized by Conditional Use Permit, and only in the districts where such Conditional Use may be permitted as prescribed in this Ordinance. Any use not included in the list of permitted uses for the various zoning districts included in this Zoning Ordinance shall be considered a prohibited use. Any use that is accessory to a prohibited use shall itself be prohibited.

- A. Abattoir or slaughter house, stockyards, tannery, curing and storage of raw hides, manufacture and refining of tallow, grease and lard, handling and treatment of dead animals, hides, bones, blood, scrap, hair, glue and size and gelatine manufacture, stock food manufacture from refuse, treatment or handling of fertilizers, except sale of fertilizer at retail, offal, dead animals or refuse, sewage disposal plant except when controlled by a political subdivision.
- B. Ferrous and nonferrous manufacturing processes.
- C. Bronze powder manufacture, carbon, lampblack or graphite manufacture, celluloid or pyroxylyene manufacture, or explosive or inflammable cellulose or pyroxylyene products manufacture, coal gas manufacture, coal tar manufacture or tar distillation, mineral dye or dyestuffs manufacture, creosote manufacture or treatment.
- D. Distillation of bones, coal or wood, or manufacture of any byproduct of such distillation.
- E. Explosive or fireworks manufacture or the storage or loading of explosives in bulk, gas manufacture or storage, acid manufacture, or their use of storage, except as accessory to a permitted industry, match manufacture, nitrating processes, petroleum refining, paper and pulp manufacturing.
- F. Gypsum, cement, plaster or plaster of paris manufacture, lime manufacture, stone crushing plants, brick plants.
- G. Manufacture of oiled cloth or clothing, or the impregnation of any fabric by oxidizing oils, rayon or synthetic cloth and fiber manufacture, rubber manufacture by reclaiming process, manufacture of wood scouring, any chemical manufacture or process giving off noxious fumes, smoke, odors or vapors.
- H. Hog feeding, except in the ordinary practice of a farm operation, handling, storage or feeding of any garbage, offal or waste, sewage or garbage disposal plant, except where operated by the City.
- I. Mobile home parks and temporary housing, such as cabins, excluding motels.
- J. Aviation fields for commercial aircraft but not to include heliports.
- K. Junkyards or automotive graveyards.
- L. The commercial breeding, raising and feeding of any animal such as fox, mink, skunk, etc.

- M. Strip or open mining or extracting operations for clay, gravel, stone, coal, and other natural resources, except upon issuance of a Conditional Use Permit.
- N. Land fills.
- O. Uranium and plutonium manufacturing and processing.
- P. Storage, handling and transporting of hazardous waste material.  
(Ord. 87-1989. Passed 7-11-89.)

**CHAPTER 1157  
NONCONFORMING USES**

**1157.01 PURPOSE.**

**1157.02 REGULATIONS.**

**1157.01 PURPOSE.**

The purpose of this section is to provide for the eventual and equitable elimination of uses that do not conform to zoning requirements, but which were in legal operation prior to the enactment of this Ordinance.

**1157.02 REGULATIONS.**

The lawful use of any building or land existing at the effective date of this Ordinance supplement or amendment thereto may be continued although such use does not conform with the provisions of this Ordinance provided the following conditions are met:

- A. Alterations. No existing building or use of the land not permitted by this Ordinance in the district in which such building or land is located shall be reconstructed, structurally altered, enlarged or extended in any way unless the use is changed to a use permitted in the district in which the building or land is located.
- B. Restoration. When a building, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than seventy-five percent (75%) of its reproduction value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.
- C. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one (1) year or more, the nonconforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this Ordinance.
- D. Construction Approved Prior to Ordinance. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Ordinance, provided that the construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuance period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.
- E. Displacement. No nonconforming use shall be extended to displace a conforming use.
- F. Illegal Uses. Nonconforming uses existing at the effective date of this Ordinance not validly established under existing zoning laws shall be declared illegal nonconforming uses and shall be discontinued within a period of two (2) years following the effective date of this Ordinance. Conditionally permitted uses in any district shall not be considered a legally established use, unless validly nonconforming, under this or any prior Ordinance unless a valid Conditional Use Certificate has been issued pursuant to the relevant Ordinance and unless such certificate remains valid.
- G. Unsafe Structures. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by the Chief Building and Zoning Inspector.
- H. Certificate of Nonconforming Use. The Chief Building and Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use

property, the use of which does not conform to the provisions of the use zone in which the property is located.

- I. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use created thereby.
- J. Exemption. The provisions of Item A. (Alterations) and B. (Restoration) of Section 1157.02 shall not apply to an existing dwelling in any Business District (Chapter 1148) or Industrial District (Chapter 1149). (Ord. 87-1989. Passed 7-11-89.)



**1158.03 PUBLIC HEARING.**

The Planning Commission, on behalf of Council, shall hold a public hearing upon every application for a variance after at least one (1) publication in a newspaper of general circulation in the City at least thirty (30) days prior to the date of the hearing. Such notice shall also be sent by first class mail at least twenty (20) days before the date of the public hearing to the owners of property within the area contiguous to and directly across the street from the parcel subject to the application for a variance. All notices shall be sent to addresses given in the last assessment record. (Ord. 87-1989. Passed 7-11-89.)

**1158.04 DISCONTINUANCE.**

A land use variance issued pursuant to this authority shall expire in the event of any of the following:

- A. Failure of the applicant to present to Planning Commission all required submittals for the next required approval within six (6) months from the date of the last approval granted by the City.
    - 1. No construction upon the authorized project is undertaken within six (6) months from the date of the last required approval by the City.
    - 2. The lapse for more than one (1) year of active, substantial and actual building after construction has begun. The permit shall expire on the happening of events pursuant to this section, regardless of any lack of action by the City to officially revoke the permit, enforce conditions, or declare expiration, unless:
      - (a) Prior to expiration, the applicant applies to the City for an extension and such extension is granted; or
      - (b) The applicant obtained renewed land use variance authority from the City pursuant to this Chapter.
- (Ord. 87-1989. Passed 7-11-89.)



**CHAPTER 1161  
PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

<b>1161.01</b>	<b>PURPOSE.</b>	<b>1161.10</b>	<b>ACTION BY COUNCIL.</b>
<b>1161.02</b>	<b>QUALIFICATION.</b>	<b>1161.11</b>	<b>FINAL DEVELOPMENT (SUBDIVISION) PLAN</b>
<b>1161.03</b>	<b>CONDITIONALLY PERMITTED DEVELOPMENT.</b>	<b>1161.12</b>	<b>FINAL DEVELOPMENT (SUBDIVISION) PLAN- COMMISSION AND COUNCIL ACTION.</b>
<b>1161.04</b>	<b>INTENT.</b>	<b>1161.13</b>	<b>CLUSTER AREA DESIGN AND APPROVAL.</b>
<b>1161.05</b>	<b>DEFINITIONS.</b>	<b>1161.14</b>	<b>PERMITTED BUILDINGS AND USES</b>
<b>1161.06</b>	<b>SCOPE OF AREAS.</b>	<b>1161.15</b>	<b>LAND PLANNING CRITERIA.</b>
<b>1161.07</b>	<b>PRELIMINARY DEVELOPMENT PLAN</b>	<b>1161.16</b>	<b>CLUSTER AREA IMPROVEMENTS.</b>
<b>1161.08</b>	<b>PRELIMINARY DEVELOPMENT PLAN- REFERAL FOR REVIEW AND REPORT</b>	<b>1161.17</b>	<b>DEDICATION OF PUBLIC SITES.</b>
<b>1161.09</b>	<b>REPORT TO COUNCIL.</b>		

**1161.01 PURPOSE.**

In order to promote large scale residential development in an integrated and harmonious manner, a Planned Unit Development (PUD) zoning district is established, and provisions are made herein for the inclusion of varying housing types with common open space areas within a single development area. All agreements with respect to Planned Unit Development projects existing at the time of the effective date of this Zoning Ordinance shall remain in effect. (Ord. 87-1989. Passed 7-11-89.)

**1161.02 QUALIFICATION.**

An area zoned PUD and comprising two hundred (200) contiguous acres or more may be granted a Conditional Use Permit for "PUD" (Planned Unit Development) use in accordance with the procedures and standards for such permit established by this Ordinance. Any subdivision or allocation of land also shall be subject to the City Subdivision Regulations. The granting of such permit is dependent upon conformance of the proposed development with the standards and procedures prescribed in this Chapter and those for Conditional Uses and conformance with City Subdivision Regulations. (Ord. 87-1989. Passed 7-11-89.)

**1161.03 CONDITIONALLY PERMITTED DEVELOPMENT.**

PUD development may be one family residential use in accordance with the standards prescribed for such development in this Ordinance. (Ord. 87-1989. Passed 7-11-89.)

**1161.04 INTENT.**

In order to encourage greater attractiveness, flexibility and utilization of space to obtain a more desirable environment than may be possible through the strict application of minimum requirements of the Standard Residential Districts, contiguous one family dwellings may be clustered in accordance with the regulations of this section on land zoned in a PUD District to permit the flexible spacing of lots and buildings in order to encourage:

- A. The creation of functional and interesting residential areas;
- B. The provision of readily accessible recreation areas and open spaces;
- C. The conservation of the natural amenities of the landscape; and
- D. The separation of pedestrian and vehicular circulation.

(Ord. 87-1989. Passed 7-11-89.)

**1161.05 DEFINITIONS.**

- A. The terms "detached single family unit," "detached single family dwelling," and "detached single family portion of the development area" as used in this Chapter refer to that part of the development area designed and intended for the construction of single family dwelling units to be located upon separate individual lots.
- B. The terms "cluster area," "cluster use," "cluster dwelling," and "cluster portion of the development area" as used in this Chapter refer to that part of the development area designed and intended for the construction of single family dwelling units in a unified and harmonious arrangement as reflected on a plan indicating all dwelling units within a specific portion of the development area. (Ord. 87-1989. Passed 7-11-89.)

**1161.06 SCOPE OF AREAS.**

Any developer may submit plans in accordance with the provisions of this section and other applicable parts of this Zoning Ordinance. In addition, the Planning Commission may require developers to prepare and submit such plans whenever it determines that such planning is essential to assure improved and unified design within the development area and coordination with the surrounding areas. (Ord. 87-1989. Passed 7-11-89.)

**1161.07 PRELIMINARY DEVELOPMENT PLAN.**

Subject to the requirements of this Chapter, a developer shall submit to the Commission a preliminary plan of a planned unit development by filing copies thereof with the Commission. The preliminary plan shall include:

- A. Topography, at two foot contour intervals, of the proposed development area, including property lines, easements, street right of ways and structures, trees and landscape features existing thereon, together with a certification, by a registered engineer or surveyor, of the gross area of the development in acres and square feet;
- B. The proposed vehicular and pedestrian traffic patterns, including the proposed location of public and private streets, sidewalks and other pedestrian accessways, and the location of off-street parking and service areas;

- C. The proposed assignment of use, including detached single family lots and single family cluster areas, and subdivisions of all land, including private land and common land, with a certification by a registered engineer or surveyor of the gross area of each use of the development area in acres and square feet;
- D. The proposed forms of covenants running with the land, deed restrictions (including those with respect to the use of the common land), restrictions or easements proposed to be recorded and covenants proposed for maintenance, homeowners association bylaws; and
- E. Such other relevant information as the Commission may require. (Ord. 87-1989. Passed 7-11-89.)

**1161.08 PRELIMINARY DEVELOPMENT PLAN - REFERRAL FOR REVIEW AND REPORT**

The Commission shall transmit a copy of the preliminary plan and supporting documentation to the City Engineer, Chief Building and Zoning Inspector, Fire Chief, Police Chief, and City Planner. A copy of all covenants, restrictions and easements to be recorded and covenants for maintenance of common areas and homeowners bylaws shall be submitted to the Law Director for his review and recommendation. Items covered in the aforementioned review shall include the following:

- A. City Engineer: That the preliminary plan represents accepted engineering practice and that the improvements being proposed, including all streets, sidewalks, storm and sanitary sewers, street lighting, water distribution, electric, telephone, and gas distribution systems are in accordance with the provisions of the Subdivision Regulations of the City of Twinsburg and the respective utility company.
- B. Chief Building and Zoning Inspector: That the preliminary plan complies with the development standards and regulations of this Chapter.
- C. Fire Chief: That the street arrangement indicated on the preliminary plan meets the City's requirements for accessibility to emergency vehicles.
- D. Police Chief: That the vehicular and pedestrian circulation systems of the development area are arranged to insure the maximum public safety to the area residents.
- E. City Planner: That the preliminary plan represents accepted land planning principles including the arrangement, sizes, and orientation of residential and open space areas; and that the plan meets all the requirements and criteria contained in this Chapter.
- F. Law Director: Shall be concerned with the adequacy and applicability of the following:
  - 1. Declaration of Covenants, Restrictions and Easements including:
    - (a) scope and application;
    - (b) mutual reciprocal easements;
    - (c) members and voting rights in Homeowners Association;
    - (d) Association;
    - (e) property rights within cluster areas;
    - (f) covenants for maintenance easements;
    - (g) common properties and facilities maintenance; and
    - (h) the Homeowners Association (creation, memberships and initial appointments).
    - (i) protective covenants (i.e. land use, architectural control, exterior maintenance, etc.);
  - 2. Bylaws of the Homeowners Association including:
    - (a) meetings;
    - (b) Board of Managers;

- (c) officers and their duties;
  - (d) assessments and finances; and
  - (e) rules and regulations.
- (Ord. 87-1989. Passed 7-11-89.)

**1161.09 REPORT TO COUNCIL.**

Within 120 days after a preliminary plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and reports required above and it shall furnish to Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the preliminary plan complies with the regulations, standards, and criteria prescribed by this Zoning Ordinance for PUD development applicable to the proposal, or a finding of any failure of such compliance and a recommendation that the preliminary plan be approved, disapproved or modified. If in any such evaluation the Planning Commission finds that any regulations, standards or criteria prescribed by this Zoning Ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such regulations, standards or criteria be made, provided, however, such adjustment will not be in conflict with the promotion of the public health, safety and general welfare of the City. (Ord. 87-1989. Passed 7-11-89.)

**1161.10 ACTION BY COUNCIL.**

Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the preliminary plan of the development area including the report of the Planning Commission thereon and give notice of the time, place and purpose of such hearing, by publication in a newspaper of general circulation in the City. Following the public hearing, Council shall either approve, disapprove or modify the preliminary plan. Council may affirm any report of the Planning Commission by a majority vote of its members. If Council reverses a recommendation of the Commission regarding the preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members with the reasons for such action recorded as part of the minutes. Following approval of the preliminary plan by Council and the City electorate in accordance with the Charter, the Zoning Map shall be amended to reflect the development area as a Planned Unit Development (PUD) zoning district. (Ord. 87-1989. Passed 7-11-89.)

**1161.11 FINAL DEVELOPMENT (SUBDIVISION) PLAN.**

The developer of any parcel of land zoned PUD for which a preliminary plan has been recommended by the Commission and approved by Council may prepare and submit a final subdivision plan of the planned unit development. The final subdivision plan shall contain and be accompanied by the following:

- A. A plat of the development area showing the street right of way, subdivided and common land, areas reserved for single family cluster use, and easements, in accordance with the requirements of the Subdivision Regulations, which shall be in form for recording;
- B. Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, grading and all other site features of the development area or that portion of the development area to be developed, designed in accordance with the Subdivision Regulations;

- C. A detailed landscape plan showing all existing site features to remain, recreation facilities, and the landscape treatment of all common open space areas within the development area.
- D. The final form of covenants running with the land, deed restrictions (including the use of common land), covenants, restrictions or easements to be recorded, declaration of covenants, restrictions and bylaws of a homeowners association and its incorporation, declaration of condominium ownership and other covenants, if any, for maintenance.  
(Ord. 87-1989. Passed 7-11-89.)

**1161.12 FINAL DEVELOPMENT (SUBDIVISION) PLAN - COMMISSION AND COUNCIL ACTION.**

If the Commission finds that the final subdivision plan of the planned unit development is in substantial compliance with and represents a detailed expansion of the approved preliminary plan, that it complies with all of the conditions which may have been imposed in the approval of such preliminary plan, that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed, that all fees have been provided and all payments made, and that the applicable provision of the Subdivision Regulations have been complied with and certified by the City Engineer, the Commission shall then recommend approval of such final subdivision plan to City Council. Following approval of the final subdivision plan by Council, the Chief Building and Zoning Inspector shall be notified and building and other permits may be issued, provided that all applicable requirements of the Building Code are met and all required fees are paid.  
(Ord. 87-1989. Passed 7-11-89.)

**1161.13 CLUSTER AREA DESIGN AND APPROVAL.**

The developer of any parcel of land previously approved for cluster single family use in a planned unit development shall prepare a detailed site plan of the cluster area proposed for development.

The site plan of each cluster single family area shall include the following:

- A. The number, location, arrangement and architectural design of all dwelling units;
- B. The proposed use of all private and common land;
- C. The location and arrangement of all dedicated and private streets; sidewalks and other pedestrian accessways;
- D. The number and arrangement of all open parking and service areas;
- E. The location of all utilities; and
- F. The landscape treatment of the cluster area.

The cluster site plan shall be transmitted to the City Engineer, Fire Chief, Chief Building and Zoning Inspector, Police Chief, Architectural Review Board and City Planner for their review, report and recommendation.

A copy of all covenants, restrictions and easements to be recorded and covenants for maintenance of common areas, and home owners association bylaws shall be submitted to the Law Director for his approval.

The Commission shall evaluate the reports of the Engineer, Fire Chief, Chief Building and Zoning Inspector, Police Chief, Architectural Review Board, City Planner and Law Director and shall act to recommend approval, disapproval or modification of the cluster area site plan to City Council.

Following Council approval of the site plan, the Chief Building and Zoning Inspector shall be notified and building and other required permits for the single family cluster area may be issued, provided that all applicable requirements of the Building Code are met, all required fees are paid, and the requirements of Section 1161.16 hereof are met.  
(Ord. 87-1989. Passed 7-11-89.)

**1161.14 PERMITTED BUILDINGS AND USES.**

Buildings and land shall be used and buildings shall be erected, altered, moved and maintained in a planned unit development only in accordance with the following:

A. Main buildings and uses.

1. One family detached and attached dwellings; and
2. Common open space, recreation areas and public facilities.

B. Accessory buildings and uses.

1. A private garage attached to or located in a one family dwelling; open parking areas; and
2. Gardens, fences, walls, pools and other recreation facilities on private and public land.

(Ord. 87-1989. Passed 7-11-89.)

**1161.15 LAND PLANNING CRITERIA.**

The following planning criteria are established to guide and control the planning, development and use of land in a PUD district.

A. Area and Density Regulations.

1. Development area. The minimum area to qualify for planned unit development shall be not less than 200 contiguous acres. The Commission may, however, allow areas of less than 200 acres if it determines that the development as proposed can adequately meet the intent of this chapter.
2. Development area density. The residential density of the entire development area shall not exceed 1.40 dwelling units per acre.
3. Required open space. In any planned unit development, the total public or common open space area shall be not less than twenty percent (20%) of the gross acreage of the entire development area.

B. Building Arrangement and Dwelling Unit Size. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The dwellings may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space.

1. Although latitude in design is provided and encouraged, the following design conditions shall be met:
  - (a) Single family attached dwellings. Not more than three single family dwellings may be attached in any group.
  - (b) Distribution of cluster single family dwellings. Not more than twenty percent (20%) of the total allowable dwelling units within any planned unit development may be allocated to cluster areas. In any construction phase of a planned unit development, the total number of cluster single family dwelling units shall not exceed more than twenty percent (20%) of the number of detached one family units in that construction phase.

(c) Cluster area building spacing. Dwelling units in an approved cluster area shall be set back not less than thirty-five feet from a detached single family side and fifty feet from a detached single family rear property line.

(d) Dwelling unit size. The minimum area of any single family dwelling shall be not less than that established in Section 1143.09 (R-4 District).

C. Yard and height Regulations.

1. Lot area. The minimum lot area for each dwelling unit in the detached single family portion of the development area shall be not less than 15,500 square feet.
2. Lot width. Dwelling units in the detached single family portion of the development area shall have a minimum lot width of ninety feet measured at the building line. In the detached single family portion of the development area, corner lots shall have a minimum lot width of not less than 100 feet measured at the from the front building setback line.
3. Lot depth. Dwelling units in the detached single family portion of the development area shall have a minimum lot depth of 150 feet.
4. Front yard depth. The front yard depth for each dwelling unit in the detached single family portion of the development area shall be fifty feet. The front yard depth for each dwelling unit within any cluster single family portion of the development area shall e forty feet measured from the nearest edge of street or sidewalk pavement.
5. Side yard and building spacing. In the detached single family portion of the development area, side yard width and separation between adjacent dwellings shall be as follows:
  - (a) A one story dwelling shall have a minimum side yard depth of not less than fifteen feet.
  - (b) The minimum separation between adjacent dwellings shall not be less than indicated below:
    - (1) One story dwelling adjacent one story dwelling (20 feet).
    - (c) One story dwelling adjacent two story dwelling (20 feet).
    - (d) Two story dwelling adjacent two story dwelling (25 feet).
6. Rear Yard. The rear yard depth for dwellings in the attached single family portion of the development area shall not be less than fifty feet.
7. Yards for accessory buildings and uses. Yards for accessory buildings and uses in the detached single family portion of the development area shall be in accordance with the provisions of Chapter 1153.
8. Accessory buildings, other than common recreation facilities, are not permitted in cluster single family portion of the development area.
9. Height. The height of any single family dwelling at the main entrance shall not exceed thirty-five feet.

D. Access and Vehicular Circulation. Each cluster area of single family dwelling units shall be served by a dedicated street. However, individual dwelling unit within such cluster need not so abut, provided that:

1. Each dwelling unit is accessible, by means of a private drive, to service and emergency vehicles in a manner acceptable, to the City Engineer and Fire Chief.
2. The method of construction and construction materials for private drives meet accepted engineering practice and are approved by the City Engineer.
3. The location, design and construction of all utilities on private or common land is approved by the City Engineer. All utility improvement within a cluster area shall be installed underground.

4. The preservation and maintenance of all private drives and utilities on private land is assured by compliance with the requirements of the Law Director and City Engineer. Each dwelling unit in the detached single family portion of the development area shall abut upon a dedicated street.
- E. Parking. Parking in a Planned Unit Development shall be in accordance with the requirements set forth in Chapter 1173. Two enclosed attached parking spaces and four open driveway spaces shall be provided for each dwelling unit outside the street right of way or private drive. Additional guest off-street parking areas may be required by the Commission if it determines that such additional parking is necessary to adequately serve the needs of the cluster area. (Ord. 187-1998. Passed 5-4-99.)

#### **1161.16 CLUSTER AREA IMPROVEMENTS.**

The developer of a cluster area shall submit to the City Engineer for his approval, the detailed design of all utility improvements of a cluster area, to include the pavement, storm sewers, sanitary sewers, water mains, sidewalks, pedestrian accessways, and electric and telephone lines. This submission shall conform to existing or future requirements of the City Engineer and/or Council for plans and specifications with respect to the construction and material standards for all pavement and utility installations within the City.

Utility improvements in a cluster area, if approved by the Planning Commission, City Council and City Engineer, need not be installed in a dedicated right of way. In all instances where such improvements are not installed in a dedicated right of way; the owner shall grant permanent easements to the City, in a form satisfactory to the Law Department and City Engineer, providing for access to the utilities by the City or other utility companies.

All streets in a planned unit development may be offered for dedication to the City at time of submittal for final approval. The procedures and requirements for the dedication of streets in a Planned Unit Development shall meet all standards set forth in the Subdivision Regulations. (Ord. 87-1989. Passed 7-11-89.)

#### **1161.17 DEDICATION OF PUBLIC SITES.**

The Planning Commission shall require the dedication of land for parks, playgrounds, open space, or other public sites, and/or school sites, in an amount not less than ten percent (10%) of the total area of the development area.

When the adopted Land Use and Thoroughfare Plan indicates the planned location of such public sites, the Planning Commission shall require that such dedication be in conformance with said plan. When the land area shown on said plan for such public sites exceeds the ten percent (10%) required, such additional land shall be reserved for a period of one (1) year to permit said land to be acquired by the appropriate public body.

If there is no public site indicated on the Land Use and Thoroughfare Plan or because of the limited size of the development or other restrictive conditions, the Planning Commission may permit the subdivider to substitute for land an amount of money equal to the value of such land before improvements. This value shall be determined by the cost to the subdivider or from tax records assigning the tax value as being thirty-five percent (35%) of the market value of the land. This money shall be used for the purpose of acquiring land and/or improvements for parks,



playgrounds, open space, other public sites, and/or school sites which will serve the City of Twinsburg.

It is recommended that public sites for schools be at least ten (10) acres in area, sites for neighborhood parks be at least seven (7) acres, and school park sites be at least fifteen (15) acres in area. It is also recommended that where possible, public sites in adjoining developments be located together so that larger, more usable public sites are created.

Any land dedicated for a public park or open space use shall be graded and seeded by the developer as indicated on the improvement plans. (Ord. 87-1989. Passed 7-11-89.)